

BILL ANALYSIS

C.S.H.B. 1901
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the time-consuming process of accessing certain mental health records of long-deceased state hospital patients. C.S.H.B. 1901 seeks to address these concerns by authorizing such a disclosure, to the extent permitted by federal law, to a patient's descendant under specified circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1901 amends the Health and Safety Code to require an applicable professional to disclose confidential information, to the extent permitted by federal law, to the descendant of a patient of a state hospital if the patient has been deceased for at least 50 years and if the professional does not have information indicating that releasing the medical record is inconsistent with any prior expressed preference of the deceased patient or personal representatives of the deceased patient's estate.

C.S.H.B. 1901 prohibits a person who receives patient information from confidential communications or records from disclosing the information except to the extent that disclosure is consistent with the authorized purposes for which the person first obtained the information.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1901 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes Health and Safety Code provisions relating to the required disclosure of certain mental health records of a deceased state hospital patient to the patient's descendant, subject to certain conditions, and does not include any provisions from the original, which relates to the appointment under the Estates Code of a descendant as a personal representative for the limited purpose of obtaining a deceased patient's medical records from a state hospital.