

By: Thompson of Harris

H.B. No. 461

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an exemption from civil liability for certain
3 professionals for the disclosure of certain mental health
4 information.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 611.004, Health and Safety Code, is
7 amended by amending Subsection (a) and adding Subsection (a-1) to
8 read as follows:

9 (a) A professional may disclose confidential information
10 only:

11 (1) to a governmental agency if the disclosure is
12 required or authorized by law;

13 (2) to medical, mental health, or law enforcement
14 personnel if the professional in good faith determines that there
15 is a probability of imminent physical injury by the patient to the
16 patient or others or there is a probability of immediate mental or
17 emotional injury to the patient;

18 (3) to qualified personnel for management audits,
19 financial audits, program evaluations, or research, in accordance
20 with Subsection (b);

21 (4) to a person who has the written consent of the
22 patient, or a parent if the patient is a minor, or a guardian if the
23 patient has been adjudicated as incompetent to manage the patient's
24 personal affairs;

1 (5) to the patient's personal representative if the
2 patient is deceased;

3 (6) to individuals, corporations, or governmental
4 agencies involved in paying or collecting fees for mental or
5 emotional health services provided by a professional;

6 (7) to other professionals and personnel under the
7 professionals' direction who participate in the diagnosis,
8 evaluation, or treatment of the patient;

9 (8) in an official legislative inquiry relating to a
10 state hospital or state school as provided by Subsection (c);

11 (9) to designated persons or personnel of a
12 correctional facility in which a person is detained if the
13 disclosure is for the sole purpose of providing treatment and
14 health care to the person in custody;

15 (10) to an employee or agent of the professional who
16 requires mental health care information to provide mental health
17 care services or in complying with statutory, licensing, or
18 accreditation requirements, if the professional has taken
19 appropriate action to ensure that the employee or agent:

20 (A) will not use or disclose the information for
21 any other purposes; and

22 (B) will take appropriate steps to protect the
23 information; or

24 (11) to satisfy a request for medical records of a
25 deceased or incompetent person pursuant to Section [74.051\(e\)](#), Civil
26 Practice and Remedies Code.

27 (a-1) A person described by Section [611.001\(2\)\(A\)](#) or (B) who

1 in good faith discloses confidential information in accordance with
2 Subsection (a)(2) of this section is immune from civil liability in
3 an action brought against the person for disclosing the
4 confidential information.

5 SECTION 2. The changes in law made by this Act apply only to
6 a disclosure of confidential information made on or after the
7 effective date of this Act. A disclosure made before the effective
8 date of this Act is governed by the law in effect on the date the
9 disclosure was made, and that law is continued in effect for that
10 purpose.

11 SECTION 3. This Act takes effect September 1, 2019.