

By: Miller

H.B. No. 531

A BILL TO BE ENTITLED

AN ACT

relating to the retention by hospitals and physicians of certain medical records of a sexual assault victim.

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

SECTION 1. Subchapter E, Chapter 241, Health and Safety Code, is amended by adding Section 241.1031 to read as follows:

Sec. 241.1031. PRESERVATION OF RECORD FROM FORENSIC MEDICAL EXAMINATION. (a) A hospital may not destroy a medical record from the forensic medical examination of a sexual assault victim conducted under Article 56.06 or 56.065, Code of Criminal Procedure, until the 20th anniversary of the date the record was created.

(b) A hospital may maintain a medical record described by Subsection (a) in the same form in which the hospital maintains other medical records.

SECTION 2. Section 153.003, Occupations Code, is amended to read as follows:

Sec. 153.003. RULES REGARDING MAINTENANCE OF PATIENT RECORDS. (a) The board by rule shall establish the period for which patient records must be maintained.

(b) The rules adopted under this section must prohibit a physician from destroying a medical record from the forensic medical examination of a sexual assault victim conducted under Article 56.06 or 56.065, Code of Criminal Procedure, until the 20th

1 anniversary of the date the record was created.

2 SECTION 3. The changes in law made by this Act apply only to
3 a medical record created on or after March 1, 2020. A medical
4 record created before March 1, 2020, is governed by the law in
5 effect on the date the record was created, and the former law is
6 continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2019.