

By: Bonnen of Galveston

H.B. No. 1901

Substitute the following for H.B. No. 1901:

By: White

C.S.H.B. No. 1901

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of certain mental health records of deceased state hospital patients.

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

SECTION 1. Chapter 611, Health and Safety Code, is amended by adding Section 611.0041 to read as follows:

Sec. 611.0041. REQUIRED DISCLOSURE OF CONFIDENTIAL INFORMATION OTHER THAN IN JUDICIAL OR ADMINISTRATIVE PROCEEDING.

(a) In this section:

(1) "Patient" has the meaning assigned by Section 552.0011.

(2) "State hospital" has the meaning assigned by Section 552.0011.

(b) To the extent permitted by federal law, a professional shall disclose confidential information to the descendant of a patient of a state hospital if:

(1) the patient has been deceased for at least 50 years; and

(2) 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) A person who receives information from confidential communications or records may not disclose the information except

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1 to the extent that disclosure is consistent with the authorized  
2 purposes for which the person first obtained the information.

3       SECTION 2.   This Act takes effect September 1, 2019.