

By: Klick

H.B. No. 2133

A BILL TO BE ENTITLED

AN ACT

relating to public access to certain hospital inspection and investigation information and materials.

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

SECTION 1. Section 241.051(d), Health and Safety Code, is amended to read as follows:

(d) Information [~~All information and materials~~] obtained or compiled by the commission [~~department~~] in connection with a complaint or [~~and~~] investigation that is [~~concerning a hospital~~ ~~are~~] confidential by law, such as individually identifiable information concerning a patient or health care professional, is [~~and~~] not subject to disclosure under Chapter 552 [~~Section 552.001 et seq.~~], Government Code[, ~~and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the department or its employees or agents involved in the enforcement action except that this information may be disclosed to:~~

[~~(1) persons involved with the department in the enforcement action against the hospital,~~

[~~(2) the hospital that is the subject of the enforcement action, or the hospital's authorized representative,~~

[~~(3) appropriate state or federal agencies that are authorized to inspect, survey, or investigate hospital services,~~

[~~(4) law enforcement agencies; and~~

1 ~~[(5) persons engaged in bona fide research, if all~~
2 ~~individual-identifying and hospital-identifying information has~~
3 ~~been deleted].~~

4 SECTION 2. Section 577.013(d), Health and Safety Code, is
5 amended to read as follows:

6 (d) Information ~~[All information and materials]~~ obtained or
7 compiled by the commission ~~[department]~~ in connection with a
8 complaint or ~~[and]~~ investigation that is ~~[concerning a mental~~
9 ~~hospital licensed under this chapter are]~~ confidential by law, such
10 as individually identifiable information concerning a patient or
11 health care professional, is ~~[and]~~ not subject to disclosure under
12 Chapter 552, Government Code ~~[, discovery, subpoena, or other means~~
13 ~~of legal compulsion for their release to anyone other than the~~
14 ~~department or its employees or agents involved in the enforcement~~
15 ~~action except that this information may be disclosed to:~~

16 ~~[(1) persons involved with the department in the~~
17 ~~enforcement action against the licensed mental hospital,~~

18 ~~[(2) the licensed mental hospital that is the subject~~
19 ~~of the enforcement action, or the licensed mental hospital's~~
20 ~~authorized representative,~~

21 ~~[(3) appropriate state or federal agencies that are~~
22 ~~authorized to inspect, survey, or investigate licensed mental~~
23 ~~hospital services,~~

24 ~~[(4) law enforcement agencies, and~~

25 ~~[(5) persons engaged in bona fide research, if all~~
26 ~~individual-identifying information and information identifying the~~
27 ~~licensed mental hospital has been deleted].~~

1 SECTION 3. Sections 241.051(e) and 577.013(e), Health and
2 Safety Code, are repealed.

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