

BILL ANALYSIS

Senate Research Center
87R3618 JG-F

H.B. 2052
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When consumers lack access to certain hospital inspection and investigation information as they make decisions about hospital care, they may depend on other sources, such as online reviews, that may not be an accurate guide for finding quality hospitals. H.B. 2052 seeks to provide access to this information by, among other things, subjecting to disclosure under state public information law certain information possessed, obtained, or compiled by the Health and Human Services Commission in connection with a complaint and investigation concerning a hospital or mental health hospital.

H.B. 2052 amends current law relating to public access to certain hospital investigation information and materials.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 241.051, Health and Safety Code, by amending Subsections (d) and (e), and adding Subsections (f), (g), and (h), as follows:

(d) Provides that except as provided by Subsection (e), all information and materials in the possession of or obtained or compiled by the Health and Human Services Commission (HHSC), rather than all information and materials obtained or compiled by the Department of State Health Services (DSHS), in connection with a complaint and investigation concerning a hospital are confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code, and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than HHSC or its employees or agents involved in the enforcement action except that this information is authorized to be disclosed to certain entities and individuals. Makes conforming and nonsubstantive changes.

(e) Provides that the following information is subject to disclosure in accordance with Chapter 552, Government Code, only to the extent that all personally identifiable information of a patient or health care provider is omitted from the information:

- (1) a notice of the hospital's alleged violation, which is required to include the provisions of law the hospital is alleged to have violated, and a general statement of the nature of the alleged violation;
- (2) the number of investigations HHSC has conducted of the hospital;
- (3) the pleadings in any administrative proceeding to impose a penalty against the hospital for the alleged violation;
- (4) the outcome of each investigation HHSC conducted of the hospital, including the issuance of a reprimand, the denial or revocation of a license, the

adoption of a corrective action plan, or the imposition of an administrative penalty and the penalty amount; and

(5) a final decision, investigative report, or order issued by HHSC to address the alleged violation.

Makes conforming and nonsubstantive changes.

(f) Requires HHSC, not later than the 90th day after the date HHSC issues a final decision, investigative report, or order to address a hospital's alleged violation, to post on HHSC's Internet website the notice of alleged violation described by Subsection (e)(1); the name of the hospital; the geographic location of the hospital; the date HHSC issued the final decision, investigative report, or order; and the outcome of HHSC's investigation of the hospital that includes the information described by Subsection (e)(4).

(g) Prohibits HHSC from removing information posted on HHSC's Internet website under Subsection (f) before the second anniversary of the date the information is posted on the Internet website.

(h) Provides that nothing in Section 241.051 (Inspections) precludes a hospital from releasing medical records in the hospital's possession on the request of the patient who is the subject of the record or to the patient, the parent or guardian of the patient if the patient is a minor or incapacitated, or the personal representative of the patient if the patient is deceased.

SECTION 2. Amends Section 577.013, Health and Safety Code, by amending Subsections (d) and (e), and adding Subsections (f), (g), and (h), as follows:

(d) Provides that, except as provided by Subsection (e), all information and materials in the possession of or obtained or compiled by HHSC, rather than all information and materials obtained or compiled by DSHS, in connection with a complaint and investigation concerning a mental hospital licensed under Chapter 577 (Private Mental Hospitals and Other Mental Health Facilities) are confidential and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than HHSC or its employees or agents involved in the enforcement action except that this information is authorized to be disclosed to certain entities and individuals. Makes conforming and nonsubstantive changes.

(e) Provides that the following information is subject to disclosure in accordance with Chapter 552, Government Code, only to the extent that all personally identifiable information of a patient or health care provider is omitted from the information:

(1) a notice of the licensed mental hospital's alleged violation, which is required to include the provisions of law the licensed mental hospital is alleged to have violated, and the nature of the alleged violation;

(2) the number of investigations HHSC has conducted of the mental hospital;

(3) the pleadings in any administrative proceeding to impose a penalty against the mental hospital for the alleged violation;

(4) the outcome of each investigation HHSC conducted of the mental hospital, including the issuance of a reprimand, the denial or revocation of a license, the adoption of a corrective action plan, or the imposition of an administrative penalty and the penalty amount; and

(5) a final decision, investigative report, or order issued by HHSC to address the alleged violation.

Makes conforming and nonsubstantive changes.

(f) Requires HHSC, not later than the 90th day after the date HHSC issues a final decision, investigative report, or order to address a mental hospital's alleged violation, to post on HHSC's Internet website the notice of alleged violation described by Subsection (e)(1); the name of the mental hospital; the geographic location of the mental hospital; the date HHSC issued the final decision, investigative report, or order; and the outcome of HHSC's investigation of the mental hospital that includes the information described by Subsection (e)(4).

(g) Prohibits HHSC from removing information posted on HHSC's Internet website under Subsection (f) before the second anniversary of the date the information is posted on the Internet website.

(h) Provides that nothing in Section 577.013 (Investigations) precludes a mental hospital from releasing medical records in the mental hospital's possession on request of the patient who is the subject of the record or to the patient, the parent or guardian of the patient if the patient is a minor or incapacitated, or the personal representative of the patient if the patient is deceased.

SECTION 3. Provides that the changes in law made by this Act apply only to an investigation of an alleged violation by a hospital or mental hospital that is finalized on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2021.