

By: Price

H.B. No. 2643

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the disclosure of certain medical information by
3 electronic means.

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

5 SECTION 1. Section 159.006, Occupations Code, is amended by
6 amending Subsection (d) to read as follows:

7 (d) A physician shall provide the information requested
8 under this section:

9 (1) not later than the 15th business day after the date
10 of receipt of the written consent for release under Subsection (a)
11 or the written request under Subsection (c); and

12 (2) in accordance with Section 159.0065(b), if
13 applicable.

14 SECTION 2. Chapter 159, Occupations Code, is amended by
15 adding Section 159.0065 to read as follows:

16 Sec. 159.0065. SENSITIVE TEST RESULTS FURNISHED BY
17 ELECTRONIC MEANS. (a) In this section:

18 (1) "Electronic means" means a posting on a secure
19 electronic network or Internet website, including a secure online
20 patient portal or health software application, that:

21 (A) is accessible by an electronic device,
22 including a computer, mobile device, or tablet; and

23 (B) at which the patient or patient
24 representative has consented to receive the patient's billing or

1 medical records.

2 (2) "Patient representative" means a person listed in
3 Subdivisions (1) through (4) of Section 159.005.

4 (3) "Sensitive test results" means:

5 (A) pathology reports or radiology reports that
6 have a reasonable likelihood of showing a finding of malignancy; or

7 (B) test results that could reveal genetic
8 markers.

9 (b) Sensitive test results may not be disclosed to a patient
10 or patient representative by electronic means until at least three
11 days after the sensitive test results are finalized.

12 (c) A person is not subject to civil, criminal, or
13 administrative liability or professional disciplinary action for
14 failure to comply with Section 159.006(d)(2) or Subsection (b) of
15 this section.

16 SECTION 3. This Act takes effect September 1, 2023.