

By: Hancock

S.B. No. 1467

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 159.006(d), Occupations Code, is amended to read as follows:

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

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

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

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

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

(1) "Electronic health record" has the meaning assigned by Section 531.901, Government Code.

(2) "Electronic means" means publishing information on a secure electronic network or Internet website, including a secure online patient portal or health software application:

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

1           (B) through which the patient or patient  
2 representative has consented to receive the patient's billing or  
3 medical records.

4           (3) "Patient representative" means a person described  
5 by Sections 159.005(a)(2)-(4).

6           (4) "Sensitive test result" means a:

7           (A) pathology report or radiology report that has  
8 a reasonable likelihood of showing a finding of malignancy; or

9           (B) test result that may reveal a genetic marker.

10          (b) Sensitive test results may not be disclosed to a patient  
11 or patient representative by electronic means before the third day  
12 after the date the sensitive test results are finalized.

13          (c) A person who administers or controls the electronic  
14 health record of a patient is responsible for implementing  
15 Subsection (b).

16          (d) A person is not subject to civil, criminal, or  
17 administrative liability or professional disciplinary action for  
18 failure to comply with Section 159.006(d)(2) or this section.

19          SECTION 3. Section 159.0065, Occupations Code, as added by  
20 this Act, applies only to the disclosure of test results on or after  
21 the effective date of this Act.

22          SECTION 4. Section 159.006, Occupations Code, as amended by  
23 this Act, applies to a request for information under that section  
24 made on or after the effective date of this Act. A request made  
25 before the effective date of this Act is governed by the law in  
26 effect on the date the request was made, and the former law is  
27 continued in effect for that purpose.

1 SECTION 5. This Act takes effect September 1, 2023.