

By: Hancock
(Price)

S.B. No. 1467

Substitute the following for S.B. No. 1467:

By: Klick

C.S.S.B. No. 1467

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(d), Occupations Code, is amended
6 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 DISCLOSED BY
17 ELECTRONIC MEANS. (a) In this section:

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

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

23 (A) that is accessible by an electronic device,
24 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 by a person or entity
12 who administers or controls the electronic health record of the
13 patient before the third day after the date the sensitive test
14 results are finalized.

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

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

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

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