

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 8, 2023

TO: Honorable Stephanie Klick, Chair, House Committee on Public Health

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3468 by Capriglione (Relating to a patient's access to health records; authorizing a civil penalty; authorizing fees.), **Committee Report 1st House, Substituted**

The bill could result in an increase in revenue resulting from civil penalties. However, the amount of revenue associated with any penalties authorized by the bill is unknown. Therefore the fiscal impact of the bill cannot be determined.

The bill would establish that a patient's electronic health records are the property of the patient. A patient would be entitled to copies of the patient's electronic health records upon request. An entity could require the patient to pay a fee to receive of copy of the patient's electronic health records. The bill would authorize the Attorney General to levy civil penalties for violating these requirements. Penalties could be up to \$10,000 for each negligent violation and up to \$250,000 for each intentional violation committed for the purpose of financial gain.

While the bill could result in an increase in revenue resulting from civil penalties, the number of violations and the amount of revenue generated by associated penalties is unknown. Therefore the fiscal impact of the bill cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 529 Health and Human Services Commission, 537 State Health Services, Department of, 701 Texas Education Agency, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 768 Texas Tech University System Administration

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