

**SUBJECT:** Accessing records for hearing aid testing, fitting, and dispensing

**COMMITTEE:** Public Health — committee substitute recommended

**VOTE:** 9 ayes — Price, Sheffield, Burkett, Coleman, Cortez, Guerra, Klick, Oliverson, Zedler

0 nays

2 absent — Arévalo, Collier

**WITNESSES:** For — Patsy Knight

Against — None

On — Scott Pospisil, Texas Hearing Aid Association; (*Registered, but did not testify*: Brian Francis, Texas Department of Licensing and Regulation)

**BACKGROUND:** The federal Health Insurance Portability and Accountability Act (HIPAA) and the Texas Medical Records Privacy Act under Health and Safety Code, ch. 181 require that health care providers respond to requests for records from their clients pertaining to personal medical information and fulfill these requests in a timely manner.

Concerns have been raised that records kept by hearing instrument providers are treated as business records, not medical records, and thus are not applicable to provisions in HIPAA or other state requirements.

**DIGEST:** CSHB 1543 would entitle the client of a person licensed to fit and dispense hearing instruments or of a hearing instrument fitting and dispensing practice to make a signed request in writing to receive a copy of the client's records that relate to the testing for and the fitting and dispensing of the client's hearing instruments.

The bill would take effect September 1, 2017.