

## **BILL ANALYSIS**

Senate Research Center

S.B. 1607  
By: Moncrief  
Health & Human Services  
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As Filed

### **DIGEST**

Currently, there is no requirement in either the Texas Medical Practice Act or the rules and regulations of the State Board of Medical Examiners that define the length of time during which a physician must maintain medical records. Doctors are uncertain as to when they may dispose of records, which records may be disposed of, and the proper procedure for disposal. The cost of maintaining large quantities of records is burdensome upon doctors. This bill would set forth guidelines for the retention and disposal of such records under the Texas Medical Practice Act.

### **PURPOSE**

As proposed, S.B. 1607 sets forth a duty to maintain medical records by a license holder under the Medical Practice Act.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amend Subchapter E, Article 4495b, V.T.C.S. (Medical Practice Act), by adding Section 5.085, as follows:

Sec. 5.085. DUTY TO MAINTAIN MEDICAL RECORDS. Requires a license holder to maintain all medical records and charts until the fifteenth anniversary of the date of the last entry in the record or chart. Prohibits a license holder from being subject to disciplinary action for an act or failure to act based on a medical record the license holder is not required to maintain under this section.