

BILL ANALYSIS

Senate Research Center

H.B. 27
By: Goolsby (Jackson)
Health Services
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Engrossed

DIGEST

Currently, there are no guidelines specifying how patients could obtain their medical records upon their physician's absence or death. H.B. 27 would authorize the Texas State Board of Medical Examiners to appoint a custodian to access a physician's medical records, so the patient could obtain their own medical records upon the absence or death of their physician.

PURPOSE

As proposed, H.B. 27 set forth provisions regarding a patient obtaining their medical records from an appointed custodian upon the absence or death of their physician.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Board of Medical Examiners in SECTION 1 (Section 5.08(q), Article 4495b, V.T.C.S., Medical Practice Act) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5.08, Article 4495b, V.T.C.S. (Medical Practice Act), by amending Subsection (k) and by adding Subsection (q), as follows:

(k) Requires the requested physician to furnish a copy of the complete medical records of the patient to the subsequent or consulting physician, in accordance with Subsection (j) of this section, on receipt of a written request by a subsequent or consulting physician of a patient of the requested physician. Requires a physician to provide the information requested under this subsection no later than the 15th business day after the date of receipt of the written consent for release under Subdivision (1) of this subsection or the written request under Subdivision (2) of this subsection. Deletes text requiring information to be furnished by the physician within 30 days after the date of receipt of the request. Makes conforming changes.

(q) Authorizes the Texas State Board of Medical Examiners (board), by rule, to establish conditions under which the board may temporarily or permanently appoint a person or entity as a custodian of a physician's medical records. Requires the board to consider the death of a physician, the mental or physical incapacitation of a physician, and the abandonment of medical records by a physician, in adopting rules under this subsection. Requires the rules adopted under this subsection to provide for the release of the medical records by an appointed custodian in compliance with this section, and a fee charged by the appointed custodian that is in addition to the copying fee governed by Subsections (o) and (p) of this section.

SECTION 2. Effective date: January 1, 2000.

SECTION 3. Emergency clause.