

BILL ANALYSIS

Senate Research Center
77R11056 DLF-F

C.S.S.B. 1590
By: Moncrief
Health & Human Services
3/30/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, the admissibility of certain Department of Human Services (department) documents is unclear, confusing, and not uniformly applied in civil trials. C.S.S.B. 1590 amends the Human Resources Code to state that any department document that is otherwise admissible under the Texas Rules of Evidence is also admissible in a civil trial.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 32.021(i) and (k), Human Resources Code, to authorize a record of the Health and Human Services Commission or an agency operating part of the medical assistance program (department), including a record of a department survey, complaint investigation, or survey report, that relates to an institution, including an intermediate care facility for the mentally retarded, to be introduced into evidence in a civil action, enforcement action, or related proceeding if the record is admissible under the Texas Rules of Evidence. Deletes wording relating to an exception to this subsection and inadmissibility of certain documents. Makes conforming changes.

SECTION 2. Amends Chapter 242B, Health and Safety Code, by adding Section 242.050, as follows:

Sec. 242.050. **ADMISSIBILITY OF CERTAIN DOCUMENTS OR TESTIMONY.**
Provides that Sections 32.021(i) and (k), Human Resources Code, govern the admissibility of certain information in a civil action against an institution.

SECTION 3. Amends Chapter 252B, Health and Safety Code, by adding Section 252.045, as follows:

Sec. 252.045. **ADMISSIBILITY OF CERTAIN DOCUMENTS OR TESTIMONY.**
Provides that Sections 32.021(i) and (k), Human Resources Code, govern the admissibility of certain information in a civil action against a facility.

SECTION 4. Repealer: Section 32.021(j), Human Resources Code.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 1590 to include clarification of the types of institutions to which

this section applies. Makes a conforming change.

SECTION 2. Amends As Filed S.B. 1590 by adding Section 242.050, Health and Safety Code, to provide that Sections 32.021(i) and (k), Human Resources Code, govern the admissibility of certain information in a civil action against an institution. Redesignates proposed SECTION 2 as SECTION 4.

SECTION 3. Amends As Filed S.B. 1590 by adding Section 252.045, Health and Safety Code, to provide that Sections 32.021(i) and (k), Human Resources Code, govern the admissibility of certain information in a civil action against a facility. Redesignates proposed SECTION 3 as SECTION 5.

SECTION 4. Amends As Filed S.B. 1590 by redesignating SECTION 4 as SECTION 6.