

BILL ANALYSIS

Senate Research Center
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H.B. 4029
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, public hospitals have been required under certain circumstances to release patients' names and addresses, as well as account balances and other payment information, in response to requests under public information laws. A patient's expectation of privacy should include the patient's right to keep confidential the fact that the patient received health care services at all, in addition to the location or provider of the services.

H.B. 4029 establishes that payment information is part of a patient's confidential health care information and therefore not subject to release without patient authorization. The bill conforms Texas law more closely to the definition of "protected health information" under the federal Health Insurance Portability and Accountability Act, which specifically includes information relating to payments for health care services. The bill will not change existing practices in Texas hospitals, but patients who receive services from public hospitals will have a level of privacy similar to that of patients who receive services from private hospitals not subject to public information laws.

H.B. 4029 redefines "health care information" and provides exceptions to disclosure and fee requirements for a patient's payment information.

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 Section 241.151(2), Health and Safety Code, to redefine "health care information."

SECTION 2. Amends Section 241.154, Health and Safety Code, by amending Subsections (a) and (b) and adding Subsection (f), as follows:

(a) Requires a hospital or its agent, as promptly as required under the circumstances but not later than the 15th day after the date the request and payment authorized under Subsection (b) (relating to the fee charged by the hospital or agent for providing the health care information) are received, on receipt of a written authorization from a patient or legally authorized representative to examine or copy all or part of the patient's recorded health care information, except payment information, or for disclosures under Section 241.153 (Disclosure Without Written Authorization) not requiring written authorization, to make the information available for examination during regular business hours and provide a copy to the requester, if requested, or inform the authorized requester if the information does not exist or cannot be found.

(b) Makes a conforming change.

(f) Provides that a request from a patient or legally authorized representative for payment information is subject to Section 311.002 (Itemized Statement of Billed Services).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2009.