

BILL ANALYSIS

H.B. 549
By: Thompson, Senfronia
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Medical or mental health professionals can often prevent patient self-harm or harm to others when the professional discloses confidential information about a patient who displays behaviors that would cause the professional to believe that the patient is likely to cause imminent physical injury. However, there are concerns that current law does not sufficiently protect health professionals who disclose confidential information for this purpose. H.B. 549 seeks to address these concerns by protecting health professionals when they share information in order to avoid harm to their patients and those their patients may interact with.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 549 amends the Health and Safety Code to include mental health personnel among those to whom certain professionals may disclose confidential information if the professional determines that there is a probability of imminent physical injury by a patient to the patient or others or that there is a probability of immediate mental or emotional injury to the patient. The bill establishes that no cause of action for the disclosure exists against a professional who is authorized to practice medicine in any state or nation or who is licensed or certified by the state to diagnose, evaluate, or treat any mental or emotional condition or disorder. A cause of action brought against the professional for the disclosure of the confidential information must be dismissed with prejudice.

EFFECTIVE DATE

September 1, 2021.