

By: Schoolcraft

H.B. No. 2264

A BILL TO BE ENTITLED

AN ACT

relating to information provided by friends and family for inclusion into certain patients' medical records and to health care professionals' duties when discharging certain patients from inpatient care.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subtitle I, Title 2, Health and Safety Code, is amended to read as follows:

SUBTITLE I. MEDICAL RECORDS; DUTIES ON DISCHARGE OF CERTAIN PATIENTS

SECTION 2. Subtitle I, Title 2, Health and Safety Code, is amended by adding Chapters 183 and 184 to read as follows:

CHAPTER 183. FRIENDS AND FAMILY FORM FOR CERTAIN HEALTH CARE SERVICES

Sec. 183.001. DEFINITIONS. In this chapter:

(1) "Friends and family form" means a form for individuals who have a close, personal interest in a patient's well-being to provide health or background information about the patient to a health care professional to assist the professional in

providing mental health, behavioral health, or substance use treatment to the patient.

(2) "Health care professional" means an individual who is licensed, certified, or otherwise authorized by this state's laws to provide or render health care in the ordinary course of business or practice of a profession.

Sec. 183.002. APPLICABILITY OF CHAPTER. This chapter applies only in relation to the provision of mental health, behavioral health, or substance use treatment to a patient.

Sec. 183.003. CONSTRUCTION OF CHAPTER. This chapter may not be construed to modify or alter any generally accepted ethics, standards, protocols, or laws governing health care professionals.

Sec. 183.004. COMMISSION DUTIES. (a) The commission shall:

(1) develop a friends and family form; and

(2) post on the commission's Internet website:

(A) the form; and

(B) a web page for health care professionals and friends and family members of patients that provides information on available federal guidance resources addressing health information privacy and other useful information as the commission determines appropriate.

(b) The commission may notify interested persons of the availability of the resources described by Subsection (a).

Sec. 183.005. CONTENT OF FRIENDS AND FAMILY FORM. (a) An

individual with a close, personal interest in the well-being of a patient may provide on a friends and family form information regarding a patient's:

(1) diagnosis;

(2) past hospitalizations;

(3) de-escalation techniques;

(4) current and past health care providers and contact

information for those providers;

(5) potential triggers;

(6) housing status;

(7) family history, relationships, and social

environment;

(8) current medical conditions; and

(9) current and past medications.

(b) The commission may include any other field on the friends and family form the commission determines would assist a health care professional in providing mental health, behavioral health, or substance use treatment to a patient.

(c) The friends and family form must clearly state the information provided on the form may become part of the patient's medical record.

Sec. 183.006. PROVISION OF SUPPLEMENTAL INFORMATION. In addition to information provided under a friends and family form, an individual who has a close, personal interest in the well-being of a patient may provide to a health care professional supplemental

information about the patient, including documents, records, photos, testimonials, and other significant health-related information.

Sec. 183.007. INFORMATION ACCURACY REQUIREMENTS. An individual who provides information about a patient under this chapter must ensure the information is accurate to the individual's best knowledge.

Sec. 183.008. HEALTH CARE PROFESSIONAL DUTIES. (a) A health care professional may accept information provided under this chapter to supplement the patient's medical record:

(1) in writing or through e-mail; or

(2) subject to Subsection (b), verbally, including through a voicemail message.

(b) A health care professional must establish a documentation process for information provided verbally for inclusion in the patient's medical record.

(c) A health care professional shall acknowledge receipt of information provided under this chapter but is not required to disclose any additional information.

(d) A health care professional may accept a wholly or partly completed friends and family form.

(e) A health care professional may omit from the patient's medical record information provided under this chapter if:

(1) the patient explicitly objects to the professional receiving information from a specific person; or

(2) the professional does not consider the provided information relevant to the patient's treatment.

Sec. 183.009. DISCLOSURE OF INFORMATION. (a) Except as provided by Subsection (b), a health care professional may not disclose information provided under this chapter to any other person if the patient expressly prohibits disclosure.

(b) A health care professional may disclose information provided under this chapter in accordance with a court order or other law.

Sec. 183.010. LIMITED LIABILITY OF HEALTH CARE PROFESSIONALS. A health care professional is not subject to any civil, criminal, or administrative liability or professional disciplinary action for an act or omission in response to information provided under this chapter.

#### CHAPTER 184. DUTIES ON DISCHARGE FROM INPATIENT TREATMENT

Sec. 184.001. DEFINITIONS. In this chapter:

(1) "Health care professional" means an individual who is licensed, certified, or otherwise authorized by this state's laws to provide or render health care in the ordinary course of business or practice of a profession.

(2) "Inpatient care" includes a patient receiving inpatient care:

(A) at a chemical dependency treatment facility licensed under Chapter 464;

(B) voluntarily for mental health services under

Chapter 572; or

(C) as part of a court order for mental health services under Chapter 574.

Sec. 184.002. DUTIES ON INPATIENT TREATMENT DISCHARGE. (a)

A health care professional responsible for discharging a patient from inpatient care for mental health, behavioral health, or substance use treatment in this state shall make a reasonable effort to:

(1) provide a written or telephonic notice stating the date and time the patient is scheduled to be discharged to any health care professional who is providing mental health, behavioral health, or substance use treatment to the patient unless the patient objects;

(2) not later than 24 hours after the patient is discharged, provide written or telephonic notice of the discharge to any health care professional to whom the patient is referred for follow-up care; and

(3) provide to the patient the educational documents described by Section 184.003.

(b) The notice described by Subsection (a)(2) must include a summary of the patient's medical history and any current mental health, behavioral health, or substance use conditions the patient is experiencing at the time of discharge. The discharging health care professional must transmit the summary to the treating health care professional not later than the date of the patient's first

follow-up appointment.

Sec. 184.003. EDUCATIONAL DOCUMENTS. (a) The commission shall create and publish on the commission's Internet website educational documents for a patient and the patient's family members, caregivers, and friends that provide information on the warning signs of self-harm and the importance of seeking treatment after discharge from inpatient care.

(b) The educational documents must recommend the provision of ongoing care to the patient and clarify that medical privacy laws do not prevent a family member, friend, or other person from communicating the patient's condition to a health care professional providing treatment to the patient in accordance with Chapter 183.

SECTION 3. (a) Not later than December 1, 2025, the executive commissioner of the Health and Human Services Commission shall:

(1) develop the form required by Section 183.004(a), Health and Safety Code, as added by this Act;

(2) develop the educational documents required by Section 184.003, Health and Safety Code, as added by this Act; and

(3) adopt rules necessary to implement the changes in law made by this Act.

(b) Chapters 183 and 184, Health and Safety Code, as added by this Act, apply only to health care services provided on or after December 1, 2025.

SECTION 4. This Act takes effect September 1, 2025.