

By: Burkett

H.B. No. 3129

A BILL TO BE ENTITLED

AN ACT

relating to certain duties of physicians regarding patient records.

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

SECTION 1. Section 159.008, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (c), a physician:

(1) may charge a reasonable fee, as prescribed by board rule, for copying billing or medical records; and

(2) is not required to permit examination or copying of the records until the fee is paid unless there is a medical emergency.

(c) A physician may not charge a fee for copying or furnishing a copy of patient's billing or medical records to a subsequent or consulting physician of the patient under Section 159.006(c) or to the patient in excess of:

(1) for providing the requested records in paper format, no charge for the first 50 pages and \$0.10 per page thereafter; or

(2) for providing the requested records in electronic format, no charge.

SECTION 2. Chapter 159, Occupations Code, is amended by adding Section 159.011 to read as follows:

1 Sec. 159.011. NOTICE TO PATIENT OF PHYSICIAN RETIREMENT,
2 RELOCATION, OR TERMINATION. (a) The board by rule may require that
3 a physician notify the physician's patients before retiring,
4 relocating, or terminating employment and provide the patients the
5 opportunity to request copies of billing or medical records under
6 Section 159.006.

7 (b) A contract provision may not nullify a requirement
8 adopted under Subsection (a).

9 SECTION 3. Section 159.011, Occupations Code, as added by
10 this Act, applies only to a contract entered into or renewed on or
11 after the effective date of this Act. A contract entered into or
12 renewed before the effective date of this Act is governed by the law
13 in effect on the date the contract was entered into or renewed, and
14 the former law is continued in effect for that purpose.

15 SECTION 2. This Act takes effect September 1, 2017.