

By: Uresti

S.B. No. 1733

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of a physician's patient information in certain judicial proceedings.

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

SECTION 1. Section 159.003(a), Occupations Code, is amended to read as follows:

(a) An exception to the privilege of confidentiality in a court or administrative proceeding exists:

(1) in a proceeding brought by a patient against a physician, including:

(A) a malpractice proceeding; or

(B) a criminal proceeding or license revocation proceeding in which the patient is a complaining witness and disclosure is relevant to a claim or defense of the physician;

(2) if the patient or a person authorized to act on the patient's behalf submits a written consent to the release of confidential information as provided by Section 159.005;

(3) in a proceeding to substantiate and collect on a claim for medical services provided to the patient;

(4) in a civil action or administrative proceeding, if relevant, brought by the patient or a person on the patient's behalf, if the patient or person is attempting to recover monetary damages for a physical or mental condition including the patient's death;

1 (5) in a disciplinary investigation or proceeding
2 conducted under this subtitle, if the board protects the identity
3 of any patient whose billing or medical records are examined other
4 than a patient:

5 (A) for whom an exception exists under
6 Subdivision (1); or

7 (B) who has submitted written consent to the
8 release of the billing or medical records as provided by Section
9 [159.005](#);

10 (6) in a criminal investigation of a physician in
11 which the board is participating, or assisting in the investigation
12 or proceeding by providing certain billing or medical records
13 obtained from the physician, if the board protects the identity of a
14 patient whose billing or medical records are provided in the
15 investigation or proceeding other than a patient:

16 (A) for whom an exception exists under
17 Subdivision (1); or

18 (B) who has submitted written consent to the
19 release of the billing or medical records as provided by Section
20 [159.005](#);

21 (7) in an involuntary civil commitment proceeding,
22 proceeding for court-ordered treatment, or probable cause hearing
23 under Chapter 462, 574, or 593, Health and Safety Code;

24 (8) if the patient's physical or mental condition is
25 relevant to the execution of a will;

26 (9) if the information is relevant to a proceeding
27 brought under Section [159.009](#);

(10) in a criminal prosecution in which the patient is a victim, witness, or defendant;

(11) to satisfy a request for billing or medical records of a deceased or incompetent person under Section 74.051(e), Civil Practice and Remedies Code; ~~or~~

(12) to comply with a court order, except as provided by Subdivision (13); or

(13) in a judicial proceeding in which the patient is a party and the disclosure is requested under a subpoena issued under:

(A) the Texas Rules of Civil Procedure;

(B) the Code of Criminal Procedure; or

(C) Chapter 121, Civil Practice and Remedies Code

~~[or a party to an action under a court order or court subpoena].~~

SECTION 2. This Act takes effect September 1, 2015.