

1-1 By: Murr (Senate Sponsor - Uresti) H.B. No. 1779  
 1-2 (In the Senate - Received from the House May 6, 2015;  
 1-3 May 6, 2015, read first time and referred to Committee on State  
 1-4 Affairs; May 18, 2015, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-6 May 18, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1779 By: Zaffirini

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the disclosure in certain judicial proceedings of  
 1-22 confidential communications between a physician and a patient and  
 1-23 confidential patient records.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 159.002, Occupations Code, is amended by  
 1-26 adding Subsections (f) and (g) to read as follows:

1-27 (f) Notwithstanding any other provision of this chapter  
 1-28 other than Sections 159.003(a)(10) and (c), a communication or  
 1-29 record that is otherwise confidential and privileged under this  
 1-30 section may be disclosed or released by a physician without the  
 1-31 patient's authorization or consent if the disclosure or release is  
 1-32 related to a judicial proceeding in which the patient is a party and  
 1-33 the disclosure or release is requested under a subpoena issued  
 1-34 under:

1-35 (1) the Texas Rules of Civil Procedure;

1-36 (2) the Code of Criminal Procedure; or

1-37 (3) Chapter 121, Civil Practice and Remedies Code.

1-38 (g) Subsection (f) does not prevent a physician from  
 1-39 claiming, or otherwise limit the authority of a physician to claim,  
 1-40 the privilege of confidentiality on behalf of a patient.

1-41 SECTION 2. Section 159.003(a), Occupations Code, is amended  
 1-42 to read as follows:

1-43 (a) An exception to the privilege of confidentiality in a  
 1-44 court or administrative proceeding exists:

1-45 (1) in a proceeding brought by a patient against a  
 1-46 physician, including:

1-47 (A) a malpractice proceeding; or

1-48 (B) a criminal proceeding or license revocation  
 1-49 proceeding in which the patient is a complaining witness and  
 1-50 disclosure is relevant to a claim or defense of the physician;

1-51 (2) if the patient or a person authorized to act on the  
 1-52 patient's behalf submits a written consent to the release of  
 1-53 confidential information as provided by Section 159.005;

1-54 (3) in a proceeding to substantiate and collect on a  
 1-55 claim for medical services provided to the patient;

1-56 (4) in a civil action or administrative proceeding, if  
 1-57 relevant, brought by the patient or a person on the patient's  
 1-58 behalf, if the patient or person is attempting to recover monetary  
 1-59 damages for a physical or mental condition including the patient's  
 1-60 death;

2-1 (5) in a disciplinary investigation or proceeding  
2-2 conducted under this subtitle, if the board protects the identity  
2-3 of any patient whose billing or medical records are examined other  
2-4 than a patient:  
2-5 (A) for whom an exception exists under  
2-6 Subdivision (1); or  
2-7 (B) who has submitted written consent to the  
2-8 release of the billing or medical records as provided by Section  
2-9 159.005;

2-10 (6) in a criminal investigation of a physician in  
2-11 which the board is participating, or assisting in the investigation  
2-12 or proceeding by providing certain billing or medical records  
2-13 obtained from the physician, if the board protects the identity of a  
2-14 patient whose billing or medical records are provided in the  
2-15 investigation or proceeding other than a patient:  
2-16 (A) for whom an exception exists under  
2-17 Subdivision (1); or  
2-18 (B) who has submitted written consent to the  
2-19 release of the billing or medical records as provided by Section  
2-20 159.005;

2-21 (7) in an involuntary civil commitment proceeding,  
2-22 proceeding for court-ordered treatment, or probable cause hearing  
2-23 under Chapter 462, 574, or 593, Health and Safety Code;

2-24 (8) if the patient's physical or mental condition is  
2-25 relevant to the execution of a will;

2-26 (9) if the information is relevant to a proceeding  
2-27 brought under Section 159.009;

2-28 (10) in a criminal prosecution in which the patient is  
2-29 a victim, witness, or defendant;

2-30 (11) to satisfy a request for billing or medical  
2-31 records of a deceased or incompetent person under Section  
2-32 74.051(e), Civil Practice and Remedies Code; or

2-33 (12) to a court or a party to an action under a court  
2-34 order [~~or court subpoena~~].

2-35 SECTION 3. This Act takes effect September 1, 2015.

2-36

\* \* \* \* \*