

BILL ANALYSIS

Senate Research Center

C.S.S.B. 208
By: Haywood
Health & Human Services
3-31-97
Committee Report (Substituted)

DIGEST

Currently, the law provides for the confidentiality of mental health records at the request of the person being treated. This makes it difficult for a parents and legal guardians to obtain certain information needed to make decisions relating to the whereabouts, diagnosis, and treatment of dependent patients. This bill establishes conditions under which limited information may be released by a physician about a patient.

PURPOSE

As proposed, C.S.S.B. 208 establishes requirements relating to the disclosure of limited information regarding certain patients of a physician to a parent or guardian.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 576.005, Health and Safety Code, as follows:

Sec. 576.005. CONFIDENTIALITY OF RECORDS. Requires records of a mental health facility that directly or indirectly identify a present, former, or proposed patient to be confidential unless disclosure is permitted by other state law. Deletes existing Subsections (b) through (d).

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 576.005, Health and Safety Code, by deleting existing Subsection (b). Deletes proposed Subsections (c)-(f).

SECTION 2.

Amends the effective date as September 1, 1997, rather than upon passage. Redesignates the emergency clause to SECTION 3.

SECTION 3.

Establishes the emergency clause.