

BILL ANALYSIS

Senate Research Center
77R3912 DLF-F

S.B. 1590
By: Moncrief
Health & Human Services
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DIGEST AND PURPOSE

Currently, the admissibility of certain Department of Human Services (department) documents is unclear, confusing, and not uniformly applied in civil trials. As proposed, S.B. 1590 amends the Human Resources Code to state that any department document that is otherwise admissible under the Texas Rules of Evidence is also admissible in a civil trial.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 32.021(i) and (k), Human Resources Code, to authorize a record of the Health and Human Services Commission or an agency operating part of the medical assistance program (department), including a record of a department survey, complaint investigation, or survey report, that relates to an institution to be introduced into evidence in a civil action, enforcement action, or related proceeding if the record is otherwise admissible under the Texas Rules of Evidence. Deletes wording relating to an exception to this subsection and inadmissibility of certain documents. Makes conforming changes.

SECTION 2. Repealer: Section 32.021(j), Human Resources Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2001.