

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 590  
By: Nelson  
Health & Human Services  
3/7/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many medical agents find themselves ill-equipped to make needed decisions on a timely basis due to a lack of understanding of the patient's medical condition. Currently, medical agents cannot obtain access to key medical information until after the patient is deemed incompetent. If there are questions of competency or complicated medical decisions that need to be made upon a competency determination, the medical agent will not have access to the patient's records to make informed decisions.

C.S.S.B. 590 provides that a person designated as an agent in a patient's medical power of attorney is considered a patient's personal representative for the intent of reviewing or determining the patient's competency.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 166, Health and Safety Code, by adding Section 166.1641, as follows:

Sec. 166.1641. **AUTHORITY OF AN AGENT PRIOR TO A COMPETENCY DETERMINATION.** Provides that to ensure appropriate access to medical and health care information under the federal Health Insurance Portability and Accountability Act of 1996 and its accompanying regulations, prior to a determination of competency under Section 166.152 (Scope and Duration of Authority), Health and Safety Code, the person named as an agent in a medical power of attorney is a personal representative for the purpose of reviewing or determining the patient's competency.

SECTION 2. Effective date: September 1, 2007.