

BILL ANALYSIS

Senate Research Center
82R14188 SLB-D

H.B. 413
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Agriculture & Rural Affairs
4/29/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a veterinarian is allowed to disclose confidential information pertaining to the care of a client's animal under certain circumstances. For instance, the confidentiality privilege may be waived if an owner raises, in a civil matter, the issue of either the nature or extent of the animal's injuries or care and treatment provided by the veterinarian. If a client fails to pay a veterinarian for the services the veterinarian has rendered and the veterinarian is unable to collect the debt, it may become necessary to send the debt to a collections agency.

H.B. 413 seeks to ensure that a veterinarian does not commit a violation of a client confidentiality law when turning over information necessary to prove that a charge or specific service was provided by the veterinarian for the purpose of collecting debt.

H.B. 413 also attempts to provide protection from a disclosure violation for a veterinarian who provides the rabies vaccination status of a specific client's specific animal for the purpose of handling a life-threatening situation, such as one involving an animal bite, or to verify that a rabies vaccination has been given to an animal. This provision seeks to allow quicker access to the true vaccination status of an animal involved in the incident and to protect the confidentiality of such information provided by the veterinarian by stating that a public health authority is authorized to use the information for purposes that directly relate to the protection of health and public safety.

H.B. 413 amends current law relating to the confidentiality of certain information held by a veterinarian.

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 Section 801.353, Occupations Code, by adding Subsections (d-1) and (g) and amending Subsection (f) as follows:

(d-1) Provides that the privilege provided by this section is waived by the client or the owner of the animal treated by the veterinarian in a proceeding to substantiate and collect on a debt incurred for veterinary services.

(f) Provides that a veterinarian does not violate this section by providing the name or address of a client, or the rabies vaccination status of a specific client's specific animal, to a public health authority, veterinarian, or physician who requests the identity of the client to obtain information for:

- (1) the verification of a rabies vaccination;
- (2) other treatment involving a life-threatening situation; or
- (3) a public health purpose.

(g) Requires a public health authority that receives information under Subsection (f) to maintain the confidentiality of the information, and prohibits the authority from disclosing the information under Chapter 552 (Public Information), Government Code, and from using the information for a purpose that does not directly relate to the protection of public health and safety.

SECTION 2. Effective date: September 1, 2011.