

BILL ANALYSIS

Senate Research Center
87R3333 JG-F

H.B. 549
By: Thompson, Senfronia (Zaffirini)
Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Medical or mental health professionals can often prevent patient self-harm or harm to others when the professional discloses confidential information about a patient who displays behaviors that would cause the professional to believe that the patient is likely to cause imminent physical injury. There are concerns, however, that current law does not sufficiently protect health professionals who disclose confidential information for this purpose. H.B. 549 would address these concerns by protecting health professionals when they share information in order to avoid harm to their patients and those with whom their patients may interact.

H.B. 549 amends current law relating to an exemption from civil liability for certain professionals for the disclosure of certain mental health information.

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 611.004, Health and Safety Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes a professional to disclose confidential information only:

(1) makes no change to this subdivision;

(2) to medical, mental health, or law enforcement personnel, rather than to medical or law enforcement personnel, if the professional determines that there is a probability of imminent physical injury by the patient to the patient or others or there is a probability of immediate mental or emotional injury to the patient; or

(3) - (11) makes no changes to these subdivisions.

(a-1) Provides that no cause of action exists against a person described by Section 611.001(2)(A) (relating to the term "professional" to mean a person authorized to practice medicine in any state or nation) or (B) (relating to the term "professional" to mean a person licensed or certified by this state to diagnose, evaluate, or treat any mental or emotional condition or disorder) for the disclosure of confidential information under Subsection (a)(2). Requires that a cause of action brought against the person for the disclosure of the confidential information be dismissed with prejudice.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.