

CHAPTER 1007

H.B. No. 1462

AN ACT

relating to the disclosure of certain information about certain patients of a physician.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 576.005, Health and Safety Code, is amended to read as follows:

Sec. 576.005. CONFIDENTIALITY OF RECORDS. (a) Records of a mental health facility that directly or indirectly identify a present, former, or proposed patient are confidential unless disclosure is permitted by other state law.

(b) *If a treating physician determines that it is in the best interest of a patient under the treating physician's care, the treating physician may disclose necessary information that may identify the patient, but only to:*

- (1) *a law enforcement officer; or*
- (2) *the patient's legally authorized representative.*

(c) *A disclosure under Subsection (b) may not be made if the patient gives contrary written instructions to the treating physician.*

(d) *For the purposes of this section "legally authorized representative" means:*

- (1) *a parent or legal guardian if the patient is a minor, or a legal guardian if the patient has been adjudicated incompetent to manage the patient's personal affairs;*
- (2) *an agent of the patient authorized under a durable power of attorney for health care;*
- (3) *an attorney ad litem appointed for the patient; or*
- (4) *a parent, spouse, adult child, or personal representative if the patient is deceased.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 30, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1462 on May 28, 1993: Yeas 139, Nays 1, 2 present, not voting; passed by the Senate, with amendments, on May 26, 1993: Yeas 30, Nays 0.

Approved June 19, 1993.

Effective June 19, 1993.