

22 TAC §76.2. Requests for Patient Records

- (a) A patient may request patient records be disclosed to another person or to the patient.
- (b) A patient shall make the request for disclosure of patient records in writing.
- (c) In a written request for disclosure of patient records, a patient shall include:
 - (1) the specific information or records to be disclosed; and
 - (2) the person to whom the records are to be disclosed.
- (d) A patient or other person legally authorized to act on the patient's behalf shall sign the written request for disclosure of patient records.
- (e) A patient may withdraw consent to disclosure in writing at any time.
- (f) Withdrawal of consent does not affect any information disclosed before the withdrawal.
- (g) A licensee or other person may honor an oral request for disclosure if the licensee or other person documents:
 - (1) the patient's identity by valid government identification or legal documents that identify a person as the patient's legal representative; and
 - (2) the information required by subsections (c) and (d) of this section.
- (h) A licensee or other person shall disclose patient records, after receiving any applicable fees for the records, within 15 business days from the date of the request, unless the request is denied under subsection (j) of this section.
- (i) A licensee or other person may not deny a patient's request for records for:
 - (1) a past due account for care or treatment previously rendered to the patient; or
 - (2) the lack of a letter of protection; or any other similar document.
- (j) A licensee or other person may not disclose information in a patient record if a licensee determines that disclosure would harm the physical, mental, or emotional health of the patient.
- (k) If a licensee determines that disclosure would be harmful, a licensee shall:
 - (1) document in writing the rationale;
 - (2) notify the patient within 15 days of the date of the patient's request; and
 - (3) request in writing a second opinion from another licensee within 15 days of the patient's request for records.
- (l) A licensee who receives a request for a second opinion under subsection (k) of this section shall provide a written opinion to the requesting licensee within 15 days of the request.

(m) A licensee shall disclose all information in a patient's record only if the licensee receives a written second opinion from another licensee which states disclosure would not be harmful to the patient.

(n) A licensee shall disclose only redacted non-harmful information in a patient's records if the licensee receives a second opinion from another licensee which states there is potential harm to the patient if disclosed.

(o) A subpoena may not be required for the release of patient records under this section.

(p) A licensee or other person who violates this section is subject to disciplinary action.

(q) This section does not supersede Texas Health and Safety Code Chapter 181 or any other applicable state or federal law.

UNOFFICIAL