

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
		Patient Care	Population Health		
<b>Privacy</b>					
1					
2	Comprehensive general privacy act				
3	Comprehensive medical privacy act	H&S Code 181- Medical Records Privacy	Somewhat		
4		Relevant provisions are found in many other areas of code			
5	Constitutional right to privacy	None in Texas			
<b>Electronic Information</b>					
6					
7	Health information exchange specific provisions	22 TAC 291.34 -	Yes		
8		TX H&S Code 12.0124 - Electronic Transactions: State Medicaid Program		Duplicated below in regulatory agencies	
9	Electronic health/medical record specific provisions	TX Gov Code § 531.0315 - Implementing National Electronic Data Interchange Standards for Health Care Information	Yes	Duplicated below in regulatory agency section	
10	Breach of security reporting - general	Bus & Comm Code 4-48-103	Yes		45 C.F.R. 164.302
11	Breach of security reporting - health records				15 U.S.C. §96
12					
13	Telehealth/telemedicine	Fam Code 266.003	Yes		45 C.F.R. 164.500
14		Gov Code 487			
15		Gov Code 531			
16		H&S Code 35.0041			
17		Occ Code 107,111			
18		H&S Code 109.012			
19		Ins. Code 1455			
20		H&S Code 62.157			
21					
22	Electronic signatures	Bus & Comm Code 43	Yes		15 U.S.C.S. § 96
23	Personal health records	TX Government Code § 531.161 - Access to Records			45 C.F.R. 164.500
24					45 C.F.R. § 164.512(a)(i)
25	Uniform Electronic Transactions Act	Bus & Comm Code 43	Yes		
26	Technical security of electronic systems	Bus & Comm Code 43	Yes		45 C.F.R. 164.312
27	Patient Access	Fam Code 107.006	Yes		
28		Fam Code 162.018			
29		22 TAC 681.45			
30		22 TAC 165.3			
31	Record retention requirements	Bus & Comm Code 43	Yes		42 C.F.R. 431.306
<b>Health/Medical Records - General</b>					
32					
33	Medical Records Privacy	TX Health and Safety Code § 181.001 - Medical Records Privacy, Definitions			45 C.F.R. 164.506

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
34		TX Health and Safety Code § 181.002 - Medical Records Privacy, Applicability				
35		TX Health and Safety Code § 181.005 - Medical Records Privacy, Duties of the Commissioner				
36		TX Health and Safety Code § 181.051 - Medical Records Privacy, Partial Exemption				
37		TX Health and Safety Code § 181.052 - Medical Records Privacy, Processing Payment Transactions by Financial Institutions				
38		TX Health and Safety Code § 181.053 - Medical Records Privacy, Nonprofit Agencies				
39		TX Health and Safety Code § 181.151 - Medical Records Privacy, Reidentified Information				
40		TX Health and Safety Code § 181.152 - Medical Records Privacy, Marketing Uses of Information				45 C.F.R. § 164.506, 164.508(a)(3)(ii)
41		22 T.A.C. § 681.45 - Confidentiality and Required Reporting, Professional Counselors				
42		22 T.A.C. § 801.48 - Confidentiality, Marriage and Family Therapists				
43		TX Health and Safety Code § 82.008 - Cancer Registries, Data From Medical Records			Duplicated in Cancer Registry section	
44		TX Health and Safety Code § 241.152 - Hospitals, Written Authorization for Disclosure of Health Care Information				45 C.F.R. § 164.508(b)(3)
45		TX Health and Safety Code § 241.153 - Hospitals, Disclosure Without Written Authorization				45 C.F.R. § 164.510(a), 45 C.F.R. § 164.506
46		TX Health and Safety Code § 241.155 - Hospitals, Safeguards for Security of Health Care Information			This was listed as "unrelated" in HIPAA preemption, though.	
47		TX Health and Safety Code § 241.204 - Hospitals, Confidentiality, Absolute Privilege				
48		TX Health and Safety Code § 262.030 - Municipal Hospital Authorities, Medical Records				
49		22 T.A.C. § 165.1 - Medical Records				
50		TX Human Resources Code § 32.042 - Information Required From Health Insurers				45 C.F.R. § 164.506
51	Records retention requirements	22 TAC 291.34	Yes			
52		H&S Code 481				
53		H&S Code 483				
54		H&S Code 247				
55		Occ Code 554				
56		H&S Code 262.030				
57		TX Health and Safety Code § 161.203 - Public Health Information, Distribution of Records				45 C.F.R. 164.524(b)

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
58		22 T.A.C. § 165.2 - Medical Record Release and Charges				
59		22 T.A.C. § 165.5 - Transfer and Disposal of Medical Records				
60	Right to amend the medical record	H&S Code 181.01(2)				42 C.F.R. 164.526(a)
61	Patient Access	TX Health and Safety Code § 611.008 - Request by Patient	Yes			
62		TX Health and Safety Code § 611.0045 - Right to Mental Health Records				
63		TX Health and Safety Code § 595.004 - Right to Personal Records				
64		TX Family Code § 162.018 - Access to Information				
65		22 T.A.C. § 165.3 - Patient Access to Diagnostic Imaging Studies in Physician's Office				
66	Ownership of medical records	22 TAC 165	Yes			42 C.F.R. 164.500
67	Physician/Patient Relationship	Occ Code 151.01 -This section may be cited as the Medical Practice Act				
68		Occ Code 159.002 - Confidential communications				
69		Occ Code 159.003 - Exceptions				
70		Occ Code 160 - Peer-review and confidentiality				
71	Violation Guidelines - Sanctions	22 T.A.C. § 190.8 - Examining Boards, Violation Guidelines				
72		22 T.A.C. § 190.14 - Examining Boards, Disciplinary Sanction Guidelines				
73		TX Health and Safety Code § 181.201 - Medical Records Privacy, Injunctive Relief; Civil Penalty				
74		TX Health and Safety Code § 181.202 - Medical Records Privacy, Disciplinary Action				
75		TX Health and Safety Code § 181.205 - Medical Records Privacy, Mitigation				
76		TX Health and Safety Code § 181.251 - Medical Records Privacy, Exclusion From State Programs				
77		TX Health and Safety Code § 181.253 - Medical Records Privacy, Report to Legislature				
78	Statutory right to sue for damages related to health information	TX H&S Code § 611.005 - Mental Health Records, Legal Remedies for Improper Disclosure or Failure to Disclose	Yes		But this is specific to Mental Health? Not sure this should be here.	
79	Common law right to sue for damages related to health information					

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
80	Criminal Provisions - Wrongful Access	TX Government Code § 552.352 - Distribution or Misuse of Confidential Information	Yes			45 C.F.R. § 164.512(a)(i), See also Open Records Decision No.681 (2004)
81	Retention requirements	Various H&S Code sections	Yes			5 U.S.C.S. §552a
82	Medical record subpoenas	H&S Code 241	Yes			
83	Children's medical records				Duplicated in Minors Section	20 U.S.C.S. §1232(g)
84	CMS-State Plan requirements - privacy protection					42 C.F.R. 457.1110
85	Mental Health Records	H&S Code 611				
86		TX Health and Safety Code § 181.057 - Medical Records Privacy, Information Relating to Offenders with Mental Impairments				
87	<b>Consent to Uses &amp; Disclosures</b>					
88	Patient consent/authorization	H&S Code 44.072-73	Yes			45 C.F.R. 164.502 - General Rules for Uses and Disclosures
89		H&S Code 47.008				
90		H&S Code 81.103				
91		TX Occupations Code § 159.005 - Physician-Patient Communication, Consent for Release of Confidential Information				45 C.F.R. § 164.508
92		H&S Code 611				
93		H&S Code 116.0072				
94	Disclosure of non-public personal information					15 U.S.C.S. §680.1
95	Limitations on re-disclosure of health information	Occ Code 159.002c	Yes			42 C.F.R. 2.32
96		Occ Code 201.402c				
97		Occ Code 201.405 (e)				
98		H&S Code 181.101 (3)				
99	Exceptions for emergency situations	H&S Code 773	Yes		Duplicated in the Emergency section	
100	Restrict uses and disclosures	H& S Code 181.101(2), (3)				45 C.F.R. 164.522
101		Occ Code 159.002c				
102		TX Occupations Code § 159.0061 - Physician-Patient Communication, Appointment of Custodian of Physicians Records				
103		Occ Code 159.005(e)				
104	Family Planning Services	TX Family Code § 33.002 - Notice of Abortion, Parental Notice				45 C.F.R. § 164.502(g)(3)(ii)(A), 42 C.F.R. 59.11
105		TX Family Code § 33.008 - Notice of Abortion, Physician's Duty to Report Abuse of a Minor; Investigation and Assistance				45 C.F.R. § 164.512(a)(1), (b)(1)(ii)

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
106		TX Family Code § 33.002 - Notice of Abortion, Other Reports of Sexual Abuse of a Minor				45 C.F.R. § 164.512(b)(1)(ii)
107		TX Family Code § 33.002 - Notice of Abortion, Confidentiality				
108		TX H&S Code § 170 - Prohibited Acts Regarding Abortion				
109	Genetic Information	TX Insurance Code § 21.73 - General Provisions, Use of Genetic Testing Information by Insurers				45 C.F.R. 164.506
110		TX Labor Code § 21.204 - Investigation by Commission				45 C.F.R. 160.103
111		TX Labor Code § 21.304 - Employment Discrimination; Confidentiality of Records				
112		TX Labor Code § 21.305 - Employment Discrimination; Access to Commission Records				
113		TX Labor Code § 21.306 - Employment Discrimination; Subpoena of Record or Report				
114		TX Labor Code § 21.403 - Confidentiality of Genetic Information				
115		TX Labor Code § 21.4031 - Employment Discrimination; Exceptions to Confidentiality				
116		TX Labor Code § 21.4032 - Employment Discrimination; Authorized Disclosure				
117		TX Labor Code § 21.404 - Disclosure of Test Results to Individual Tested				
118		TX Labor Code § 21.405 - Employment Discrimination; Destruction of Sample Materials; Exceptions				
119		TX Occupations Code § 58.051 - Use of Genetic Information, Certain Uses of Genetic Information Prohibited				
120		TX Occupations Code § 58.101 - Use of Genetic Information, Disclosure of Test Results to Individual Tested				45 C.F.R. § 164.512(a)
121		TX Occupations Code § 58.102 - Use of Genetic Information, Confidentiality of Genetic Information				
122		TX Occupations Code § 58.103 - Use of Genetic Information, Exceptions to Confidentiality				
123		TX Occupations Code § 58.104 - Use of Genetic Information, Authorized Disclosure				45 C.F.R. § 164.508

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
124	<b>Minors/Children</b>					
125	Children's Medical Records	TX Family Code § 107.006 - Access to Child and Information Relating to Child				20 U.S.C. Title 20 Chap 31 Subchapter III Part 4 § 1232 (g)
126		TX Family Code § 58.005 - Confidentiality of Records				45 C.F.R. § 164.512 (e)(1)(i)
127		TX Health and Safety Code § 32.017 - Maternal and Infant Health Improvement, Records and Review				
128	Adoption - medical history info	TX Family Code § 162.005 - Preparation of Health, Social, Educational, and Genetic History Report				20 U.S.C. §1232 (g)
129		TX Family Code § 162.006 - Right to Examine Records				45 C.F.R. 164.512(a)(1)
130		TX Family Code § 162.0065 - Editing Adoption Records in Department Placement				
131		TX Family Code § 162.007 - Contents of Health, Social, Educational, and Genetic History Report				
132		TX Family Code § 162.008 - Filing of Health, Social, Educational, and Genetic History Report				
133		TX Family Code § 162.018 - Access to Information				
134		TX Family Code § 162.021 - Sealing File				45 C.F.R. 164.512(a)(1)
135		TX Family Code § 162.022 - Confidentiality Maintained by Clerk				TX H&S Code § 85.082 - AIDS and HIV,
136		TX Family Code § 162.404 - Requirement to Send Information to Central Registry				45 C.F.R. 164.512(a)(1)
137		TX Family Code § 162.414 - Matching Procedures	Contrary			
138		TX Family Code § 162.416 - Disclosure of Identifying Information				45 C.F.R. 164.512(a)(1)
139	Age of majority	TX Civil Practice and Remedies Code § 129.001	Yes			
140	Emancipated minors	Fam Code 31	Yes		Not Included in AG Preemption Analysis (Sec. 31). Chap 31 in entirety does not speak about privacy.	45 C.F.R. §164.502(g)(2)
141	Age Consent requirements - Mental Health	Fam Code 32.002-004	Yes			

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
142	Age Consent requirements - Other conditions	TX Family Code § 32.001 - Consent to Treatment of Child by Non-Parent or Child, Consent to Treatment by Child	Yes			45 C.F.R. 164.502(g)(3)(ii)(A)
143		TX Family Code § 32.004 - Consent to Treatment of Child by Non-Parent or Child, Consent to Counseling				45 C.F.R. 164.502(g)(3)(ii)(A)
144		TX Family Code § 32.101 - Consent to Treatment of Child by Non-Parent or Child, Who May Consent to Immunization of Child				45 C.F.R. 164.502(g)(3)
145	Personal Representatives/Executors	Various Probate and HR Code sections	Yes			45 C.F.R. §164.502(g)(3)
146		TX Family Code § 32.001 - Consent to Treatment of Child by Non-Parent or Child, Consent by Non-Parent				45 C.F.R. 164.502(g)(3)
147	Guardianships/Conservators	TX Family Code § 107.002 - Special Appointments and Social Studies, Powers and Duties of Guardian ad Litem for Child	Yes			45 C.F.R. 164.502, 45 C.F.R. 164.512(e)(1)(i)
148		TX Family Code § 107.003 - Special Appointments and Social Studies, Powers and Duties of Attorney as Litem for Child and Amicus Attorney				45 C.F.R. 164.512(e)(1)(i)
149		TX Family Code § 107.006 - Special Appointments and Social Studies, Access to Child and Information Relating to Child			Contrary as to C: with regard to a court order to disclose the mental health record of a child at least twelve years old, HIPAA permits disclosure to the extent expressly authorized yb court order, while C of this law only permits disclosure in accordance with "other law."	45 C.F.R. 164.512(e)(1)(i)
150		TX Family Code § 107.0511 - Special Appointments and Social Studies, Pre-Adoptive Home Screening				45 C.F.R. 164.512(a)(1)
151		TX Family Code § 107.052 - Special Appointments and Social Studies, Post-Placement Adoptive Report				45 C.F.R. 164.512(a)(1)
152		TX Family Code § 107.052 - Special Appointments and Social Studies, Prospective Adoptive Parents to Receive Copy				45 C.F.R. 164.512(a)(1)
153		TX Family Code § 107.052 - Special Appointments and Social Studies, Report Filed with Court				45 C.F.R. 164.512(a)(1)

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
154		TX Family Code § 153.073 - Rights of Parents at All Times				45 C.F.R. 164.512(e)(1)(i)
155		TX Family Code § 153.371 - Rights and Duties of Nonparent Appointed as Sole Managing Conservator				
156		TX Family Code § 153.3721 - Access to Certain Records by Nonparent Joint Managing Conservator				
157		TX Family Code § 153.375 - Annual Report by Nonparent Managing Conservator				
158		TX Family Code § 153.376 - Rights and Duties of Nonparent Possessory Conservator				
159		TX Family Code § 153.377 - Access to Child's Records				
160	Behavioral Health	TX Family Code § 55.11 - Mental Illness Determination; Examination Juveniles				45 C.F.R. § 164.512 (e)(1)(i)
161		TX Family Code § 55.37 - Report of Child Unfit to Proceed b/c of Mental Illness				45 C.F.R. 164.502 - Public Welfare (?)
162		TX Family Code § 55.38 - Commitment Proceedings in Juvenile Court for Mental Illness				42 U.S.C.S. Part 2 (incorrect)
163		TX Family Code § 55.39 - Referral for Commitment Proceedings for Mental Illness				
164		TX Family Code § 55.40 - Report that Child is Unfit to Proceed as a Result of Mental Retardation				
165		TX Family Code § 55.41 - Commitment Proceedings in Juvenile Court for Mental Retardation				
166		TX Family Code § 55.42 - Referral for Commitment Proceedings for Mental Retardation				
167		TX Family Code § 55.55 - Report that Child is Not Mentally Ill or Mentally Retarded; Hearing on Objection				
168		TX Family Code § 55.56 - Report that Child has mental Illness; Initiation of Commitment Proceedings				
169		TX Family Code § 55.57 - Commitment Proceedings in Juvenile Court for Mental Illness				
170		TX Family Code § 55.58 - Referral for Commitment Proceedings for Mental Illness				
171		TX Family Code § 55.59 - Report that Child has Mental Retardation; Initiation of Commitment				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
172		TX Family Code § 55.60 - Commitment Proceedings in Juvenile Court for Mental Retardation				
173		TX Family Code § 55.61 - Referral for Commitment Proceedings for Mental Retardation				
174		TX Family Code § 55.01 - Proceedings Concerning Children With Mental Illness or Mental Retardation, Mental Illness Determination; Examination				45 C.F.R. § 164.512 (e)(1)(i)
175		TX Family Code § 55.01 - Proceedings Concerning Children With Mental Illness or Mental Retardation, Unfitness to Proceed Determination; Examination				45 C.F.R. § 164.512 (e)(1)(i)
176		TX H&S Code § 35.0061 - Children With Special Health Care Needs, Referral For Behavioral or Emotional Conditions				
177	Patient authorization requirements					42 C.F.R. 37.80
178	Health Care Powers of Attorney	TX H&S Code § 166.082 - Advanced Directives, Out-Of-Hospital DNR Order; Directive to Physicians	Yes			
179		TX H&S Code § 166.083 - Advanced Directives, Out-Of-Hospital DNR Order				
180		TX H&S Code § 166.084 - Advanced Directives, Issuance of Out-Of-Hospital DNR Order by Nonwritten Communication				
181		TX H&S Code § 166.085 - Advanced Directives, Execution of Out-Of-Hospital DNR Order on Behalf of a Minor				
182		TX H&S Code § 166.088 - Advanced Directives, Procedure when Declarant is Incompetent or Incapable of Communication				
183		TX H&S Code § 166.089 - Advanced Directives, Compliance with Out-Of-Hospital DNR Order				
184		TX H&S Code § 166.090 - Advanced Directives, DNR Identification Device				
185		TX H&S Code § 166.091 - Advanced Directives, Duration of Out-Of-Hospital DNR Order				
186		TX H&S Code § 166.092 - Advanced Directives, Revocation of Out-Of-Hospital DNR Order				
187		TX H&S Code § 166.093 - Advanced Directives, Reexecution of Out-Of-Hospital DNR Order				
188		TX H&S Code § 166.094 - Advanced Directives, Limitation on Liability for Withholding Cariopulmonary				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
189		TX H&S Code § 166.095 - Advanced Directives, Limitation on Liability for Failure to Effectuate Out-Of-Hospital DNR Order				
190		TX H&S Code § 166.097 - Advanced Directives, Criminal Penalty; Prosecution				
191		TX H&S Code § 166.100 - Advanced Directives, Legal Right or Responsibility Not Affected				
192		TX H&S Code § 166.152 - Advanced Directives, Scope and Duration of Authority				
193		TX H&S Code § 166.158 - Advanced Directives, Disclosure of Medical Information				
194		TX H&S Code § 166.162 - Advanced Directives, Disclosure Statement				
195		TX H&S Code § 166.163 - Advanced Directives, Form of Disclosure Statement				
196	Health Care Power of Attorney - Mental Health	H&S Code 166 (See above)	Yes		Mental health isn't specified in 166	
197	Child Protective Services	40 T.A.C. § 700.203 - Confidentiality and Release of Records				
198	Minor Wards of the State	Various Fam Code sections	Yes			45 C.F.R. 164.502
199	School based clinics	TX Educ. Code 38.009 - Access to Medical Records	Yes			34 C.F.R. Part 99.32 (FERPA) - Recordkeeping Requirements Concerning Requests and Disclosures
200		TX Educ. Code 38.0095 - Parental Access to Medical Records				
201		TX Health and Safety Code § 181.058 - Medical Records Privacy, Educational Records				
202	Child Health Plan for Certain Low Income Children	TX Health and Safety Code § 62.053 - Child Health Plan for Certain Low Income Children, Duties of Texas Department of Human Services			Should this section be added?	45 C.F.R. 164.512(d)
203		TX Health and Safety Code § 62.054 - Child Health Plan for Certain Low Income Children, Duties of Texas Department of Insurance				
204		TX Health and Safety Code § 62.055 - Child Health Plan for Certain Low Income Children, Contracts for Implementation of Child Health Plan				
205		TX Health and Safety Code § 62.0582 - Child Health Plan for Certain Low Income Children, Third Party Billing Vendors				
206		TX Health and Safety Code § 62.104 - Child Health Plan for Certain Low Income Children, Eligibility Screening and Enrollment				
207		TX Health and Safety Code § 62.151 - Child Health Plan for Certain Low Income Children, Child Health Plan Coverage				45 C.F.R. § 164.512(d)(1), 45 C.F.R. § 164.506

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
208		TX Health and Safety Code § 62.152 - Child Health Plan for Certain Low Income Children, Application of Insurance Law				
209		TX Health and Safety Code § 62.159 - Child Health Plan for Certain Low Income Children, Disease Management Services				45 C.F.R. § 164.506
210	<b>Disease/Condition Specific Provisions</b>					
211	Genetic information	Occ. Code 58	Yes		Duplicated in the Consent section	
212	HIV/AIDS information	Gov Code 501.054	Yes			45 C.F.R. 164.500
213		TX H&S Code § 85.031 - AIDS and HIV, State Grant Program to Community Organizations				
214		TX H&S Code § 85.062 - AIDS and HIV, Eligibility				
215		TX H&S Code § 85.063 - AIDS and HIV, Procedures and Eligibility Guidelines				
216		TX H&S Code § 85.082 - AIDS and HIV, Department Voluntary Testing Programs			State law is stricter by applying the prohibitions on disclosure to a broader class of persons and permitting disclosure for a more limited range of purposes	
217		TX H&S Code § 85.086 - AIDS and HIV, Reports				
218		TX H&S Code § 85.088 - AIDS and HIV, State-Funded Health Clinics				
219		TX H&S Code § 85.115 - AIDS and HIV, Confidentiality Guidelines				
220		TX H&S Code § 85.131 - AIDS and HIV, Research on Nursing Care				45 C.F.R. § 164.512(b)
221		TX H&S Code § 85.132 - AIDS and HIV, Demonstration Projects in Nursing Facilities				
222		TX H&S Code § 85.142 - AIDS and HIV, Adoption of Policy				
223		TX H&S Code § 85.143 - AIDS and HIV, Content of Policy				
224		TX H&S Code § 85.204 - AIDS and HIV, Modification of Practice				
225		TX H&S Code § 85.260 - AIDS and HIV, Confidentiality				45 C.F.R. § 164.506
226		H&S Code Chapter 81, Subchapter F				
227		Ins Code 38				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
228		Ins Code 545				
229		25 TAC § 98.111				
230		25 TAC § 98.24				
231		25 TAC § 98.83				
232	Sexually Transmitted Disease (STD) information	H&S Code, Chapter 81, Subchapter C	Yes			45 C.F.R. 164.500
233		25TAC 97				
234	Hepatitis C information	TX H&S Code § 94.003 - State Plan for Hep C, Department Voluntary Testing Programs	Yes		State law is stricter by applying the prohibitions on disclosure to a broader class of persons and permitting disclosure for a more limited range of purposes	
235	Adult Mental Health	H&S Code 611(a)(3), (6), (7), (b)	Yes			445 C.F.R. 164.502
236		H&S Code Title 7				42 U.S.C.S. Part 2
237		TX H&S Code § 533				
238		TX H&S Code § 571				
239		TX H&S Code § 573				
240		TX H&S Code § 574				
241		TX H&S Code § 575				
242		TX H&S Code § 577				
243		TX H&S Code § 591				
244		TX H&S Code § 593				
245		TX H&S Code § 594				
246		TX H&S Code § 595				
247		TX H&S Code § 597				
248		TX H&S Code § 611				
249		TX H&S Code § 612				
250		TX H&S Code § 613				
251		TX H&S Code § 614				
252		TX H&S Code § 615				
253	Communicable Disease information	TX H&S Code § 81.003 - Communicable Diseases, Definitions	Yes			42 C.F.R. part 70
254		TX H&S Code § 81.021 - Communicable Diseases, Board's Duty				
255		TX H&S Code § 81.024 - Communicable Diseases, Reports by Board				
256		TX H&S Code § 81.041 - Communicable Diseases, Reportable Diseases				
257		TX H&S Code § 81.043 - Communicable Diseases, Records and Reports of Health Authority				
258		TX H&S Code § 81.044 - Communicable Diseases, Reporting Procedures				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
259		TX H&S Code § 81.045 - Communicable Diseases, Reports of Death				
260		TX H&S Code § 81.046 - Communicable Diseases, Confidentiality				45 C.F.R. 164.512(b), 45 C.F.R. 164.502(b)(1)
261		TX H&S Code § 81.047 - Communicable Diseases, Epidemiological Reports				
262		TX H&S Code § 81.048 - Communicable Diseases, Notification of Emergency Personnel, Peace Officers, and Fire Fighters				45 C.F.R. 164.512(b), 45 C.F.R. 164.502(b)(1)
263		TX H&S Code § 81.049 - Communicable Diseases, Failure to Report: Criminal Penalty				45 C.F.R. 164.512(a)(1)
264		TX H&S Code § 81.050 - Communicable Diseases, Mandatory Testing of Persons Suspected of Exposing Certain Other Persons to Reportable Diseases				
265		TX H&S Code § 81.051 - Communicable Diseases, Partner Notification Programs, HIV Infection				
266		TX H&S Code § 81.052 - Communicable Diseases, Reports and Analyses Concerning AIDS and HIV				
267		TX H&S Code § 81.061 - Communicable Diseases, Investigation				
268		TX H&S Code § 81.064 - Communicable Diseases, Inspection				
269		TX H&S Code § 81.065 - Communicable Diseases, Right of Entry				
270		TX H&S Code § 81.081 - Communicable Diseases, Board's Duty				
271		TX H&S Code § 81.084 - Communicable Diseases, Application of Control Measures to Property				45 C.F.R. 164.512 (b)
272		TX H&S Code § 81.085 - Communicable Diseases, Area Quarantine; Criminal Penalty				
273		TX H&S Code § 81.090 - Communicable Diseases, Serologic Testing During Pregnancy				
274		TX H&S Code § 81.095 - Communicable Diseases, Testing for Accidental Exposure				
275		TX H&S Code § 81.102 - Communicable Diseases, Tests: Criminal Penalty				
276		TX H&S Code § 81.103 - Communicable Diseases, Confidentiality; Criminal Penalty			Stricter bc it applies confidentiality requirements to non-covered entities and therefore is not contrary.	45 C.F.R. § 164.512(a)(1), 45 C.F.R. § 164.512(b), 45 C.F.R. § 164.506

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
277		TX H&S Code § 81.169 - Communicable Diseases, General Provisions Relating to Hearing				
278		TX H&S Code § 81.182 - Communicable Diseases, Modification of Order for Inpatient Treatment				
279		TX H&S Code § 81.183 - Communicable Diseases, Motion for Modification of Order for Outpatient Treatment				
280		TX H&S Code § 81.184 - Communicable Diseases, Order for Temporary Detention				
281		TX H&S Code § 81.203 - Communicable Diseases, Confidentiality of Records				
282		TX H&S Code § 81.306 - Communicable Diseases, Sharps Injury Log				
283		25 TAC 97.06				45 C.F.R. 164.512
284		25 TAC 97.02				
285		25 TAC 97.11				
286		25 TAC 97.13				
287		25 TAC 97.72				
288		25 TAC 97.135				
289		25 TAC 96.402				
290						
291	Substance Abuse	H&S Code 462	Yes			42 C.F.R. Part 2
292		H&S Code 481				
293		H&S Code 466.7				
294		Occ Code 504				
295		TX H&S Code § 161.042 - Public Health Reporting, Mandatory Reporting of Controlled Substance Overdoses				45 C.F.R. § 164.512(a)(1)
296		TX H&S Code § 161.044 - Public Health Reporting, Controlled Substance Overdose Information Repository				
297		TX H&S Code § 464				
298	Reproduction rights	Fam Code 33	Yes		Duplicated in Family Planning Section above	
299	Adult Wards of the State	Various H&S and Penal Code sections				
300		Gov Code 501	Yes			
301	Emergencies/Disasters	H&S Code 773.092(e)(3), (6), (7) - confidentiality of communications during provision of emergency medical services				
302		TX Government Code § 418.175 - Emergency Management, Certain Information Confidential				45 C.F.R. § 164.524, 164.501

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
303		TX H&S Code § 771.061 - State Administration of Emergency Communications, Confidentiality of Information				
304		TX H&S Code § 773				
305	<b>Organization/Facility-Related</b>					
306	Employers	Labor Code 21	Yes			42 C.F.R. §2.1-2.67
307						42 C.F.R. 2.1
308	Pharmacy records	Occ. Code 551.003	Yes			
309		Occ Code 562.052				
310		22 TAC 291.34(k)				
311	Correctional Facilities (adult)	Various Penal Code sections	Yes			
312						
313	Correctional Facilities (minors)	Various sections of Fam Code	Yes			
314	Imaging labs and centers	State regs mirror fed regs	No			
315	Health care facilities	TX H&S Code § 164.010 - Treatment Facilities Marketing and Admission Practices, Prohibited Acts	Yes			
316		TX H&S Code § 241.051 - Hospitals, Inspections				45 C.F.R. § 164.512(a)(1), (d)(1)
317		TX H&S Code § 241.151 - Hospitals, Definitions				
318		TX H&S Code § 241.152 - Hospitals, Written Authorization for Disclosure of Health Information				45 C.F.R. § 164.508(b)(3)
319		TX H&S Code § 241.153(1)-(3) - Hospitals, Disclosure Without Written Authorization				45 C.F.R. § 164.506, 45 C.F.R. § 164.510(a)
320		TX H&S Code § 241.154 - Hospitals, Request				
321		TX H&S Code § 241.156 - Hospitals, Patient Remedies			Differs from HIPAA inasmuch as it seems to create a private cause of action for noncompliance	
322		TX H&S Code § 241.204 - Hospitals, Confidentiality, Absolute Privilege				
323		TX H&S Code § 243.006 - Ambulatory Surgical Centers, Inspections				
324		TX H&S Code § 243.054 - Ambulatory Surgical Centers, Confidentiality				
325		TX Health and Safety Code § 244.006 - Birthing Centers, Inspections			Would overlap with reproductive health section	45 C.F.R. § 164.512(d)(1), (a)(1)
326		TX Health and Safety Code § 245.006 - Abortion Facilities, Inspections				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
327		TX Health and Safety Code § 245.011 - Abortion Facilities, Reporting Requirements; Criminal Penalty				45 C.F.R. § 164.512(a)(1)
328		TX Health and Safety Code § 247 - Assisted Living Facilities				
329		TX Health and Safety Code § 262.030 - Municipal Hospital Authorities, Medical Records				
330		TX Health and Safety Code § 263.101 - County Hospitals and Other Health Facilities, Inspections				
331	School based clinics	Educ. Code 38	Yes		Duplicated in the Minors section	34 C.F.R. Part 99 (FERPA)
332	HMOs/insurance companies	Ins. Code 843	Yes			
333		TX Health and Safety Code § 181.055 - Medical Records Privacy, Employee Benefit Plan				
334		TX Insurance Code § 1551.063 - Texas Employees Group Benefits Act				
335	Testing labs	State regs mirror fed regs	No			
336	Emergency Services (Ambulance/EMT)	H&S Code 773	Yes			
337	Regulatory Agencies	TX Government Code § 531.013 - Health and Human Services Commission, Electronic Availability of Technical Assistance				
338		TX Government Code § 531.214 - Health and Human Services Commission, Medicaid Data Collection System				45 C.F.R. § 164.512(k)(6)
339		TX Government Code § 531.217(g) - Health and Human Services Commission, Reimbursements for Certain Medical Consultations				45 C.F.R. § 164.506
340		TX Government Code § 531.0315 - Health and Human Services Commission, Implementing National Electronic Data Interchange Standards for Health Care Information				
341		TX Government Code § 531.051(g) - Health and Human Services Commission, Voucher Program for Payment of Certain Services for Persons with Disabilities				45 C.F.R. § 164.502, 45 C.F.R. § 164.510(b)(1)
342		TX Government Code § 531.063(c) - Health and Human Services Commission, Vaccines for Children Program Provider Enrollment and Reimbursement			Under immunizations? Minors?	See 45 C.F.R. § 160.103(2)(ii)(B)(1)
343		TX Government Code § 531.154 - Health and Human Services Commission, Notification Required				45 C.F.R. § 164.512(d)(1), 45 C.F.R. § 164.506
344		TX Government Code § 531.161 - Health and Human Services Commission, Access to Records				45 C.F.R. § 164.512(a)(1)

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
345		TX Government Code § 552.022 - Public Information, Categories of Public Information; Examples				45 C.F.R. § 164.512(a)(1)
346		TX Government Code § 552.023 - Public Information, Special Right of Access to Confidential Information				45 C.F.R. § 164.512(a)(1)
347		TX Government Code § 552.101 - Public Information, Exception: Confidential Information				
348		TX Government Code § 552.102 - Public Information, Exception: Personnel Information				45 C.F.R. § 164.512(a)(1), 45 C.F.R. § 160.103
349		TX Government Code § 552.102 - Public Information, Exception: Litigation or Settlement Negotiations Involving the State or a Political Subdivision				45 C.F.R. § 164.512(a)(1)
350		TX Government Code § 552.115 - Public Information, Exception: Birth and Death Records				45 C.F.R. § 164.512(a)(1)
351		TX Government Code § 555.051 - State Agency Records Relating to License Holders or Other Regulated Persons, Information Sharing Among Certain Agencies				
352		TX Government Code § 559.002 - State Government Privacy Policies, Right to Be Informed About Information Collected				45 C.F.R. § 164.512(a)(1)
353		TX Government Code § 774.002 - Exchange of Information Between Regulatory Agencies, Duty to Exchange Information				45 C.F.R. § 164.512(d)(1)
354		TX Health and Safety Code § 12.002 - Powers and Duties of TX Department of Health, Board Investigations			Outdated? "TX Department of Health?"	45 C.F.R. § 164.512(b)
355		TX Health and Safety Code § 12.0123 - Powers and Duties of TX Department of Health, External Audits of Certain Medicaid Contractos				45 C.F.R. § 164.512(a)(1), 45 C.F.R. § 164.506
356		TX Health and Safety Code § 12.0124 - Powers and Duties of TX Department of Health, Electronic Transactions; State Medicaid Program			Duplicated in the Electronic section	
357		TX Health and Safety Code § 12.0145 - Powers and Duties of TX Department of Health, Information About Enforcement Actions				45 C.F.R. § 164.512(d)(1)
358		TX Health and Safety Code § 12.018 - Powers and Duties of TX Department of Health, Unannounced Inspections				45 C.F.R. § 164.512(d)(1), 45 C.F.R. § 164.512(b)(1)(i)

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
359		TX Health and Safety Code § 12.096 - Powers and Duties of TX Department of Health, Physician Report				45 C.F.R. § 164.512(b)
360		TX Health and Safety Code § 12.097 - Confidentiality Requirements				45 C.F.R. § 164.512(b)
361		TX Health and Safety Code § 104.022 - Statewide Health Coordinating Council and State Health Plan, Proposed State Health Plan				
362		TX Health and Safety Code § 104.042 - Statewide Health Coordinating Council and State Health Plan, Statewide Data Collection and Coordination				
363		TX Health and Safety Code § 108.004 - Texas Health Information Council, Meetings				
364		TX Health and Safety Code § 108.0045 - Texas Health Information Council, Open Records				
365		TX Health and Safety Code § 108.006 - Texas Health Information Council, Powers and Duties of Council				
366		TX Health and Safety Code § 108.0062 - Texas Health Information Council, Drug Purchasing Cooperatives				
367		TX Health and Safety Code § 108.007 - Texas Health Information Council, Review Powers				
368		TX Health and Safety Code § 108.008 - Texas Health Information Council, Duties of Department				
369		TX Health and Safety Code § 108.009 - Texas Health Information Council, Data Submission and Collection				
370		TX Health and Safety Code § 108.010 - Texas Health Information Council, Collection and Dissemination of Provider Quality Data				
371		TX Health and Safety Code § 108.011 - Texas Health Information Council, Dissemination of Public Use Data and Council Publications				
372		TX Health and Safety Code § 108.012 - Texas Health Information Council, Computer Access to Data				
373		TX Health and Safety Code § 108.013 - Texas Health Information Council, Confidentiality and General Access to Data				
374		TX Health and Safety Code § 108.0135 - Texas Health Information Council, Scientific Review Panel				
375		25 TAC § 1301.19, 1301.12				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
376	Other(?)	TX Health and Safety Code § 181.056 - Medical Records Privacy, American Red Cross				
377		TX Human Resources Code § 42.045(b&c) - Regulation of Certain Facilities, Homes, and Agencies that Provide Child Care Services, Records				45 C.F.R. § 164.512(a)(1)
378		TX Health and Safety Code § 252				
379		TX Health and Safety Code § 246.004 - Continuing Care Facilities, Rights of Residents				
380	<b>Public Health Reporting</b>					
381	Communicable Diseases	TX H&S Code § 81.003 - Communicable Diseases, Definitions	Yes			42 C.F.R. part 70
382		TX H&S Code § 81.021 - Communicable Diseases, Board's Duty				
383		TX H&S Code § 81.024 - Communicable Diseases, Reports by Board				
384		TX H&S Code § 81.041 - Communicable Diseases, Reportable Diseases				
385		TX H&S Code § 81.043 - Communicable Diseases, Records and Reports of Health Authority				
386		TX H&S Code § 81.044 - Communicable Diseases, Reporting Procedures				
387		TX H&S Code § 81.045 - Communicable Diseases, Reports of Death				
388		TX H&S Code § 81.046 - Communicable Diseases, Confidentiality				45 C.F.R. 164.512(b), 45 C.F.R. 164.502(b)(1)
389		TX H&S Code § 81.047 - Communicable Diseases, Epidemiological Reports				
390		TX H&S Code § 81.048 - Communicable Diseases, Notification of Emergency Personnel, Peace Officers, and Fire Fighters				45 C.F.R. 164.512(b), 45 C.F.R. 164.502(b)(1)
391		TX H&S Code § 81.049 - Communicable Diseases, Failure to Report: Criminal Penalty				45 C.F.R. 164.512(a)(1)
392		TX H&S Code § 81.050 - Communicable Diseases, Mandatory Testing of Persons Suspected of Exposing Certain Other Persons to Reportable Diseases				
393		TX H&S Code § 81.051 - Communicable Diseases, Partner Notification Programs, HIV Infection				
394		TX H&S Code § 81.052 - Communicable Diseases, Reports and Analyses Concerning AIDS and HIV				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
395		TX H&S Code § 81.061 - Communicable Diseases, Investigation				
396		TX H&S Code § 81.064 - Communicable Diseases, Inspection				
397		TX H&S Code § 81.065 - Communicable Diseases, Right of Entry				
398		TX H&S Code § 81.081 - Communicable Diseases, Board's Duty				
399		TX H&S Code § 81.084 - Communicable Diseases, Application of Control Measures to Property				45 C.F.R. 164.512 (b)
400		TX H&S Code § 81.085 - Communicable Diseases, Area Quarantine; Criminal Penalty				
401		TX H&S Code § 81.090 - Communicable Diseases, Serologic Testing During Pregnancy				
402		TX H&S Code § 81.095 - Communicable Diseases, Testing for Accidental Exposure				
403		TX H&S Code § 81.102 - Communicable Diseases, Tests: Criminal Penalty				
404		TX H&S Code § 81.103 - Communicable Diseases, Confidentiality; Criminal Penalty			Stricter bc it applies confidentiality requirements to non-covered entities and therefore is not contrary.	45 C.F.R. § 164.512(a)(1), 45 C.F.R. § 164.512(b), 45 C.F.R. § 164.506
405		TX H&S Code § 81.169 - Communicable Diseases, General Provisions Relating to Hearing				
406		TX H&S Code § 81.182 - Communicable Diseases, Modification of Order for Inpatient Treatment				
407		TX H&S Code § 81.183 - Communicable Diseases, Motion for Modification of Order for Outpatient Treatment				
408		TX H&S Code § 81.184 - Communicable Diseases, Order for Temporary Detention				
409		TX H&S Code § 81.203 - Communicable Diseases, Confidentiality of Records				
410		TX H&S Code § 81.306 - Communicable Diseases, Sharps Injury Log				
411	Newborn screening	25 TAC 37.503(d)		Yes		
412		25 TAC 37.507				
413		25 TAC 37.509				
414		25 TAC 37.510				
415		25 TAC 37.511				
416		25 TAC 73.21				
417		H&S Code 47.008, 87				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
418		TX Health and Safety Code § 47.003 - Newborn Hearing Screening, Tracking and Intervention Program				45 C.F.R. § 164.512(b)
419		TX Health and Safety Code § 47.005 - Hearing Loss in Newborns, Information Concerning Screening Results and Follow-up Care				45 C.F.R. § 164.512(b)
420		TX Health and Safety Code § 47.007 - Hearing Loss in Newborns, Information Management, Reporting, and Tracking System				45 C.F.R. § 164.512(b), 164.502 (g)
421		TX Health and Safety Code § 47.008 - Hearing Loss in Newborns, Confidentiality and General Access to Data				45 C.F.R. § 164.512(b)
422	Vital records (birth/death certificates)	TX H&S Code § 191.001 - Administration of Vital Statistics Records, Definition		Yes		45 C.F.R. § 164.512(b)
423		TX H&S Code § 191.002 - Administration of Vital Statistics Records, Records of Persons in Hospitals and Institutions				45 C.F.R. § 164.512(a)(1), 45 C.F.R. § 164.512(b)
424		TX H&S Code § 191.023 - Administration of Vital Statistics Records, Consolidation of County and Municipal Maintenance of Birth and Death Records				
425		TX H&S Code § 191.025 - Administration of Vital Statistics Records, Record Books and Certificates				
426		TX H&S Code § 191.026 - Administration of Vital Statistics Records, Local Records				
427		TX H&S Code § 191.031 - Administration of Vital Statistics Records, Review of Certificates by State Registrar				
428		TX H&S Code § 191.032 - Administration of Vital Statistics Records, State Records				
429		TX H&S Code § 191.034 - Administration of Vital Statistics Records, Notation of Death and Birth Certificate				
430		TX H&S Code § 192.001 - Birth Records, Registration Required				
431		TX H&S Code § 192.002 - Birth Records, Form of Birth Certificate				
432		TX H&S Code § 192.0021 - Birth Records, Heirloom Birth Certificate				
433		TX H&S Code § 192.003 - Birth Records, Birth Certificate Filed or Birth Reported				
434		TX H&S Code § 192.0031 - Birth Records, Information of Birth to School-Age Mother				
435		TX H&S Code § 192.004 - Birth Records, Information Obtained by Local Registrar				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
436		TX H&S Code § 192.005 - Birth Records, Record of Paternity				
437		TX H&S Code § 192.0051 - Birth Records, Report of Determination of Paternity				
438		TX H&S Code § 192.007 - Birth Records, Supplementary Certificates for Child Who Dies before Adoption			This would also fall under "adoption"	
439		TX H&S Code § 192.008 - Birth Records, Birth Records of Adopted Person				
440		TX H&S Code § 192.009 - Birth Records, Certificate of Adoption, Annulment of Adoption, or Revocation of Adoption				
441		TX H&S Code § 192.010 - Birth Records, Change of Name				
442		TX H&S Code § 192.011 - Birth Records, Amending Birth Certificate				
443		TX H&S Code § 192.012 - Birth Records, Record of Acknowledgement of Paternity				
444		TX H&S Code § 193.000 - Death Records				
445		TX H&S Code § 195.005 - Enforcement of Vital Statistics Reporting, Disclosure of Confidential Information				
446		TX Family Code § 108.110 - Central Record File;Vital Statistics, Release of Information by Bureau of Vital Statistics				
447	Registeries - Cancer, Disease, EMS/Trauma	TX H&S Code § 87.006 - Cancer Registries, Board Powers		Yes		
448		TX H&S Code § 87.007 - Cancer Registries, Reports				
449		TX H&S Code § 87.008 - Cancer Registries, Data From Medical Records				45 C.F.R. § 164.512(b)
450		TX H&S Code § 87.009 - Cancer Registries, Confidentiality				
451		TX H&S Code § 87.010 - Cancer Registries, Immunity From Liability				
452		H&S Code 92				
453		H&S Code 161				
454		H&S Code 181				
455		H&S Code 773.001				
456		25 TAC 103.3				
457		25 TAC 37.306, 37.511				
458		25 TAC 91.3				
459		25 TAC 157				
460		25 TAC § 91.4				

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
461	Immunization reporting	TX H&S Code § 161.002 - Public Health Provisions, Inadmissibility of Immunization Survey Information		Yes		45 C.F.R. 164.512
462		TX H&S Code § 161.003 - Public Health Provisions, Immunization Reminder Notices Relates				
463		TX H&S Code § 161.005 - Public Health Provisions, Immunizations Required				45 C.F.R. 164.512 (a)(1)
464		TX H&S Code § 161.007 - Public Health Provisions, Immunizations Registry; Reports to Department				
465		TX H&S Code § 161.008 - Public Health Provisions, Immunization Record				
466		TX H&S Code § 161.021 - Public Health Provisions, Authorization to Provide Information; Use of Information; Liability				45 C.F.R. 164.512 (i)
467		TX H&S Code § 161.0211 - Public Health Provisions, Epidemiologic or Toxicologic Investigations				45 C.F.R. 164.512 (a)(1), (b)
468		TX H&S Code § 161.0212 - Public Health Provisions, Right of Entry				45 C.F.R. 164.512 (b)
469		TX H&S Code § 161.0213 - Public Health Provisions, Confidentiality				
470		TX H&S Code § 161.0212 - Public Health Provisions,				
471		25 TAC § 100.2 - Inclusion of Information and Confidentiality				
472		25 TAC § 100.5 - Reportable Information				
473		25 TAC § 100.6 - Information Included in the Immunization Registry Prior to Sept. 1, 1997				
474		25 TAC § 100.7 - Data Quality Assurance				
475		25 TAC § 100.11 - Confidentiality				
476	<b>Professional Status</b>					
477		TX H&S Code § 161.132 - Public Health Reporting, Reports of Abuse and Neglect or Illegal, Unprofessional, or Unethical Conduct				45 C.F.R. 164.512 (a)(1)
478	Health profession licensing	Occ. Code Title 3	Yes			
479	Health professional accreditation					
480	<b>Penalties/Remedies</b>					
481	Statutory right to sue for damages related to health information	Various H&S Code, 22 TAC sections	Yes			
482	Common law right to sue for damages related to health information					

TEXAS COMPARATIVE ANALYSIS MATRIX: Current Federal and State Privacy Laws

	SUBJECT MATTER	STATE LAW	STATE LAW MORE STRINGENT THAN FEDERAL LAW?		Issues/ Comments	FEDERAL LAW
			Patient Care	Population Health		
483	Criminal Provisions - Wrongful Access	Various H&S and Occ Code sections	Yes			
484		TX Human Resources Code § 12.003 - Penal Provisions, Disclosure of Information				
485		TX Government Code § 552.352 - Public Information, Distribution or Misuse of Confidential Information				45 C.F.R. 164.512 (a)(1)
486	<b>Miscellaneous</b>					
487	Restrictions on use of social security number	B&C Code 20.02	Yes			
488		B&C Code 35.58				
489	Health research	Various in Educ., H&S, and Gov Codes	Yes			

**LIST BELOW RELEVANT AREAS INCLUDED IN STATE ANALYSIS (OR OF WHICH YOU ARE AWARE) FOR THIS STATE  
NOT INCLUDED IN ABOUT LISTING**

AREA	Issues/Comments	STATE LAW MORE STRINGENT Y/N
TX H&S Code § 93 - Prevention of Cardiovascular Disease and Stroke		
TX H&S Code § 95 - Children's Asthma Disease Management Pilot Study		
TX H&S Code § 101 - TX Council on Alzheimer's Disease and Related Disorders		
TX H&S Code § 103 - TX Diabetes Council		
TX H&S Code § 104 - Statewide Health Coordinating Council and State Health Plan		
TX H&S Code § 161.0212 - .041 - Public Health Provisions		
TX H&S Code § 162 - Blood Banks and Donation of Blood		
TX H&S Code § 166 - Advance Directives		
TX Government Code § 815.503 - Public Retirement Systems, Administration, Records		
TX Government Code § 815.507 - Public Retirement Systems, Administration, Record Confidentiality		
TX Government Code § 815.507 - Public Retirement Systems, Administration, Confidentiality of Information About	Check number again - duplicated	
TX H&S Code § 31.008 - Primary Health Care, Eligibility for Service		
TX H&S Code § 31.015 - Primary Health Care, Records and Review		
TX H&S Code § 44.071 - Sexual Assault Prevention and Crisis Services		
TX H&S Code § 46.004 - Tertiary Medical Care, Collection of Information		
TX H&S Code § 61 - Indigent Health Care and Treatment Act		
TX H&S Code § 142 - Home and Community Support Services		
TX Health and Safety Code § 107.003 - Health Disparities Task Force, Duties		
TX Health and Safety Code § 242 - Convalescent and Nursing Homes and Related Institutions		
TX Health and Safety Code § 249 - Maternity Homes		
TX Health and Safety Code § 252 - Intermediate Care Facilities for the Mentally Retarded		
TX Health and Safety Code § 281 - Hospital Districts in Counties of At Least 190,000		