

BILL ANALYSIS

Senate Research Center
76R8600 KLA-D

H.B. 2455
By: Edwards (Ellis)
Jurisprudence
5/13/1999
Engrossed

DIGEST

It may be difficult for a nonparent, a licensed child placement agency, or another authorized agency to obtain access to a child's medical records when the child is under the care of that person or agency, even if that person or entity has been appointed as managing conservator or joint managing conservator of the child. H.B. 2455 authorizes a nonparent, licensed child-placing agency, or other agency appointed as managing conservator of a child to have access to the medical records of the child. This bill also allows a nonparent, joint managing conservator access to a child's medical records, unless limited by court order or other provisions of Chapter 153, Family Code (Conservatorship, Possession, and Access).

PURPOSE

As proposed, H.B. 2455 authorizes a nonparent, licensed child-placing agency, or other agency appointed as managing conservator, or a nonparent joint managing conservator of a child to have access to the medical records of the child.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.371, Family Code, to provide that a nonparent, licensed child placing agency, or authorized agency appointed as a managing conservator of a child, have access to the child's medical records.

SECTION 2. Amends Chapter 153G, Family Code, by adding Section 153.3721, as follows:

Sec. 153.3721. ACCESS TO CERTAIN RECORDS BY NONPARENT JOINT MANAGING CONSERVATOR. Provides that a nonparent managing joint conservator has the right of access to a child's medical records without regard to whether the right is specified in an order, unless limited by court order or other provisions of this chapter.

SECTION 3. (a) Effective date: September 1, 1999.

(b) Provides that this Act entitles a person to access to medical records regardless of when the records were made.

SECTION 4. Emergency clause.