

1-1 By: Scott (Senate Sponsor - Harris) H.B. No. 2488  
1-2 (In the Senate - Received from the House April 26, 2011;  
1-3 May 4, 2011, read first time and referred to Committee on  
1-4 Jurisprudence; May 12, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 12, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2488 By: Harris

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to access to a child's medical records by the child's  
1-11 attorney ad litem, guardian ad litem, or amicus attorney.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 107.006, Family Code, is amended by  
1-14 amending Subsections (a) and (c) and adding Subsections (d), (e),  
1-15 and (f) to read as follows:

1-16 (a) In [~~Except as provided by Subsection (c), in~~]  
1-17 conjunction with an appointment under this chapter, other than an  
1-18 appointment of an attorney ad litem for an adult or a parent, the  
1-19 court shall issue an order authorizing the attorney ad litem,  
1-20 guardian ad litem for the child, or amicus attorney to have  
1-21 immediate access to the child and any information relating to the  
1-22 child.

1-23 (c) Without requiring a further order or release, the  
1-24 custodian of a [A] medical, mental health, or drug or alcohol  
1-25 treatment record of a child that is privileged or confidential  
1-26 under other law shall release the record [may be released] to a  
1-27 person authorized to access the record [appointed] under Subsection  
1-28 (a), except that a child's drug or alcohol treatment record that is  
1-29 confidential under 42 U.S.C. Section 290dd-2 may only be released  
1-30 as provided under applicable federal regulations [only in  
1-31 accordance with the other law].

1-32 (d) The disclosure of a confidential record under this  
1-33 section does not affect the confidentiality of the record, and the  
1-34 person provided access to the record may not disclose the record  
1-35 further except as provided by court order or other law.

1-36 (e) Notwithstanding the provisions of this section, the  
1-37 requirements of Section 159.008, Occupations Code, apply.

1-38 (f) Records obtained under this section shall be destroyed  
1-39 on termination of the appointment.

1-40 SECTION 2. This Act takes effect immediately if it receives  
1-41 a vote of two-thirds of all the members elected to each house, as  
1-42 provided by Section 39, Article III, Texas Constitution. If this  
1-43 Act does not receive the vote necessary for immediate effect, this  
1-44 Act takes effect September 1, 2011.

1-45 \* \* \* \* \*