

By: Harris, Huffman

S.B. No. 715

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to access to a child's medical records by the child's  
3 attorney ad litem, guardian ad litem, or amicus attorney.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 107.006, Family Code, is amended by  
6 amending Subsections (a) and (c) and adding Subsection (d) to read  
7 as follows:

8 (a) In [~~Except as provided by Subsection (c), in~~]  
9 conjunction with an appointment under this chapter, other than an  
10 appointment of an attorney ad litem for an adult or a parent, the  
11 court shall issue an order authorizing the attorney ad litem,  
12 guardian ad litem for the child, or amicus attorney to have  
13 immediate access to the child and any information relating to the  
14 child.

15 (c) Without requiring a further order or release, the  
16 custodian of a [A] medical, mental health, or drug or alcohol  
17 treatment record of a child that is privileged or confidential  
18 under other law shall release the record [~~may be released~~] to a  
19 person authorized to access the record [~~appointed~~] under Subsection  
20 (a), except that a child's drug or alcohol treatment record that is  
21 confidential under 42 U.S.C. Section 290dd-2 may only be released  
22 as provided under applicable federal regulations [~~only in~~  
23 ~~accordance with the other law~~].

24 (d) The disclosure of a confidential record under this

1 section does not affect the confidentiality of the record, and the  
2 person provided access to the record may not disclose the record  
3 further except as provided by court order or other law.

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