

By: Krause

H.B. No. 3746

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to certain health records and information by
3 certain individuals regarding a child placed in foster care.

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

5 SECTION 1. Section 162.0062, Family Code, is amended by
6 amending Subsection (a-1) and adding Subsection (a-2) to read as
7 follows:

8 (a-1) If a child is placed with a prospective adoptive
9 parent prior to adoption or if a child who is medically fragile is
10 placed with or is to be placed with a foster parent, the prospective
11 adoptive parent, the foster parent, or the prospective foster
12 parent, as applicable, is entitled to examine any record or other
13 information relating to the child's health history, including the
14 portion of the report prepared under Section 162.005 for the child
15 that relates to the child's health. The department, licensed
16 child-placing agency, single source continuum contractor, or other
17 person placing a child for adoption shall inform the prospective
18 adoptive parent, the foster parent, or the prospective foster
19 parent of that individual's [~~the prospective adoptive parent's~~]
20 right to examine the records and other information relating to the
21 child's health history. The department, licensed child-placing
22 agency, single source continuum contractor, or other person placing
23 the child for adoption shall edit the records and information to
24 protect the identity of the biological parents and any other person

1 whose identity is confidential.

2 (a-2) In this section, "child who is medically fragile"
3 means a child who qualifies for benefits under the medically
4 dependent children (MDCP) waiver program.

5 SECTION 2. This Act takes effect September 1, 2019.