88R8949 AMF-F

By:  Campos H.B. No. 2150

A BILL TO BE ENTITLED

AN ACT

relating to examinations for certain children in the conservatorship of the Department of Family and Protective Services.

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

SECTION 1.  Section 264.1076, Family Code, is amended by amending Subsections (b), (c), (e), and (i) and adding Subsection (b-1) to read as follows:

(b)  The department shall ensure that each child described by Subsection (a) receives an initial medical examination, including a comprehensive physical examination, from a physician or other health care provider authorized under state law to conduct medical examinations not later than the end of the third business day after the date the child is removed from the child's home. Not later than the end of the 10th day after the date the child is removed from the child's home, the department shall ensure the child receives [~~, if the child~~]:

(1)  a dental examination, from a person licensed to practice dentistry in this state, if the child is at least six months of age [~~is removed as the result of sexual abuse, physical abuse, or an obvious physical injury to the child~~]; [~~or~~]

(2)  a comprehensive eye examination, from a person licensed to practice optometry in this state, if the child is at least six months of age; and

(3)  a psychological examination from a person licensed to engage in the practice of psychology in this state, if the child is at least four years of age [~~has a chronic medical condition, a medically complex condition, or a diagnosed mental illness~~].

(b-1)  If a child described by Subsection (a) is missing from the home of the child's substitute care provider for 30 or more consecutive days, the department must ensure that not later than the end of the third business day after the child returns to the care and control of the department, the child receives:

(1)  a medical examination, including a comprehensive physical examination, from a physician or other health care provider authorized under state law to conduct medical examinations; and

(2)  a psychological examination, from a person licensed to engage in the practice of psychology in this state, if the child is at least four years of age.

(c)  Notwithstanding Subsection (b) or (b-1), the department shall ensure that any child who enters the conservatorship of the department receives any necessary emergency medical care as soon as possible.

(e)  Whenever possible, the department shall schedule the examinations required under this section [~~medical examination~~] for a child before the last [~~business~~] day of the appropriate time frame provided under Subsection (b) or (b-1).

(i)  Not later than the 10th day of the month following each calendar quarter [~~December 31, 2019~~], the department shall submit a report to the standing committees of the house of representatives and the senate with primary jurisdiction over child protective services and foster care evaluating the statewide implementation of the medical examination required by this section for the preceding calendar quarter. The report must include the level of compliance with the requirements of this section in each region of the state.

SECTION 2.  Section 264.1076, Family Code, as amended by this Act, applies to a child who enters the conservatorship of the Department of Family and Protective Services or is returned to the care and control of the department after being missing from the home of the child's substitute care provider on or after the effective date of this Act. A child who entered the conservatorship of the department or who was returned to the care and control of the department before the effective date of this Act is governed by the law in effect on the date the child entered the conservatorship of the department or was returned to the care and control of the department, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.