

By: Campos

H.B. No. 2150

A BILL TO BE ENTITLED

1 AN ACT
2 relating to examinations for certain children in the
3 conservatorship of the Department of Family and Protective
4 Services.

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

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

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

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

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

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

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

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

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

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

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

25 (i) Not later than the 10th day of the month following each
26 calendar quarter [~~December 31, 2019~~], the department shall submit a
27 report to the standing committees of the house of representatives

1 and the senate with primary jurisdiction over child protective
2 services and foster care evaluating the statewide implementation of
3 the medical examination required by this section for the preceding
4 calendar quarter. The report must include the level of compliance
5 with the requirements of this section in each region of the state.

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

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