

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1569

By: Representative K. Brown

For An Act To Be Entitled

AN ACT CONCERNING THE RIGHT OF A PARENT, GUARDIAN, OR CUSTODIAN TO BE PROVIDED WITH THE MEDICAL RECORDS OF A CHILD WHO HAS BEEN REMOVED FROM THE CUSTODY OF THE PARENT, GUARDIAN, OR CUSTODIAN OR IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE RIGHT OF A PARENT, GUARDIAN, OR CUSTODIAN TO BE PROVIDED WITH THE MEDICAL RECORDS OF A CHILD WHO HAS BEEN REMOVED FROM HIS OR HER CUSTODY OR IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 3, is amended to add an additional section to read as follows:

9-27-372. Right of parent, guardian, or custodian to medical records of child – Definitions.

(a) As used in this section:

(1) "Custodian" means the same as defined under § 9-27-303;

(2) "Guardian" means a person, agency, or institution, as defined by § 28-65-101 et seq., who was granted guardianship of the person of a child by a court of competent jurisdiction whose:

(A) Ward, the child, has been removed from the custody of



the guardian or is in the custody of the Department of Human Services; and

(B) Guardianship over the child has not been terminated;

(3) "Medical records" means hospital or clinic records, physicians' records, or other healthcare records, including without limitation:

(A) An admissions form, discharge summary, history and physical, progress notes, physicians' orders, reports of operations, recovery room records, lab reports, consultation reports, medication administration records, nurses' notes, and other reports catalogued and maintained by the medical records department of a hospital, doctor's office, medical clinic, or any other medical facility; and

(B) A paper entry, electronic entry, or image that is:

(i) Captured in relation to a diagnosis, treatment, or other service provided to a child; or

(ii) Relied upon by a healthcare provider to diagnose or provide treatment or other services to a child; and

(4) "Parent" means a parent of a child whose:

(A) Child has been removed from the custody of the parent or is in the custody of the Department of Human Services; and

(B) Parental rights concerning the child have not been terminated.

(b)(1) A parent, guardian, or custodian shall have the right to request and obtain the medical records of his or her child, ward, or child of whom the custodian has custody regardless of whether the child has been removed from the custody of the parent, guardian, or custodian or is in the custody of the Department of Human Services.

(2)(A) A healthcare institution from which a child receives treatment or services shall provide the parent, guardian, or custodian of the child with the medical records of the child upon the request of the parent, guardian, or custodian.

(B) A healthcare institution shall comply with subdivision (b)(2)(A) of this section regardless of whether the child has been removed from the custody of the parent, guardian, or custodian or is in the custody of the Department of Human Services.

(c)(1) The Department of Human Services shall execute any consent required in order for a parent, guardian, or custodian to obtain the medical

records of his or her child, ward, or child of whom the custodian has custody under this section.

(2) A person or entity with which a child is placed shall execute any consent required in order for the parent, guardian, or custodian of the child to obtain the medical records of the child under this section.

(d) A court with jurisdiction over a child shall enter an order requiring a person or entity with which the child is placed, a healthcare institution, or the Department of Human Services to comply with this section.