

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1569

5 By: Representative K. Brown
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE RIGHT OF A PARENT, GUARDIAN, OR
9 CUSTODIAN TO BE PROVIDED WITH THE MEDICAL RECORDS OF
10 A CHILD WHO HAS BEEN REMOVED FROM THE CUSTODY OF THE
11 PARENT, GUARDIAN, OR CUSTODIAN OR IS IN THE CUSTODY
12 OF THE DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER
13 PURPOSES.
14
15

Subtitle

16 CONCERNING THE RIGHT OF A PARENT,
17 GUARDIAN, OR CUSTODIAN TO BE PROVIDED
18 WITH THE MEDICAL RECORDS OF A CHILD WHO
19 HAS BEEN REMOVED FROM HIS OR HER CUSTODY
20 OR IS IN THE CUSTODY OF THE DEPARTMENT OF
21 HUMAN SERVICES.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

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

29 9-27-372. Right of parent, guardian, or custodian to medical records
30 of child – Definitions.

31 (a) As used in this section:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36