

CHAPTER 651

H.B. No. 2458

AN ACT

relating to the authority of the Department of Protective and Regulatory Services or another state agency to obtain certain records or documents.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter C, Chapter 48, Human Resources Code, is amended by adding Section 48.0385 to read as follows:

*Sec. 48.0385. ACCESS TO RECORDS OR DOCUMENTS. (a) The department shall have access to any records or documents, including client-identifying information, necessary to the performance of duties required under this chapter. The duties include but are not limited to the investigation of abuse, exploitation, or neglect and the provisions of services to an elderly or disabled person. If the department or another state agency cannot obtain access to a record or document that is necessary to properly conduct an investigation under this chapter, the department or agency may petition the probate court or the statutory or constitutional county court having probate jurisdiction for access to the record or document.*

*(b) On good cause shown, the court shall order the person who denied access to a record or document to allow the department or agency to have access under the terms and conditions prescribed by the court.*

*(c) A person is entitled to notice and a hearing on the petition.*

*(d) Access to a confidential record under this section does not constitute a waiver of confidentiality.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 15, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 2458 on May 24, 1993, by a non-record vote; passed by the Senate, with amendments, on May 20, 1993: Yeas 30, Nays 0.

Approved June 12, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.