CHAPTER 1069

H.B. No. 3259

AN ACT
relating to certain investigation records in child abuse and neglect cases and to information regarding a child available to prospective adoptive parents.

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

SECTION 1. Section 162.006, Family Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The department, licensed child-placing agency, or other person[or entity] placing a child for adoption shall inform the prospective adoptive parents of their right to examine the records and other information relating to the history of the child. The department, licensed child-placing agency, or other person[or entity] placing the child for adoption shall edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

(a-1) The records described by Subsection (a) must include any records relating to an investigation of abuse in which the child was an alleged or confirmed victim of sexual abuse while residing in a foster home or other residential child-care facility. If the licensed child-placing agency or other person placing the child for adoption does not have the information required by this subsection, the department, at the request of the licensed child-placing agency or other person placing the child for adoption, shall provide the information to the prospective adoptive parents of the child.

SECTION 2. Section 264.0145(a), Family Code, is amended to read as follows:

(a) In this section, “case record” means those files, reports, records, communications, audio recordings, video recordings [audiotapes, videotapes], or working papers under the custody and control of the department that are collected, developed, or used:

(1) in a child abuse or neglect investigation; or

(2) in providing services as a result of an investigation, including substitute care services for a child.

SECTION 3. Sections 264.408(d), (d-1), and (e), Family Code, are amended to read as follows:

(d) A video recording of an [videotaped] interview of a child that is made at a center is the property of the prosecuting attorney involved in the criminal prosecution of the case involving the child. If no criminal prosecution occurs, the video recording [videotaped interview] is the property of the attorney involved in representing the department in a civil action alleging child abuse or neglect. If the matter involving the child is not prosecuted, the video recording [videotape] is the property of the department if the matter is an investigation by the department of abuse or neglect. If the department is not investigating or has not investigated the matter, the video recording [videotape] is the property of the agency that referred the matter to the center. If the center employs a custodian of records for video recordings of [videotaped] interviews of children, the center is responsible for the custody of the video recording [videotape]. A video recording of an [videotaped] interview may be shared with other agencies under a written agreement.

(d-1) A video recording of an [videotaped] interview described by Subsection (d) is subject to production under Article 39.14, Code of Criminal Procedure, and Rule 615, Texas Rules of Evidence. A court shall deny any request by a defendant to copy, photograph, duplicate, or otherwise reproduce a video recording [videotape] of an interview described by Subsection
(d), provided that the prosecuting attorney makes the video recording [videotape] reasonably available to the defendant in the same manner as property or material may be made available to defendants, attorneys, and expert witnesses under Article 39.15(d), Code of Criminal Procedure.

(e) The department shall be allowed access to a center’s video recordings of interviews of children.

SECTION 4. This Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 3259 on May 23, 2013: Yeas 145, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1070

H.B. No. 3276

AN ACT

relating to the coverage by certain health benefit plans for the screening and treatment of autism spectrum disorder.

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

SECTION 1. Section 1355.015, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (f) to read as follows:

(a) At a minimum, a health benefit plan must provide coverage for screening a child for autism spectrum disorder at the ages of 18 and 24 months.

(a-1) At a minimum, a health benefit plan must provide coverage for treatment of autism spectrum disorder as provided by this section to an enrollee who is diagnosed with autism spectrum disorder from the date of diagnosis until the enrollee completes nine years of age. If an enrollee who is being treated for autism spectrum disorder becomes 10 years of age or older and continues to need treatment, this subsection does not preclude coverage of treatment and services described by Subsection (b).

(b) The health benefit plan must provide coverage under this section to the enrollee for all generally recognized services prescribed in relation to autism spectrum disorder by the enrollee’s primary care physician in the treatment plan recommended by that physician. An individual providing treatment prescribed under this subsection must be:

(1) a health care practitioner:

(A) (41) who is licensed, certified, or registered by an appropriate agency of this state;

(B) (62) whose professional credential is recognized and accepted by an appropriate agency of the United States; or

(C) (39) who is certified as a provider under the TRICARE military health system; or

(2) an individual acting under the supervision of a health care practitioner described by Subdivision (1).

(f) Subsection (a) does not apply to a qualified health plan defined by 45 C.F.R. Section 155.20 if a determination is made under 45 C.F.R. Section 155.170 that:

(1) this subchapter requires the qualified health plan to offer benefits in addition to the essential health benefits required under 42 U.S.C. Section 18022(b); and

(2) this state must make payments to defray the cost of the additional benefits mandated by this subchapter.

SECTION 2. Section 1355.015, Insurance Code, as amended by this Act, applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2014. A