

By: Klick

H.B. No. 3735

A BILL TO BE ENTITLED

AN ACT

relating to an electronic portal for disclosures and consent regarding certain newborn screening information.

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

SECTION 1. Section 33.0111(c), Health and Safety Code, is amended to read as follows:

(c) At the time a newborn child is subjected to screening tests under Section 33.011 or at a time before the screening as determined by~~[7]~~ the physician attending a newborn child or the person attending the delivery of a newborn child that is not attended by a physician, the physician or person shall provide the parent, managing conservator, or guardian of a newborn child a copy of the written disclosure statement developed by the department under this section.

SECTION 2. Subchapter B, Chapter 33, Health and Safety Code, is amended by adding Section 33.0113 to read as follows:

Sec. 33.0113. ELECTRONIC PORTAL. (a) Each birthing facility or other entity at which screening tests required under this chapter are conducted may maintain an electronic portal through which a parent, managing conservator, or guardian of a newborn child may:

(1) access and confirm receipt of the disclosure statement described by Section 33.0111 before or at the time of the newborn screening;

1 (2) request an exemption to the screening tests under
2 Section 33.012 before the newborn screening; and

3 (3) provide electronic consent, including through
4 audio or video recording, to the disclosure of screening results
5 under Section 33.018(c-1) before or at the time of the screening.

6 (b) An electronic portal described by Subsection (a) must
7 allow a parent, managing conservator, or guardian of a newborn
8 child to revoke or modify the request for an exemption or consent to
9 the disclosure of information provided through the portal.

10 SECTION 3. Section 47.007(g), Health and Safety Code, is
11 amended to read as follows:

12 (g) The department shall ensure that the written or
13 electronic consent of a parent is obtained before any information
14 individually identifying the newborn or infant is released through
15 the information management, reporting, and tracking system.

16 SECTION 4. Section 47.008(c), Health and Safety Code, is
17 amended to read as follows:

18 (c) The executive commissioner by rule shall develop
19 guidelines to protect the confidentiality of patients in accordance
20 with Chapter 159, Occupations Code, and require the written or
21 electronic consent of a parent or guardian of a patient before any
22 individually identifying information is provided to the department
23 as set out in this chapter. The department shall permit a parent or
24 guardian at any time to withdraw information provided to the
25 department under this chapter.

26 SECTION 5. Chapter 47, Health and Safety Code, is amended by
27 adding Section 47.0085 to read as follows:

1 Sec. 47.0085. ELECTRONIC PORTAL. (a) Each birthing
2 facility or other entity at which screening tests required under
3 this chapter are conducted may maintain an electronic portal
4 through which a parent of a newborn child may:

5 (1) receive notice of the screening requirements;
6 (2) electronically decline the screening; and
7 (3) provide electronic consent, including through
8 audio or video recording, to the disclosure of any information for
9 which consent is required under Sections [47.007](#) and [47.008](#).

10 (b) An electronic portal described by Subsection (a) must
11 allow a parent of a newborn child to revoke or modify any consent to
12 the disclosure of information and other information provided
13 through the portal.

14 SECTION 6. As soon as practicable after the effective date
15 of this Act, the executive commissioner of the Health and Human
16 Services Commission shall adopt rules necessary to implement the
17 changes in law made by this Act.

18 SECTION 7. This Act takes effect September 1, 2019.