

- SUBJECT:** Release of medical records of missing persons
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 6 ayes — Brady, Cuellar, De La Garza, Puente, Van de Putte, Goodman
0 nays
3 absent — Cook, Naishtat, Williamson
- WITNESSES:** For — None
Against — None
On — Deanna Tidwell, Texas Department of Public Safety, Missing Persons Clearing House
- BACKGROUND:** Human Resources Code sec. 79.006 permits release of dental records for missing persons but not medical records.

The National Child Search Assistance Act directs law enforcement agencies to enter all available information into the National Crime Information Center (NCIC) of the FBI. The Missing Person Clearinghouse (MPCH) is used as a central repository for information on unidentified living or deceased persons. Law enforcement agencies cross-check information with NCIC to attempt to match unidentified bodies with missing-person reports.
- DIGEST:** CSHB 76 would authorize a physician, hospital or other health care provider to release medical information on a missing child or adult to law enforcement authorities. Medical release forms would have to be signed by the parent, spouse, adult child or legal guardian filing the missing person report. A medical record of a missing child could be released only if authorized by a parent or legal guardian.

A law enforcement officer taking a missing persons report for a missing adult would have to file a statement that the person was missing or that there was reason to believe the person was not voluntarily missing. The release would have to be signed by the missing adult's spouse, adult child,

parent or, if the missing adult was mentally or physically impaired, the legal guardian.

Medical records received by law enforcement agencies would have to be sent to MPCH. The medical records could not be disclosed either by law enforcement agencies or MPCH unless permitted by law. Any information obtained could only be used for purposes related to locating the missing person.

A judge of any court of record, upon a showing of good cause, could authorize the release of medical records of missing children or adults.

Physicians, health care facilities and other licensed health care providers that release medical record information under a proper release would be immune from civil liability or criminal prosecution for the release.

CSHB 76 would take effect immediately if approved by two-thirds of the membership of each house.

NOTES:

The original version of HB 76 did not include provisions for missing adults nor did it require law enforcement officers to complete and obtain proper signatures on medical release forms. The committee substitute added language relating to other licensed health care providers being able to release information to law enforcement and also stipulates that medical records obtained could not be disclosed for any purpose other than for locating the missing person.

A related bill, HB 223 by Muñoz, amending the definition of missing children, was placed on the Senate Local and Uncontested Calendar for May 12.