



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: HHS DP 6-4-0-0

HB 2183: parental rights; medical records
Sponsor: Representative Willoughby, LD 13
House Engrossed

Overview

Entitles parents with the right to receive from a health care entity equivalent access to any electronic portal or other health care delivery platform for their minor child.

History

As outlined in the parents' bill of rights, all parental rights are exclusively reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision, any other governmental entity or other institution. This includes:

- 1) the right to make all health care decisions for the minor child, including the right to not consent to the immunization of their child, the right to consent to mental health treatment or screening for their child and the right to consent to surgical procedures for their child; and
- 2) the right to request, access and review all written and electronic medical records of the minor child unless otherwise prohibited by law or unless the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement officially requests that the information not be released (A.R.S. §§ [1-602](#), [15-873](#), [36-2271](#), [36-2272](#)).

Medical services that do not require parental consent include:

- 1) when it has been determined by a physician that an emergency exists and is necessary to perform surgical procedures for the treatment of a serious disease, injury or drug abuse, to save the life of the patient, or when such parent or legal guardian cannot be located or contacted after reasonably diligent effort;
- 2) when an emergency exists that requires a person to perform mental health screening or provide mental health treatment to prevent serious injury or save the life of a minor child;
- 3) in emergency cases in which a minor needs immediate hospitalization, medical attention or surgery and after reasonable efforts made under the circumstances, the parents of such minor cannot be located for the purpose of consenting thereto, consent for said emergency attention may be given by any person standing in loco parentis to said minor; and
- 4) any minor who is at least 12 years old who is found, upon diagnosis of a licensed physician or registered nurse practitioner, to be under the influence of a dangerous drug or narcotic, which includes withdrawal symptoms, may be considered an emergency case and the minor is considered as having consented to hospital or medical care needed for treatment for that condition (A.R.S. §§ [36-2271](#), [36-2272](#), [44-133](#), [44-133.01](#)).

Provisions

1. Requires a health care entity to give parents equivalent access to any electronic portal and any other health care delivery platform throughout the minority of their child. (Sec. 1)
2. Specifies that a parents right to request, access and review all written and electronic medical records of the minor child includes access to written and electronic medical records for services not requiring parental consent, including those in certain emergency circumstances, unless otherwise prohibited by law or a parent is the subject of an investigation of a crime committed against the minor child and law enforcement requests that the information not be released. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note