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## **Final PC 883 (SB 259) Parent Access to Minor Children Records Summary**

This new law makes several important amendments relative to parental access to the medical records of unemancipated minors. Effective May 5, 2026. Parental access to most of their unemancipated minor child's medical records from private physician offices are not changed by 2026 amendments. However, virtually all records regarding a minor's mental health, even in an outpatient primary care or specialist clinic, are now accessible by parents/guardians.

A health care provider or facility can treat an unemancipated minor who is 16 or 17 years old inpatient or outpatient for a "mental illness or serious emotional disturbance." However, the 2026 changes to subsection 33-8-202(c) mean the child's parent (or the child's legal guardian or legal custodian) can access such child's prescription records and rehabilitation records for the mental health or serious emotional disturbance treatment unless one of two exceptions applies.

1. The first is if the treating professional is required to report abuse of the unemancipated minor pursuant to § 37-1-403 or § 37-1-605, and the treating professional believes that access to prescription records or rehabilitation records is reasonably likely to endanger the life or physical safety of the minor.
2. The second exception is if the minor communicates suicidal ideations to the treating professional and the treating professional determines that the unemancipated minor has the apparent ability to attempt suicide and is likely to attempt suicide unless prevented from doing so.

The amendment to subdivision 36-8-103(c)(4) of the "Families Rights and Responsibilities Act of 2024" prevent "governmental entities" from substantially burdening the right of a parent to access a child's medical records, including prescription records and rehabilitation records. The Act, located in the Domestic Relations section of the Code, does not establish an unfettered right to all unemancipated minor children's medical records. Therefore, federal laws such as HIPAA and other state laws are still applicable to the release of unemancipated minor's medical records by your private medical office and specific statutes still apply to parental access to a child's hospital and mental health records.

The 2026 amendment to subsection 68-11-304(i) gives an unemancipated minor's parent (or legal guardian, legal custodian, or other person with medical decision-making authority) access to the unemancipated minor's medical records resulting from medical treatment provided in a licensed hospital; even for treatments that the child was able to lawfully receive without parental consent, such as contraception, emergency treatment or prenatal care, unless the exception applies. See explanation below for the exception.

The 2026 amendment to subsection 68-11-304(j) is the exception to parental access to hospital records described in subsection 68-11-304(i) above. A parent (or legal guardian, legal custodian, or other person with medical decision-making authority) can access their unemancipated minor child's medical records resulting from medical treatment provided in a licensed hospital, including for treatments that the child was able to lawfully receive without parental consent, such as contraception, emergency treatment or



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prenatal care. A parent (or legal guardian, legal custodian, or other person with medical decision-making authority) cannot access such hospital records if the treating professional is required to report abuse of the unemancipated minor pursuant to § 37-1-403 or § 37-1-605, and the treating professional believes that access to medical records is reasonably likely to endanger the life or physical safety of the minor.

TCA § 63-1-176(c)(6) is amended to permit an employee of a local education agency or public institution of higher education to control a student's bleeding without the child's parent consent. This clarifies a concern from school districts concerned about liability for treating a student's knee scrape from the playground without parental consent.