

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1602 Session of
1999

INTRODUCED BY SCHRODER, ARGALL, BARD, BARRAR, BATTISTO,
BELFANTI, BENNINGHOFF, BLAUM, BUNT, BUXTON, CHADWICK,
COLAFELLA, CORNELL, DeLUCA, DERMODY, EGOLF, FAIRCHILD, FARGO,
FORCIER, GEIST, GRUCELA, HALUSKA, HARHAI, HERSHEY, JAMES,
KAISER, KIRKLAND, LEDERER, LYNCH, MAITLAND, MASLAND,
METCALFE, R. MILLER, S. MILLER, MYERS, NAILOR, PLATTS,
READSHAW, ROSS, RUBLEY, SATHER, SAYLOR, SCRIMENTI, SEYFERT,
SHANER, SOLOBAY, STABACK, STEELMAN, STERN, STEVENSON, SURRA,
E. Z. TAYLOR, J. TAYLOR, TIGUE, TRUE, VAN HORNE, VANCE,
WILLIAMS, WILT, WOGAN AND YOUNGBLOOD, JUNE 8, 1999

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, JUNE 8, 1999

AN ACT

1 Amending the act of April 14, 1972 (P.L.221, No.63), entitled,
2 as amended, "An act establishing the Pennsylvania Advisory
3 Council on Drug and Alcohol Abuse; imposing duties on the
4 Department of Health to develop and coordinate the
5 implementation of a comprehensive health, education and
6 rehabilitation program for the prevention and treatment of
7 drug and alcohol abuse and drug and alcohol dependence;
8 providing for emergency medical treatment; providing for
9 treatment and rehabilitation alternatives to the criminal
10 process for drug and alcohol dependence; and making repeals,"
11 providing for access to minor records by a parent or legal
12 guardian; and further providing for financial obligation.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 8(b) of the act of April 14, 1972
16 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol
17 Abuse Control Act, is amended to read:

18 Section 8. Confidentiality of Records.--* * *

1 (b) All patient records (including all records relating to
2 any commitment proceeding) prepared or obtained pursuant to this
3 act, and all information contained therein, shall remain
4 confidential, and may be disclosed only with the patient's
5 consent or in the case of a minor, a parent or legal guardian's
6 consent and only (i) to medical personnel exclusively for
7 purposes of diagnosis and treatment of the patient or (ii) to
8 government or other officials exclusively for the purpose of
9 obtaining benefits due the patient as a result of his drug or
10 alcohol abuse or drug or alcohol dependence except that in
11 emergency medical situations where the patient's life is in
12 immediate jeopardy, patient records may be released without the
13 patient's consent to proper medical authorities solely for the
14 purpose of providing medical treatment to the patient or (iii)
15 to a parent or legal guardian of a minor. Disclosure may be made
16 for purposes unrelated to such treatment or benefits only upon
17 an order of a court of common pleas after application showing
18 good cause therefor. In determining whether there is good cause
19 for disclosure, the court shall weigh the need for the
20 information sought to be disclosed against the possible harm of
21 disclosure to the person to whom such information pertains, the
22 physician-patient relationship, and to the treatment services,
23 and may condition disclosure of the information upon any
24 appropriate safeguards. No such records or information may be
25 used to initiate or substantiate criminal charges against a
26 patient under any circumstances.

27 * * *

28 Section 2. Section 13 of the act is amended by adding a
29 subsection to read:

30 Section 13. Financial Obligations.--* * *

1 (c) In the case under section 8(b)(iii) of this act, unless
2 the parent or legal guardian is without financial resources, the
3 parent or legal guardian shall be obligated to pay for any costs
4 related to the duplication of records, such as but not inclusive
5 to, photocopies and postage.

6 Section 3. All acts and parts of acts are repealed insofar
7 as they are inconsistent with this act.

8 Section 4. This act shall take effect in 30 days.