

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 668 Session of
2001

INTRODUCED BY SCHRODER, THOMAS, BARD, BARRAR, BASTIAN, BEBKO-JONES, BELARDI, BELFANTI, BENNINGHOFF, BLAUM, BUXTON, CALTAGIRONE, CAPPELLI, CLARK, COLAFELLA, CRUZ, DALLY, DeLUCA, DERMODY, DeWEESE, EGOLF, FAIRCHILD, FEESE, FORCIER, GABIG, GEIST, GODSHALL, GRUCELA, HALUSKA, HARHAI, HARHART, HENNESSEY, HERMAN, HERSHEY, HORSEY, JAMES, LaGROTTA, LEDERER, LEH, LYNCH, MARSICO, MAYERNIK, McCALL, McILHATTAN, MELIO, METCALFE, R. MILLER, S. MILLER, NAILOR, NICKOL, PETRARCA, RAYMOND, READSHAW, ROSS, RUBLEY, SATHER, SAYLOR, SCRIMENTI, SHANER, B. SMITH, SOLOBAY, STABACK, STEELMAN, STERN, E. Z. TAYLOR, TIGUE, VANCE, WASHINGTON, WATSON, C. WILLIAMS, WILT, WOGAN, WOJNAROSKI, YOUNGBLOOD AND ZIMMERMAN,
FEBRUARY 13, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
FEBRUARY 13, 2001

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:

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

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

28 * * *

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

1 Section 13. Financial Obligations.--* * *

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

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

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