

PENNSYLVANIA DRUG AND ALCOHOL ABUSE CONTROL ACT -
CONFIDENTIALITY OF RECORDS AND CONSENT OF MINOR

Act of Jun. 28, 2018, P.L. 349, No. 47

Cl. 35

Session of 2018

No. 2018-47

HB 17

AN ACT

Amending the act of April 14, 1972 (P.L.221, No.63), entitled, as amended, "An act establishing the Pennsylvania Advisory Council on Drug and Alcohol Abuse; imposing duties on the Department of Health to develop and coordinate the implementation of a comprehensive health, education and rehabilitation program for the prevention and treatment of drug and alcohol abuse and drug and alcohol dependence; providing for emergency medical treatment; providing for treatment and rehabilitation alternatives to the criminal process for drug and alcohol dependence; and making repeals," further providing for confidentiality of records and for consent of minor.

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

Section 1. Sections 8(c) and 12 of the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, are amended to read:

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

(c) [All] **(1) Except as provided under section 12(b),** patient records and all information contained therein relating to drug or alcohol abuse or drug or alcohol dependence prepared or obtained by a private practitioner, hospital, clinic, drug rehabilitation or drug treatment center shall remain confidential and may be disclosed [only with the patient's consent and] only:

(i) when the patient is of the age of majority and consents to the disclosure; or

(ii) if the patient is a minor, the patient consents to treatment under section 12(a) and consents to the disclosure. A minor patient who does not consent to medical treatment or counseling under section 12(a) may consent to the disclosure of records and information.

(2) Records and information subject to disclosure in accordance with paragraph (1) shall only be disclosed:

(i) to medical personnel exclusively for purposes of diagnosis and treatment of the patient [or];

(ii) to the parent or legal guardian of a minor or any other designee for which the patient has provided consent; or

(iii) to government or other officials exclusively for the purpose of obtaining benefits due the patient as a result of his drug or alcohol abuse or drug or alcohol dependence [except that].

(3) Notwithstanding any other provisions of this section, in emergency medical situations where the patient's life is in immediate jeopardy, patient records may be released without the patient's consent to proper medical authorities solely for the purpose of providing medical treatment to the patient.

(4) When a parent or legal guardian signs the consent for furnishing medical care and counseling on behalf of the minor

and the minor refuses to sign a consent to release the treatment information to the minor's parent or legal guardian, the practitioner, hospital, clinic or drug and alcohol treatment facility providing treatment may only inform the parent or legal guardian of the facts relevant to reducing a threat to the minor or other individual in accordance with Federal or State law or any other information that is authorized under Federal or State law.

Section 12. Consent [of Minor] **for Minors.--(a)**

Notwithstanding any other provisions of law, a minor who suffers from the use of a controlled or harmful substance may give consent to furnishing of medical care or counseling related to diagnosis or treatment. The consent of the parents or legal guardian of the minor shall not be necessary to authorize medical care or counseling related to such diagnosis or treatment. The consent of the minor shall be valid and binding as if the minor had achieved his majority. Such consent shall not be voidable nor subject to later disaffirmance because of minority. Any physician or any agency or organization operating a drug abuse program, who provides counseling to a minor who uses any controlled or harmful substance may, but shall not be obligated to inform the parents or legal guardian of any such minor as to the treatment given or needed.

(b) Notwithstanding a minor's refusal to provide consent, a parent or legal guardian may give consent for the minor.

(c) Notwithstanding the provisions of subsection (a), when a minor receiving medical treatment or counseling revokes consent to share information with a parent or legal guardian or terminates the treatment, notification of the revocation or termination shall be made to the parent or legal guardian.

Section 2. This act shall take effect in 60 days.

APPROVED--The 28th day of June, A.D. 2018.

TOM WOLF