

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 17 Session of 2017

INTRODUCED BY HAHN, McNEILL, NEILSON, PICKETT, BULLOCK, TOPPER, TAYLOR, DEAN, MACKENZIE, DRISCOLL, O'BRIEN, JAMES, BENNINGHOFF, MILLARD, R. BROWN, WATSON, SNYDER, HEFFLEY, WARD, SIMMONS, D. COSTA, SAYLOR, SCHLOSSBERG, BIZZARRO, WARNER, STURLA, LONGIETTI, ORTITAY, ROTHMAN, GILLEN, M. QUINN, RADER, PHILLIPS-HILL, DAVIDSON, KORTZ, NELSON, BARBIN AND DAVIS, JANUARY 23, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, FEBRUARY 7, 2017

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 further providing FOR CONFIDENTIALITY OF RECORDS AND for <--
12 consent of minor.

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

15 ~~Section 1. Section 12 of the act of April 14, 1972 (P.L.221, <--~~
16 ~~No.63), known as the Pennsylvania Drug and Alcohol Abuse Control~~
17 ~~Act, is amended to read:~~

18 SECTION 1. SECTIONS 8(C) AND 12 OF THE ACT OF APRIL 14, 1972 <--
19 (P.L.221, NO.63), KNOWN AS THE PENNSYLVANIA DRUG AND ALCOHOL
20 ABUSE CONTROL ACT, ARE AMENDED TO READ:

1 SECTION 8. CONFIDENTIALITY OF RECORDS.--\* \* \*

2 (C) [ALL] (1) EXCEPT AS PROVIDED UNDER SECTION 12(B),  
3 PATIENT RECORDS AND ALL INFORMATION CONTAINED THEREIN RELATING  
4 TO DRUG OR ALCOHOL ABUSE OR DRUG OR ALCOHOL DEPENDENCE PREPARED  
5 OR OBTAINED BY A PRIVATE PRACTITIONER, HOSPITAL, CLINIC, DRUG  
6 REHABILITATION OR DRUG TREATMENT CENTER SHALL REMAIN  
7 CONFIDENTIAL AND MAY BE DISCLOSED [ONLY WITH THE PATIENT'S  
8 CONSENT AND] ONLY:

9 (I) WHEN THE PATIENT IS OF THE AGE OF MAJORITY AND CONSENTS  
10 TO THE DISCLOSURE; OR

11 (II) IF THE PATIENT IS A MINOR, THE PATIENT CONSENTS TO  
12 TREATMENT UNDER SECTION 12(A) AND CONSENTS TO THE DISCLOSURE. A  
13 MINOR PATIENT WHO DOES NOT CONSENT TO MEDICAL TREATMENT OR  
14 COUNSELING UNDER SECTION 12(A) MAY CONSENT TO THE DISCLOSURE OF  
15 RECORDS AND INFORMATION.

16 (2) RECORDS AND INFORMATION SUBJECT TO DISCLOSURE IN  
17 ACCORDANCE WITH PARAGRAPH (1) SHALL ONLY BE DISCLOSED:

18 (I) TO MEDICAL PERSONNEL EXCLUSIVELY FOR PURPOSES OF  
19 DIAGNOSIS AND TREATMENT OF THE PATIENT [OR];

20 (II) TO THE PARENT OR LEGAL GUARDIAN OF A MINOR OR ANY OTHER  
21 DESIGNEE FOR WHICH THE PATIENT HAS PROVIDED CONSENT; OR

22 (III) TO GOVERNMENT OR OTHER OFFICIALS EXCLUSIVELY FOR THE  
23 PURPOSE OF OBTAINING BENEFITS DUE THE PATIENT AS A RESULT OF HIS  
24 DRUG OR ALCOHOL ABUSE OR DRUG OR ALCOHOL DEPENDENCE [EXCEPT  
25 THAT].

26 (3) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, IN  
27 EMERGENCY MEDICAL SITUATIONS WHERE THE PATIENT'S LIFE IS IN  
28 IMMEDIATE JEOPARDY, PATIENT RECORDS MAY BE RELEASED WITHOUT THE  
29 PATIENT'S CONSENT TO PROPER MEDICAL AUTHORITIES SOLELY FOR THE  
30 PURPOSE OF PROVIDING MEDICAL TREATMENT TO THE PATIENT.

1 (4) IF A MINOR DOES NOT CONSENT TO MEDICAL CARE OR  
2 COUNSELING, BUT CONSENT IS PROVIDED BY A PARENT OR LEGAL  
3 GUARDIAN UNDER SECTION 12(B), THEN THE TREATING PRACTITIONER,  
4 HOSPITAL, CLINIC OR DRUG REHABILITATION OR DRUG TREATMENT CENTER  
5 SHALL DEEM THE PARENT OR LEGAL GUARDIAN THE PATIENT'S  
6 REPRESENTATIVE AND IS PERMITTED TO INFORM THE PARENT OR LEGAL  
7 GUARDIAN OF ANY INFORMATION THAT WOULD CONSTITUTE A THREAT TO  
8 THE MINOR OR ANY OTHER INDIVIDUAL OR ANY OTHER INFORMATION THAT  
9 IS PERMITTED UNDER FEDERAL OR STATE LAW.

10 Section 12. Consent [of Minor] for Minors.--(a)  
11 Notwithstanding any other provisions of law, a minor who suffers  
12 from the use of a controlled or harmful substance may give  
13 consent to furnishing of medical care or counseling related to  
14 diagnosis or treatment. The consent of the parents or legal  
15 guardian of the minor shall not be necessary to authorize  
16 medical care or counseling related to such diagnosis or  
17 treatment. The consent of the minor shall be valid and binding  
18 as if the minor had achieved his majority. Such consent shall  
19 not be voidable nor subject to later disaffirmance because of  
20 minority. Any physician or any agency or organization operating  
21 a drug abuse program, who provides counseling to a minor who  
22 uses any controlled or harmful substance may, but shall not be  
23 obligated to inform the parents or legal guardian of any such  
24 minor as to the treatment given or needed.

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

27 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A), WHEN A <--  
28 MINOR RECEIVING MEDICAL TREATMENT OR COUNSELING REVOKES CONSENT  
29 TO SHARE INFORMATION WITH A PARENT OR LEGAL GUARDIAN OR  
30 TERMINATES THE TREATMENT, NOTIFICATION OF THE REVOCATION OR

1 TERMINATION SHALL BE MADE TO THE PARENT OR LEGAL GUARDIAN.

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