

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, DAVIS, SCHWEYER AND TOOHIL, JANUARY 23, 2017

SENATOR BAKER, HEALTH AND HUMAN SERVICES, IN SENATE, AS AMENDED,
JUNE 13, 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. Sections 8(c) and 12 of the act of April 14, 1972
16 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol
17 Abuse Control Act, are amended to read:

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

19 (c) [All] (1) Except as provided under section 12(b),

1 patient records and all information contained therein relating
2 to drug or alcohol abuse or drug or alcohol dependence prepared
3 or obtained by a private practitioner, hospital, clinic, drug
4 rehabilitation or drug treatment center shall remain
5 confidential and may be disclosed [only with the patient's
6 consent and] only:

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

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

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

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

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

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

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

29 ~~(4) If a minor does not consent to medical care or~~
30 ~~counseling, but consent is provided by a parent or legal~~

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1 ~~guardian under section 12(b), then the treating practitioner,~~
2 ~~hospital, clinic or drug rehabilitation or drug treatment center~~
3 ~~shall deem the parent or legal guardian the patient's~~
4 ~~representative and is permitted to inform the parent or legal~~
5 ~~guardian of any information that would constitute a threat to~~
6 ~~the minor or any other individual or any other information that~~
7 ~~is permitted under Federal or State law.~~

8 (4) WHEN A PARENT OR LEGAL GUARDIAN SIGNS THE CONSENT FOR <--
9 FURNISHING MEDICAL CARE AND COUNSELING ON BEHALF OF THE MINOR
10 AND THE MINOR REFUSES TO SIGN A CONSENT TO RELEASE THE TREATMENT
11 INFORMATION TO THE MINOR'S PARENT OR LEGAL GUARDIAN, THE
12 PRACTITIONER, HOSPITAL, CLINIC OR DRUG AND ALCOHOL TREATMENT
13 FACILITY PROVIDING TREATMENT MAY ONLY INFORM THE PARENT OR LEGAL
14 GUARDIAN OF THE FACTS RELEVANT TO REDUCING A THREAT TO THE MINOR
15 OR OTHER INDIVIDUAL IN ACCORDANCE WITH FEDERAL OR STATE LAW OR
16 ANY OTHER INFORMATION THAT IS AUTHORIZED UNDER FEDERAL OR STATE
17 LAW.

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

1 obligated to inform the parents or legal guardian of any such
2 minor as to the treatment given or needed.

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

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

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