

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1025 Session of
2018

INTRODUCED BY BOSCOLA, COSTA, BROWNE, MENSCH, LANGERHOLC,
RESCHENTHALER, VULAKOVICH, WAGNER AND WARD, FEBRUARY 27, 2018

REFERRED TO HEALTH AND HUMAN SERVICES, FEBRUARY 27, 2018

AN ACT

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

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

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

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

18 (c) [All] (1) Except as provided under section 12(b),
19 patient records and all information contained therein relating
20 to drug or alcohol abuse or drug or alcohol dependence prepared
21 or obtained by a private practitioner, hospital, clinic, drug
22 rehabilitation or drug treatment center shall remain

1 confidential and may be disclosed [only with the patient's
2 consent and] only:

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

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

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

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

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

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

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

25 (4) When a parent or legal guardian signs the consent for
26 furnishing medical care and counseling on behalf of the minor
27 and the minor refuses to sign a consent to release the treatment
28 information to the minor's parent or legal guardian, the
29 practitioner, hospital, clinic or drug and alcohol treatment
30 facility providing treatment may only inform the parent or legal

1 guardian of the facts relevant to reducing a threat to the minor
2 or other individual in accordance with Federal or State law or
3 any other information that is authorized under Federal or State
4 law.

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

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

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

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

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