
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 901 Session of
2021

INTRODUCED BY ROBINSON, VOGEL, STEFANO, SCAVELLO, MENSCH,
YUDICHAK, BREWSTER, YAW, MARTIN, KEARNEY, CAPPELLETTI, FLYNN,
ARGALL, AUMENT, GEBHARD, BAKER, COSTA AND LAUGHLIN,
OCTOBER 26, 2021

REFERRED TO HEALTH AND HUMAN SERVICES, OCTOBER 26, 2021

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 definitions and for confidentiality of records.

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

14 Section 1. Section 2(b) of the act of April 14, 1972
15 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol
16 Abuse Control Act, is amended by adding definitions to read:

17 Section 2. Definitions:

18 * * *

19 (b) As used in this act:

20 "Business associate" means "business associate" as defined in
21 45 CFR 160.103 (relating to definitions).

1 * * *

2 "Covered entity" means "covered entity" as defined in 45 CFR
3 160.103.

4 * * *

5 "Disclosure" means "disclosure" as defined in 45 CFR 160.103
6 and includes redisclosures and rereleases of information.

7 * * *

8 "Health care operations" means "health care operations" as
9 defined in 45 CFR 164.501 (relating to definitions).

10 * * *

11 "Payment" means "payment" as defined in 45 CFR 164.501.

12 * * *

13 "Treatment" means "treatment" as defined in 45 CFR 164.501.

14 "Use" means "use" as defined in 45 CFR 160.103.

15 * * *

16 Section 2. Section 8(b) and (c)(1) and (2) of the act are
17 amended to read:

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

19 (b) (1) All patient records (including all records relating
20 to any commitment proceeding) prepared or obtained pursuant to
21 this act, and all information contained therein, [shall remain
22 confidential, and may be disclosed only with the patient's
23 consent and only] may not be disclosed without the patient's
24 consent, except:

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

27 (ii) to government or other officials exclusively for the
28 purpose of obtaining benefits due the patient as a result of his
29 drug or alcohol abuse or drug or alcohol dependence except that
30 in emergency medical situations where the patient's life is in

1 immediate jeopardy, patient records may be released without the
2 patient's consent to proper medical authorities solely for the
3 purpose of providing medical treatment to the patient[.]; or

4 (iii) to a covered entity or a covered entity's business
5 associate that:

6 (A) makes the use, disclosure or request for disclosure in
7 accordance with 45 CFR Pt. 164, Subpt. E (relating to privacy
8 of individually identifiable health information); and

9 (B) makes the use, disclosure or request for disclosure for
10 the purpose of treatment, payment or health care operations.

11 (2) Disclosure may be made for purposes unrelated to such
12 treatment or benefits only upon an order of a court of common
13 pleas after application showing good cause therefor. In
14 determining whether there is good cause for disclosure, the
15 court shall weigh the need for the information sought to be
16 disclosed against the possible harm of disclosure to the person
17 to whom such information pertains, the physician-patient
18 relationship, and to the treatment services, and may condition
19 disclosure of the information upon any appropriate safeguards.
20 No such records or information may be used to initiate or
21 substantiate criminal charges against a patient under any
22 circumstances.

23 (c) (1) Except as provided under section 12(b), patient
24 records and all information contained therein relating to drug
25 or alcohol abuse or drug or alcohol dependence prepared or
26 obtained by a private practitioner, hospital, clinic, drug
27 rehabilitation or drug treatment center shall remain
28 confidential and may [be disclosed only] not be disclosed
29 except:

30 (i) when the patient is of the age of majority [and consents

1 to the disclosure]; or

2 (ii) if the patient is a minor, the patient consents to
3 treatment under section 12(a) [and consents to the disclosure].

4 A minor patient who does not consent to medical treatment or
5 counseling under section 12(a) may consent to the disclosure of
6 records and information.

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

9 (i) to medical personnel exclusively for purposes of
10 diagnosis and treatment of the patient;

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

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

16 (iv) to a covered entity or a covered entity's business
17 associate that:

18 (A) makes the use, disclosure or request for disclosure in
19 accordance with 45 CFR Pt. 164, Subpt. E; and

20 (B) makes the use, disclosure or request for disclosure for
21 the purpose of treatment, payment or health care operations.

22 * * *

23 Section 3. For the purpose of implementing the amendment of
24 section 8(b) and (c)(1) and (2) of the act regarding access to
25 confidential patient records for a covered entity or a covered
26 entity's business associate, the Secretary of Health shall
27 promulgate regulations in accordance the act of July 31, 1968
28 (P.L.769, No.240), referred to as the Commonwealth Documents
29 Law, no later than 180 days after the effective date of this
30 section.

1 Section 4. This act shall take effect immediately.