

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2561. Access to Records and Confidentiality.

(a) A person shall be given the right of access, upon request, to his mental health care records, except such person may be refused access to:

(1) Information in such records provided by a third party under the assurance that such information shall remain confidential and such information is otherwise maintained in a confidential manner; and

(2) Specific material in such records if the mental health professional or attending physician responsible for the mental health services concerned has made a determination in writing that such access would be detrimental to such person's health, except that such material may be made available to a similarly qualified mental health professional or physician selected by such person with access to any or all parts of such material or otherwise disclose the information contained in such material to the individual.

(b) The evaluation or treatment facility may not disclose any information concerning an individual's record of treatment unless the individual or other person authorized by law expressly consents to such release in writing, or a court order is received which authorizes such disclosure. Furthermore, the individual and his attorney must be given notice and opportunity to be heard when a court order for release of confidential information is applied for. If the person whose records are being sought to be released objects, the burden of proof for disclosure is on the party seeking the records.

(c) Provided, however, that the individual's attorney may, with or without the patient's written consent, have full access to all records in order to protect his client's rights; and provided further, that the evaluation or treatment facility may release records as authorized by federal law to the protection and advocacy for the mentally ill system established in the Commonwealth pursuant to federal law; and provided further, that the evaluation or treatment facility may release information to the extent necessary to make claims on behalf of a recipient of services for aid, insurance, or medical assistance to which he may be entitled.

(d) No prospective employer may ask a job applicant whether he or she has ever sought or been hospitalized for evaluation, treatment or care for mental illness.

(e) Nothing in this article shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards established by the Attorney General.

Source: PL 8-38, § 11.