

2008 SESSION

INTRODUCED

081436432

HOUSE BILL NO. 576

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 37.2 a section numbered 37.2-804.2, relating to the disclosure of medical records as they pertain to involuntary commitment hearings.

Patrons—Watts and Toscano

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 37.2-804.2 as follows:

§ 37.2-804.2. Emergency and temporary custody orders; involuntary admissions; access to health records.

Any health care entity, as defined in § 32.1-127.1:03, shall, upon request, disclose to a magistrate, court, mental health examiner required under § 37.2-815, employee or designee of a community services board or behavioral health authority, or law-enforcement officer involved in the emergency custody, temporary detention, or involuntary commitment process of an individual, all health records of the individual necessary to enable each of them to perform their duties under this chapter, as authorized by subsection D of § 32.1-127.1:03. These health care entities shall also disclose to one another such records as necessary to provide treatment to the individual and to monitor such treatment. Any health care entity disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act, unless the person or entity disclosing such records intended the harm or acted in bad faith.

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