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HOUSE BILL NO. 752

Offered January 9, 2008
Prefiled January 8, 2008

A BILL to amend and reenact § 23-276.5 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23-2.2:2, relating to requiring students to provide mental health record waivers upon enrollment in an institution of higher education.

Patrons—Peace, Albo, Athey, Carrico, Cole, Cosgrove, Gilbert, Kilgore, Lingamfelter, Lohr, Massie, Merricks, Poindexter, Scott, E.T. and Sherwood

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 23-276.5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23-2.2:2 as follows:

§ 23-2.2:2. Medical record release authorization; required for enrollment.

A. Each public and private two- and four- year institution of higher education physically located in the Commonwealth shall require each student, prior to enrollment, to complete a written authorization to allow a release of that student's mental health records to the institution of higher education.

B. A written authorization to allow a release of an individual student's mental health records shall substantially include the following information:

AUTHORIZATION TO RELEASE CONFIDENTIAL MENTAL HEALTH RECORDS
Individual's Name .....
Health Care Entity's Name .....
Person, Agency, or Health Care Entity to whom disclosure is to be made .....
Information or Mental Health Records to be disclosed .....
Purpose of Disclosure or at the Request of the Individual .....
As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my original health records. I understand that health information disclosed under this authorization might be redisclosed by a recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.
This authorization expires on (date) or (event) .....
Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign .....
Relationship or Authority of Legal Representative .....
Date of Signature .....

C. Each authorization shall be kept as part of the individual's student's file and only shall be executed by the institution of higher education if the president determines that there is probable cause that the individual student may cause serious bodily harm to himself or another.

§ 23-276.5. Approval procedures.

A. Prior to Council approval for a school to use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business, to offer courses or programs for degree credit, enroll students in any courses or programs, or

confer or award degrees, each postsecondary school shall be evaluated by the Council in accordance with the regulations adopted pursuant to this chapter.

B. Upon finding that the applicant has fully complied with regulations, the Council shall approve the application.

C. The Council may defer a decision on an application upon determining that additional information is needed.

D. The Council shall not take into account duplication of effort by public and private institutions in the Commonwealth or other questions of need when considering an application.

E. Any applicant that is seeking approval under this section or has ever been approved under this section, shall certify that it will comply with § 23-2.2:2, and if it is found that any institution is not complying with § 23-2.2:2 subsequent to approval, such approval shall be revoked.