

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-40.10 of the Code of Virginia, relating to the Department of*
3 *Corrections; exchange of medical records with the Department of Aging and Rehabilitative Services*
4 *and with departments of social services.*

5 [H 2148]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 53.1-40.10 of the Code of Virginia is amended and reenacted as follows:**9 **§ 53.1-40.10. Exchange of medical and mental health information and records.**10 Medical and mental health information and records of any person committed to the Department of
11 Corrections may be exchanged among the following:12 1. Administrative personnel for the facility in which the prisoner is imprisoned when there is
13 reasonable cause to believe that such information is necessary to maintain the security and safety of the
14 facility, its employees, or other prisoners. The information exchanged shall continue to be confidential
15 and disclosure shall be limited to that necessary to ensure the safety and security of the facility.16 2. Members of the Parole Board, as specified in § 53.1-138, in order to conduct the investigation
17 required under § 53.1-155.

18 3. Probation and parole officers for use in parole and probation planning, release and supervision.

19 4. Officials within the Department for the purpose of formulating recommendations for treatment and
20 rehabilitative programs; classification, security and work assignments; and determining the necessity for
21 medical, dental and mental health care, treatment and programs.22 5. Medical and mental health hospitals and facilities, both public and private, including community
23 service boards, for use in planning for and supervision of post-incarceration medical and mental health
24 care, treatment, and programs.25 6. *The Department for Aging and Rehabilitative Services, the Department of Social Services, and any*
26 *local department of social services in the Commonwealth for the purposes of reentry planning and*
27 *post-incarceration placement and services.*28 Substance abuse records subject to federal regulations, Confidentiality of Alcohol and Drug Abuse
29 Patient Records, 42 C.F.R. § 2.11 et seq., shall not be subject to the provisions of this section. The
30 disclosure of results of a test for human immunodeficiency virus shall not be permitted except as
31 provided in § 32.1-36.1.32 The release of medical and mental health information and records to any other agency or individual
33 shall be subject to all regulations promulgated by the Department which govern confidentiality of such
34 records. Medical and mental health information concerning a prisoner which has been exchanged
35 pursuant to this section may be used only as provided herein and shall otherwise remain confidential and
36 protected from disclosure.

ENROLLED

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