

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 7 of Chapter 3 of Title 53.1 a section*
3 *numbered 53.1-133.03, relating to exchange of medical and mental health information and records.*

4 [H 1608]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding in Article 7 of Chapter 3 of Title 53.1 a**
8 **section numbered 53.1-133.03 as follows:**9 *§ 53.1-133.03. Exchange of medical and mental health information and records.*10 *Notwithstanding any other provision of law relating to disclosure and confidentiality of patient*
11 *records maintained by a health care provider, medical and mental health information and records of*
12 *any person committed to jail, and transferred to another correctional facility, may be exchanged among*
13 *the following:*14 *1. Administrative personnel of the correctional facilities involved and of the administrative personnel*
15 *within the holding facility when there is reasonable cause to believe that such information is necessary*
16 *to maintain the security and safety of the holding facility, its employees, or prisoners. The information*
17 *exchanged shall continue to be confidential and disclosure shall be limited to that necessary to ensure*
18 *the safety and security of the facility.*19 *2. Members of the Parole Board or its designees, as specified in § 53.1-138, in order to conduct the*
20 *investigation required under § 53.1-155.*21 *3. Probation and parole officers for use in parole and probation planning, release and supervision.*22 *4. Officials of the facilities involved and officials within the holding facility for the purpose of*
23 *formulating recommendations for treatment and rehabilitative programs; classification, security and*
24 *work assignments; and determining the necessity for medical, dental and mental health care, treatment*
25 *and other such programs.*26 *5. Medical and mental health hospitals and facilities, both public and private, including community*
27 *service boards and health departments, for use in treatment while committed to jail or a correctional*
28 *facility while under supervision of a probation or parole officer.*29 *Substance abuse records subject to federal regulations, Confidentiality of Alcohol and Drug Abuse*
30 *Patient Records, 42 C.F.R. § 2.11 et seq., shall not be subject to the provisions of this section. The*
31 *disclosure of results of a test for human immunodeficiency virus shall not be permitted except as*
32 *provided in §§ 32.1-36.1 and 32.1-116.3.*33 *The release of medical and mental health information and records to any other agency or individual*
34 *shall be subject to all regulations promulgated by the Board of Corrections which govern confidentiality*
35 *of such records. Medical and mental health information concerning a prisoner which has been*
36 *exchanged pursuant to this section may be used only as provided herein and shall otherwise remain*
37 *confidential and protected from disclosure.*38 *Nothing contained in this section shall prohibit the release of records to the Department of Health*
39 *Professions or health regulatory boards consistent with Subtitle III of Title 54.1 of the Code of Virginia.*

ENROLLED

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