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HOUSE BILL NO. 1551

Offered January 11, 2017

Prefiled December 29, 2016

A *BILL to amend and reenact § 37.2-818 of the Code of Virginia, relating to commitment hearings; sharing of records and information.*

Patron—Farrell

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 37.2-818 of the Code of Virginia is amended and reenacted as follows:****§ 37.2-818. Commitment hearing for involuntary admission; recordings and records.**

A. The district court judge or special justice shall make or cause to be made a tape or other audio recording of any hearings held under this chapter, with no more than one hearing recorded per tape, and shall submit the recording to the clerk of the district court in the locality in which the hearing is held to be retained in a confidential file. The person who was the subject of the hearing shall be entitled, upon request, to obtain a copy of the tape or other audio recording of such hearing. These recordings shall be retained for at least three years from the date of the commitment hearing.

B. Except as provided in this section and § 37.2-819, the court shall keep its copies of recordings made pursuant to this section, relevant medical records, reports, and court documents pertaining to the hearings provided for in this chapter confidential. The person who is the subject of the hearing may, in writing, waive the confidentiality provided herein. In the absence of such waiver, access to the dispositional order only may be provided upon court order. Any person seeking access to the dispositional order may file a written motion setting forth why such access is needed. The court may issue an order to disclose the dispositional order if it finds that such disclosure is in the best interest of the person who is the subject of the hearing or of the public. The Executive Secretary of the Supreme Court and anyone acting on his behalf shall be provided access to the court's records upon request. Such recordings, records, reports, and documents shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. After entering an order for involuntary admission or mandatory outpatient treatment, the judge or special justice shall order that copies of the relevant records of the person be released to (i) the facility in which he is placed, (ii) the community services board of the jurisdiction where the person resides, (iii) any treatment providers identified in a treatment plan incorporated into any mandatory outpatient treatment order, and (iv) any other treatment providers or entities.

D. *Upon request of the Department, the court shall transmit to the Department records and information, including identifiable information, whether in written or electronic format, pertaining to proceedings, hearings, and orders provided for in this chapter for the purpose of enabling the Department and its agents to maintain statistical archives and merge the data with other records and information in the Department's statistical archives; conduct research on the characteristics and outcomes of proceedings, hearings, and orders; and otherwise carry out its responsibilities in accordance with the provisions of this title. The Department shall take all necessary steps to protect the security and privacy of the records and information provided pursuant to this subsection in accordance with the requirements of state and federal law and regulations.*

INTRODUCED

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