

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 702

An Act to amend and reenact § 53.1-133.03 of the Code of Virginia, relating to exchange of medical and mental health information and records of person committed to jail; local probation officers.

[H 2213]

Approved March 21, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-133.03 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-133.03. Exchange of medical and mental health information and records.

Notwithstanding any other provision of law relating to disclosure and confidentiality of patient records maintained by a health care provider, whenever a person is committed to a local or regional correctional facility, the person in charge of the facility or his designee shall be entitled to obtain medical records concerning such person from a health care provider. In addition, medical and mental health information and records of any person committed to jail, and transferred to another correctional facility, may be exchanged among the following:

1. Administrative personnel of the correctional facilities involved and of the administrative personnel within the holding facility when there is reasonable cause to believe that such information is necessary to maintain the security and safety of the holding facility, its employees, or prisoners. The information exchanged shall continue to be confidential and disclosure shall be limited to that necessary to ensure the safety and security of the facility.

2. Members of the Parole Board or its designees, as specified in § 53.1-138, in order to conduct the investigation required under § 53.1-155.

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

4. Officials of the facilities involved and officials within the holding facility for the purpose of formulating recommendations for treatment and rehabilitative programs; classification, security and work assignments; and determining the necessity for medical, dental and mental health care, treatment and other such programs.

5. Medical and mental health hospitals and facilities, both public and private, including community service boards and health departments, for use in treatment while committed to jail or a correctional facility while under supervision of a probation or parole officer.

Substance abuse records subject to federal regulations, Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. § 2.11 et seq., shall not be subject to the provisions of this section. The disclosure of results of a test for human immunodeficiency virus shall not be permitted except as provided in §§ 32.1-36.1 and 32.1-116.3.

The release of medical and mental health information and records to any other agency or individual shall be subject to all regulations promulgated by the Board of Corrections which govern confidentiality of such records. Medical and mental health information concerning a prisoner which has been exchanged pursuant to this section may be used only as provided herein and shall otherwise remain confidential and protected from disclosure.

Nothing contained in this section shall prohibit the release of records to the Department of Health Professions or health regulatory boards consistent with Subtitle III (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia.