

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 2213]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 53.1-133.03 of the Code of Virginia is amended and reenacted as follows:**8 **§ 53.1-133.03. Exchange of medical and mental health information and records.**

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

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

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

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

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

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

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

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

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

ENROLLED

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