

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-40.10 of the Code of Virginia, relating to Department of*  
3 *Corrections; policies to facilitate exchange of health records and information.*

4 [H 2499]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 53.1-40.10 of the Code of Virginia is amended and reenacted as follows:**8 **§ 53.1-40.10. Exchange of medical and mental health information and records.**

9 A. Whenever a person is committed to a state correctional facility, the person in charge of the facility  
10 or his designee shall be entitled to obtain medical records concerning such person from a health care  
11 provider. In addition, medical and mental health information and records of any person committed to the  
12 Department of Corrections may be exchanged among the following:

13 1. Administrative personnel for the facility in which the prisoner is imprisoned when there is  
14 reasonable cause to believe that such information is necessary to maintain the security and safety of the  
15 facility, its employees, or other prisoners. The information exchanged shall continue to be confidential  
16 and disclosure shall be limited to that necessary to ensure the safety and security of the facility.

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

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

20 4. Officials within the Department for the purpose of formulating recommendations for treatment and  
21 rehabilitative programs; classification, security and work assignments; and determining the necessity for  
22 medical, dental, and mental health care, treatment, and programs.

23 5. Medical and mental health hospitals and facilities, both public and private, including community  
24 service boards, for use in planning for and supervision of post-incarceration medical and mental health  
25 care, treatment, and programs.

26 6. The Department for Aging and Rehabilitative Services, the Department of Social Services, and any  
27 local department of social services in the Commonwealth for the purposes of reentry planning and  
28 post-incarceration placement and services.

29 B. 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.

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

38 D. *The Department shall develop policies to improve the exchange of medical and mental health*  
39 *information and records of persons committed to a state correctional facility, including policies to*  
40 *improve access to electronic health records and electronic exchange of information and records for the*  
41 *provision of telemedicine and telepsychiatry.*

42 **2. That the Department of Corrections shall report on its progress in implementing the provisions**  
43 **of this act to the Chairmen of the House Committee on Health, Welfare and Institutions, the**  
44 **Senate Committee on Education and Health, and the Joint Subcommittee to Study Mental Health**  
45 **Services in the Commonwealth in the 21st Century by October 1, 2019.**

ENROLLED

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