

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 190 Session of 2013

INTRODUCED BY WASHINGTON, FARNESE, FONTANA, TEPLITZ, WILLIAMS
AND TARTAGLIONE, JANUARY 17, 2013

REFERRED TO JUDICIARY, JANUARY 17, 2013

AN ACT

1 Amending the act of July 9, 1976 (P.L.817, No.143), entitled "An
2 act relating to mental health procedures; providing for the
3 treatment and rights of mentally disabled persons, for
4 voluntary and involuntary examination and treatment and for
5 determinations affecting those charged with crime or under
6 sentence," further providing for confidentiality of records.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 111 of the act of July 9, 1976 (P.L.817,
10 No.143), known as the Mental Health Procedures Act, amended July
11 2, 1996 (P.L.481, No.77), is amended to read:

12 Section 111. Confidentiality of Records.--(a) All documents
13 concerning persons in treatment shall be kept confidential and,
14 without the person's written consent, may not be released or
15 their contents disclosed to anyone except:

16 (1) those engaged in providing treatment for the person;

17 (2) the county administrator, pursuant to section 110;

18 (3) a court in the course of legal proceedings authorized by
19 this act; and

20 (4) pursuant to Federal rules, statutes and regulations

1 governing disclosure of patient information where treatment is
2 undertaken in a Federal agency.

3 In no event, however, shall privileged communications, whether
4 written or oral, be disclosed to anyone without such written
5 consent. This shall not restrict the collection and analysis of
6 clinical or statistical data by the department, the county
7 administrator or the facility so long as the use and
8 dissemination of such data does not identify individual
9 patients. Nothing herein shall be construed to conflict with
10 section 8 of the act of April 14, 1972 (P.L.221, No.63), known
11 as the "Pennsylvania Drug and Alcohol Abuse Control Act."

12 (b) This section shall not restrict [judges] any of the
13 following:

14 (1) Judges of the courts of common pleas, mental health
15 review officers and county mental health and mental retardation
16 administrators from disclosing information to the Pennsylvania
17 State Police [or the].

18 (2) The Pennsylvania State Police from disclosing
19 information to any of the following:

20 (i) A person, in accordance with the provisions of 18
21 Pa.C.S. § 6105(c) (4) (relating to persons not to possess, use,
22 manufacture, control, sell or transfer firearms).

23 (ii) The Federal Bureau of Investigation for use in the
24 National Instant Criminal Background Check System Index
25 established under the Brady Handgun Violence Prevention Act
26 (Public Law 103-159, 18 U.S.C. § 921 et seq.).

27 Section 2. This act shall take effect in 60 days.