

4 Pennsylvania Code

Section 255.5

§ 255.5. Projects and coordinating bodies: disclosure of client-oriented information.

(a) *Disclosure.* Information systems and reporting systems shall not disclose or be used to disclose client oriented data which reasonably may be utilized to identify the client to any person, agency, institution, governmental unit, or law enforcement personnel. Project staff may disclose client oriented data only under the following situations:

(1) With or without the consent of the client information may be released to those judges who have imposed sentence on a particular client where such sentence is conditioned upon the client entering a project. Information released shall be limited to that provided for in subsection (b).

(2) With or without the consent of the client, information may be released to those duly authorized probation or parole officers or both who have assigned responsibility to clients in treatment if the probation or parole of the client is conditioned upon his being in treatment. Information released shall be limited to that provided for in subsection (b).

(3) With or without the consent of the client, to judges who have assigned a client to a project under a pre-sentence, conditional release program. Presentence conditional release programs include preindictment or preconviction conditional release such as Accelerated Rehabilitative Disposition, probation without verdict or disposition in lieu of trial under sections 17 and 18 of Act 64 (35 P. S. § § 780-117 and 780-118).

(4) With the consent of the client, in writing, to a judge in order to assist that judge in deciding whether to initiate conditional release programs including those specified in paragraph (3).

(5) Projects may disclose any information to the attorney of a client provided as follows:

(i) The client consents, in writing to the disclosure of information.

(ii) The attorney is representing the client in a criminal, civil or administrative proceeding.

(6) Projects may disclose with the consent of a client, in writing, the information to employers of a client to further the rehabilitation of a client; or, to a prospective employer who affirmatively expresses that information is sought to enable the employer to engage the client as an employee. Such information shall be limited to whether the client has or is receiving treatment with the project.

(7) Projects may disclose information as set forth in subsection (b) with the consent of a client, in writing, to an insurance company, health, or hospital plan or facsimile thereof, which has contracted with the client to provide or will provide medical, hospital, disability or similar benefits. In the event that an insurance company, health, or hospital plan remains dissatisfied with the content of the information released with regard to a client in accordance with this paragraph, such insurance company, health or hospital plan may apply to the Executive Director for additional information with the written consent of the client and, upon approval by the Executive Director, such information may be released.

(8) Projects may disclose information as set forth in subsection (b) with the consent of a client, in writing, to governmental officials for the purpose of obtaining governmental benefits due the client as a result of his drug or alcohol abuse or dependence.

(9) In emergency medical situations where the life of the client is in immediate jeopardy, projects may release client records without the consent of the client to proper medical authorities solely for the purpose of providing medical treatment to the client.

(10) Projects shall keep and maintain a written record of all information and data which are disclosed under this section.

(b) *Restrictions.* Information released to judges, probation or parole officers, insurance company health or hospital plan or governmental officials, under subsection (a)(1), (2), (4), (7) and (8), is for the purpose of determining the advisability of continuing the client with the assigned project and shall be restricted to the following:

- (1) Whether the client is or is not in treatment.
- (2) The prognosis of the client.
- (3) The nature of the project.
- (4) A brief description of the progress of the client.

(5) A short statement as to whether the client has relapsed into drug, or alcohol abuse and the frequency of such relapse.

(c) *Record transfer.* The Client Admission Forms, the Treatment/Discharge Forms, and Discharge Summary Records are the only client records which may be transferred for treatment purposes. The transfer may be initiated upon the request of a client or by the present project of a client. In any case, the client shall fully understand the nature of the information, the purpose of the record transfer, and the identity of the recipient of the information. Only after these conditions are met, may the client authorize the transfer by signing a Release Form provided by the UDCS.

(d) *Coordinating bodies.* Coordinating bodies can gather and retain client oriented data provided they will receive or send only those forms as listed in subsection (c) in assigning or transferring clients and those bodies will not disclose such data, except to the Council, in a manner that is consistent with this chapter and Act 63.