

71 Pa. Stat. § 1690.108

Section 1690.108 - Confidentiality of records

(a) A complete medical, social, occupational, and family history shall be obtained as part of the diagnosis, classification and treatment of a patient pursuant to this act. Copies of all pertinent records from other agencies, practitioners, institutions, and medical facilities shall be obtained in order to develop a complete and permanent confidential personal history for purposes of the patient's treatment.

(b) All patient records (including all records relating to any commitment proceeding) prepared or obtained pursuant to this act, and all information contained therein, shall remain confidential, and may be disclosed only with the patient's consent and only (i) to medical personnel exclusively for purposes of diagnosis and treatment of the patient or (ii) to government or other officials exclusively for the purpose of obtaining benefits due the patient as a result of his drug or alcohol abuse or drug or alcohol dependence except that in emergency medical situations where the patient's life is in immediate jeopardy, patient records may be released without the patient's consent to proper medical authorities solely for the purpose of providing medical treatment to the patient. Disclosure may be made for purposes unrelated to such treatment or benefits only upon an order of a court of common pleas after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate criminal charges against a patient under any circumstances.

(c)

(1) Except as provided under section 12(b), patient records and all information contained therein relating to drug or alcohol abuse or drug or alcohol dependence prepared or obtained by a private practitioner, hospital, clinic, drug rehabilitation or drug treatment center shall remain confidential and may be disclosed only:

(i) when the patient is of the age of majority and consents to the disclosure; or

(ii) if the patient is a minor, the patient consents to treatment under section 12(a) and consents to the disclosure. A minor patient who does not consent to medical treatment or counseling under section 12(a) may consent to the disclosure of records and information.

(2) Records and information subject to disclosure in accordance with paragraph (1) shall only be disclosed:

(i) to medical personnel exclusively for purposes of diagnosis and treatment of the patient ;

(ii) to the parent or legal guardian of a minor or any other designee for which the patient has provided consent; or

(iii) to government or other officials exclusively for the purpose of obtaining benefits due the patient as a result of his drug or alcohol abuse or drug or alcohol dependence .

(3) Notwithstanding any other provisions of this section, in emergency medical situations where the patient's life is in immediate jeopardy, patient records may be released without the patient's consent to proper medical authorities solely for the purpose of providing medical treatment to the patient.

(4) When a parent or legal guardian signs the consent for furnishing medical care and counseling on behalf of the minor and the minor refuses to sign a consent to release the treatment information to the minor's parent or legal guardian, the practitioner, hospital, clinic or drug and alcohol treatment facility providing treatment may only inform the parent or legal guardian of the facts relevant to reducing a threat to the minor or other individual in accordance with Federal or State law or any other information that is authorized under Federal or State law.

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Amended by P.L. TBD 2018 No. 47, § 1, eff. 8/27/2018.
1972, April 14, P.L. 221, No. 63, § 8.
