

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1117 be amended to read as follows:

- 1 Page 3, after line 23, begin a new paragraph and insert:
- 2 "SECTION 2. IC 16-39-2-6 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) Without the
- 4 consent of the patient, the patient's mental health record may only be
- 5 disclosed as follows:
- 6 (1) To individuals who meet the following conditions:
- 7 (A) Are employed by:
- 8 (i) the provider at the same facility or agency;
- 9 (ii) a managed care provider (as defined in
- 10 IC 12-7-2-127(b)); or
- 11 (iii) a health care provider or mental health care
- 12 provider, if the mental health records are needed to
- 13 provide health care or mental health services to the
- 14 patient.
- 15 (B) Are involved in the planning, provision, and monitoring
- 16 of services.
- 17 (2) To the extent necessary to obtain payment for services
- 18 rendered or other benefits to which the patient may be entitled,
- 19 as provided in IC 16-39-5-3.
- 20 (3) To the patient's court appointed counsel and to the Indiana
- 21 protection and advocacy services commission.
- 22 (4) For research conducted in accordance with IC 16-39-5-3 and
- 23 the rules of the division of mental health, the rules of the division
- 24 of disability, aging, and rehabilitative services, or the rules of the

- 1 provider.
- 2 (5) To the division of mental health for the purpose of data
3 collection, research, and monitoring managed care providers (as
4 defined in IC 12-7-2-127(b)) who are operating under a contract
5 with the division of mental health.
- 6 (6) To the extent necessary to make reports or give testimony
7 required by the statutes pertaining to admissions, transfers,
8 discharges, and guardianship proceedings.
- 9 (7) To a law enforcement agency if any of the following
10 conditions are met:
- 11 (A) A patient escapes from a facility to which the patient is
12 committed under IC 12-26.
- 13 (B) The superintendent of the facility determines that failure
14 to provide the information may result in bodily harm to the
15 patient or another individual.
- 16 (C) A patient commits or threatens to commit a crime on
17 facility premises or against facility personnel.
- 18 (D) A patient is in the custody of a law enforcement officer
19 or agency for any reason and:
- 20 (i) the information to be released is limited to
21 medications currently prescribed for the patient or to
22 the patient's history of adverse medication reactions;
23 and
- 24 (ii) the provider determines that the release of the
25 medication information will assist in protecting the
26 health, safety, or welfare of the patient.
- 27 Mental health records released under this clause must be
28 maintained in confidence by the law enforcement agency
29 receiving them.
- 30 (8) To a coroner or medical examiner, in the performance of the
31 individual's duties.
- 32 (9) To a school in which the patient is enrolled if the
33 superintendent of the facility determines that the information
34 will assist the school in meeting educational needs of a person
35 with a disability under 20 U.S.C. 1400 et seq.
- 36 (10) To the extent necessary to satisfy reporting requirements
37 under the following statutes:
- 38 (A) IC 12-10-3-10.
39 (B) IC 12-17-2-16.
40 (C) IC 12-24-17-5.
41 (D) IC 16-41-2-3.
42 (E) IC 31-33-5-4.
43 (F) IC 34-30-16-2.
44 (G) IC 35-46-1-13.
- 45 (11) To the extent necessary to satisfy release of information
46 requirements under the following statutes:

- 1 (A) IC 12-24-11-2.
- 2 (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
- 3 (C) IC 12-26-11.
- 4 (12) To another health care provider in a health care emergency.
- 5 (13) For legitimate business purposes as described in
- 6 IC 16-39-5-3.
- 7 (14) Under a court order under IC 16-39-3.
- 8 (15) With respect to records from a mental health or
- 9 developmental disability facility, to the United States Secret
- 10 Service if the following conditions are met:
 - 11 (A) The request does not apply to alcohol or drug abuse
 - 12 records described in 42 U.S.C. 290dd-2 unless authorized
 - 13 by a court order under 42 U.S.C. 290dd-2(b)(2)(c).
 - 14 (B) The request relates to the United States Secret Service's
 - 15 protective responsibility and investigative authority under
 - 16 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
 - 17 (C) The request specifies an individual patient.
 - 18 (D) The director or superintendent of the facility determines
 - 19 that disclosure of the mental health record may be necessary
 - 20 to protect a person under the protection of the United States
 - 21 Secret Service from serious bodily injury or death.
 - 22 (E) The United States Secret Service agrees to only use the
 - 23 mental health record information for investigative purposes
 - 24 and not disclose the information publicly.
 - 25 (F) The mental health record information disclosed to the
 - 26 United States Secret Service includes only:
 - 27 (i) the patient's name, age, and address;
 - 28 (ii) the date of the patient's admission to or discharge
 - 29 from the facility; and
 - 30 (iii) any information that indicates whether or not the
 - 31 patient has a history of violence or presents a danger to
 - 32 the person under protection.
- 33 **(16) To the statewide waiver ombudsman established under**
- 34 **IC 12-11-13, in the performance of the ombudsman's duties.**
- 35 (b) After information is disclosed under subsection (a)(15) and if
- 36 the patient is evaluated to be dangerous, the records shall be interpreted
- 37 in consultation with a licensed mental health professional on the staff
- 38 of the United States Secret Service.

1 (c) A person who discloses information under subsection (a)(7) or
2 (a)(15) in good faith is immune from civil and criminal liability."
(Reference is to HB 1117 as printed January 26, 1999.)

Representative Klinker