

IC 12-24-11

Chapter 11. Release of Records Concerning Patients Discharged From State Institutions

IC 12-24-11-1

Repealed

(Repealed by P.L.40-1994, SEC.83.)

IC 12-24-11-2

Patient with developmental disability; release to local agency serving such needs in residing area; authorization; form; requisites

Sec. 2. (a) This section applies to an individual who has a primary diagnosis of developmental disability.

(b) Action contemplated by a patient under this section includes action by the patient's parent or guardian if the patient is not competent.

(c) If a patient is admitted to a state institution, the staff of the state institution shall, before the patient is discharged, ask the patient whether the patient's medical and treatment records may be sent to a service coordinator employed by the division of disability and rehabilitative services under IC 12-11-2.1 so the service coordinator may send the records to local agencies serving the needs of individuals with a developmental disability in the area in which the patient will reside.

(d) If a patient agrees to release the records, the patient shall sign a form permitting the state institution to release to a service coordinator employed by the division of disability and rehabilitative services under IC 12-11-2.1 a copy of the patient's medical and treatment records to forward to local agencies serving the needs of individuals with a developmental disability in the area in which the patient will reside. The form must read substantially as follows:

AUTHORIZATION TO RELEASE
MEDICAL AND TREATMENT
RECORDS

I agree to permit _____
(name of state institution)

to release a copy of the medical and treatment records of

_____ to _____
(patient's name) (name of local agency serving the needs of individuals with a developmental disability)

_____ (signature)
(date)

(address)

(signature of individual securing release of medical and treatment

(relationship to patient if signature is not that of the patient)

records)

(e) If a patient knowingly signs the form for the release of medical records under subsection (d), a service coordinator employed by the division of disability and rehabilitative services under IC 12-11-2.1 shall allow local agencies serving the needs of individuals with a developmental disability in the area in which the patient will reside to obtain the following:

- (1) The patient's name.
- (2) The address of the patient's intended residence.
- (3) The patient's medical records.
- (4) A complete description of the treatment the patient was receiving at the state institution at the time of the patient's discharge.

(f) If the local agency does not obtain a patient's records, the state institution shall deliver the medical records to the local agency before or at the time the patient is discharged.

(g) If a patient does not agree to permit the release of the patient's medical and treatment records, the service coordinator shall deliver:

- (1) the patient's name; and
- (2) the address of the patient's intended residence;

to local agencies serving the needs of individuals with a developmental disability in the area in which the patient will reside before or at the time the patient is discharged.

As added by P.L.2-1992, SEC.18. Amended by P.L.4-1993, SEC.200; P.L.5-1993, SEC.213; P.L.24-1997, SEC.55; P.L.272-1999, SEC.45; P.L.141-2006, SEC.65; P.L.99-2007, SEC.117.

IC 12-24-11-3

Contact of patient, parent, or guardian; explanation of services available

Sec. 3. Immediately upon receiving a patient's medical records or a patient's name and address under section 2 of this chapter, IC 12-24-12, or IC 12-26-11, the community mental health center, the managed care provider, or the local agency serving the needs of individuals with a developmental disability shall do the following:

- (1) Contact:
 - (A) the patient; or
 - (B) the patient's parent or guardian if the patient is not competent.
- (2) Explain the types of services that are available to the patient in the area in which the patient will reside.

As added by P.L.2-1992, SEC.18. Amended by P.L.40-1994, SEC.48; P.L.99-2007, SEC.118.

IC 12-24-11-4

Compliance with chapter; exemption; requirement

Sec. 4. (a) A person is exempt from complying with this chapter only to the extent that compliance with this chapter will result in a loss of federal money or services.

(b) A person shall comply with this chapter and perform

additional acts required to receive federal money or services if performance of the additional acts not specified by this chapter are required to receive the federal money or services.

As added by P.L.2-1992, SEC.18.