

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 771

Short Title: MH Records' Confidentiality.

(Public)

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Sponsors: Senators Martin of Guilford, Ward, Walker, Royall, Marvin, Tally, Plexico, Odom; Hunt, Richardson, and Speed.

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Referred to: Human Resources.

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April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING MENTAL HEALTH CLIENTS' RECORDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-55 is amended by adding the following new subsections to read:

"(j) Upon request of the next of kin or other family member who has a legitimate role in the therapeutic services offered, or other person designated by the client, the responsible professional shall provide the next of kin or other family member or the designee with notification of the client's diagnosis, the prognosis, the medications prescribed, the dosage of the medications prescribed, the side effects of the medications prescribed, if any, and the progress of the client, provided that the client has consented in writing, or orally in the presence of a witness selected by the client, prior to the release of this information. Both the client's consent and the release of this information shall be documented in the client's medical record. This consent is valid for a specified length of time only and is subject to revocation by the consenting individual.

(k) Notwithstanding the provisions of G.S. 122C-53(b) or G.S. 122C-206, upon request of the next of kin or family member, or the designee, notification of the client's admission to the facility, transfer to another facility, discharge from the facility, and referrals and appointment information for treatment after discharge, after notification of the client that this information has been requested.

(l) In response to a written request of the next of kin or other family member who has a legitimate role in the therapeutic services offered, or other person designated

1 by the client, for additional information not provided for in subsections (j) and (k) of  
2 this section, and when such written request identifies the intended use for this  
3 information, the responsible professional shall, in a timely manner:

4 (1) Provide the information requested based upon the responsible  
5 professional's determination that providing this information will be to  
6 the client's therapeutic benefit, and provided that the client has  
7 consented in writing to the release of the information requested;

8 (2) Refuse to provide the information requested based upon the  
9 responsible professional's determination that providing this  
10 information will be detrimental to the therapeutic relationship between  
11 client and professional;

12 (3) Refuse to provide the information requested based upon the  
13 responsible professional's determination that the next of kin or family  
14 member, or designee does not have a legitimate need for the  
15 information requested.

16 (m) The Mental Health, Developmental Disabilities, and Substance Abuse  
17 Services Commission shall adopt rules specifically to define the legitimate role referred  
18 to in subsections (j) and (l) of this section."

19 Sec. 2. This act becomes effective October 1, 1991.