

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 771
Human Resources Committee Substitute Adopted 5/13/91

Short Title: MH Records' Confidentiality.

(Public)

Sponsors:

Referred to:

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 or his legally responsible person, 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 or his legally responsible person 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 or the legally responsible person's consent and the release of this information shall be documented in the client's medical record. This consent shall be 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 other family member who has a legitimate role in the therapeutic services offered, or other person designated by the client or his legally responsible person, the responsible professional shall provide the next of kin, or family member, or the designee, notification of the client's admission to the facility, transfer to

1 another facility, decision to leave the facility against medical advice, discharge from the
2 facility, and referrals and appointment information for treatment after discharge, after
3 notification to the client that this information has been requested.

4 (l) In response to a written request of the next of kin or other family member
5 who has a legitimate role in the therapeutic services offered, or other person designated
6 by the client, for additional information not provided for in subsections (j) and (k) of
7 this section, and when such written request identifies the intended use for this
8 information, the responsible professional shall, in a timely manner:

9 (1) Provide the information requested based upon the responsible
10 professional's determination that providing this information will be to
11 the client's therapeutic benefit, and provided that the client or his
12 legally responsible person has consented in writing to the release of the
13 information requested; or

14 (2) Refuse to provide the information requested based upon the
15 responsible professional's determination that providing this
16 information will be detrimental to the therapeutic relationship between
17 client and professional; or

18 (3) Refuse to provide the information requested based upon the
19 responsible professional's determination that the next of kin or family
20 member or designee does not have a legitimate need for the
21 information requested.

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

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