

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 491
HOUSE BILL 920

AN ACT TO AUTHORIZE THE DIVISION OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES TO TRANSFER PATIENT OR RESIDENT INFORMATION TO THE DEPARTMENT OF CORRECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122-8.1 is amended by adding new subsections (d) and (e) to read:

"(d) Further, notwithstanding the provisions of subsection (a) any treatment facility as defined by G.S. 122-36(g) or by G.S. 122-56.2(b) may furnish information in its possession when requested by the Department of Correction regarding any present or former resident or patient of that treatment facility to the Department of Correction when any inmate is seeking treatment or has been determined to be in need of treatment by the Department of Correction for mental illness, mental retardation or substance abuse. In addition, the Department of Correction may furnish information in its possession about treatment for mental illness, mental retardation or substance abuse which the Department of Correction has provided any present or former inmate to a treatment facility if the inmate is presently seeking treatment from the requesting treatment facility or has been involuntarily committed to the requesting treatment facility for inpatient or outpatient treatment. Under the circumstances described in this subsection, the consent of the patient, resident or inmate shall not be required in order for this information to be so furnished and the information shall be furnished pursuant to such requests despite objection by the patient, resident or inmate. Any information transmitted to the Department of Correction shall be restricted from further disclosure.

(e) Nothing contained in this section shall apply to the records of a patient in a situation where federal statutes, rules or regulations applicable to that patient prohibit the disclosure of information regarding that patient."

Sec. 2. This act shall become effective October 1, 1983.

In the General Assembly read three times and ratified, this the 10th day of June, 1983.