
HOUSE BILL No. 1151

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-4-9.

Synopsis: Mental health and health records. Provides for the maintenance and transfer of a criminal offender's health and mental health records. (The introduced version of this bill was prepared by the commission on mental health.)

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Judiciary.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1151



A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-10-4-9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 9. (a) As used in this section, "mental health record"**
4 **has the meaning set forth in IC 16-18-2-226.**

5 **(b) A psychiatrist or behavioral health care provider may, with**
6 **or without the offender's consent, provide a copy of an offender's**
7 **health and mental health records to a facility, an agency, or a**
8 **health care provider responsible for the incarceration of an**
9 **offender. The facility or agency responsible for the incarceration**
10 **of an offender shall maintain any health and mental health records**
11 **provided under this subsection as part of the offender's health**
12 **record.**

13 **(c) If an offender is transferred to a different facility, the**
14 **operator of the facility or agency from which the offender is**
15 **transferred shall provide the offender's health and mental health**
16 **records to the facility that is used to:**

17 **(1) house; or**



1 **(2) provide mental health treatment to;**
2 **the offender, including a county jail or a community mental health**
3 **center.**
4 **(d) The department shall maintain health and mental health**
5 **records for each offender incarcerated by the department. After an**
6 **offender is released from incarceration, the department shall**
7 **provide the offender's health and mental health records, if any, to**
8 **a mental health facility, mental health provider, or designated**
9 **health care provider that is providing mental health treatment to**
10 **the offender.**
11 **(e) All records covered under this section are subject to privacy**
12 **and confidentiality laws, rules, and procedures enacted by the state**
13 **or federal government.**

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