

AN ACT

D.C. ACT 21-165

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 16, 2015

To amend the District of Columbia Mental Health Information Act of 1978 to permit the sharing of mental health information with other health care providers to facilitate the coordination of services and care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Behavioral Health Coordination of Care Amendment Act of 2015”.

Sec. 2. Section 301 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.01), is amended as follows:

(a) Subsection (b) is amended to read as follows:

“(b) Subject to subsection (c) of this section, a health care provider may disclose mental health information to another health care provider in connection with the diagnosis, evaluation, treatment, case management, or rehabilitation of a health or mental disorder or disease when and to the extent necessary to facilitate the delivery of health or professional services to the client. The authority to disclose mental health information under this subsection does not include the authority to disclose progress notes.”.

(b) New subsections (c) and (d) are added to read as follows:

“(c)(1) A health care provider shall notify its clients, in plain language in writing, upon registration:

“(A) Whether the health care provider’s privacy practices permit the disclosure of mental health information pursuant to subsection (b) of this section; and

“(B) That a client may request that his or her mental health information not be disclosed pursuant to subsection (b) of this section.

“(2) If a client requests that his or her mental health information not be disclosed, the health care provider shall not disclose the client’s mental health information pursuant to subsection (b) of this section; provided, that nothing contained in this subsection shall prohibit a health care provider from disclosing mental health information pursuant to another provision of this act or pursuant to the Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code § 7-241 *et seq.*).

“(d) For the purposes of this section, the term:

“(1) “Health care provider” means:

“(A) A person who is licensed, certified, or otherwise authorized under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), to provide health care in the ordinary course of business or practice of a health occupation or in an approved education or training program;

“(B) A person licensed or permitted to practice a health occupation under the laws of another state; or

“(C) A facility where health or mental health services are provided to patients or recipients, including a hospital, clinic, office, nursing home, infirmary, health maintenance organization, medical laboratory, provider, as defined by section 102(27) of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.02(27)), or similar entity licensed, certified, or otherwise authorized by the District of Columbia.

“(2) “Progress notes” means notes recorded, in any medium, by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the individual’s medical record. The term “progress notes” excludes medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.”

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

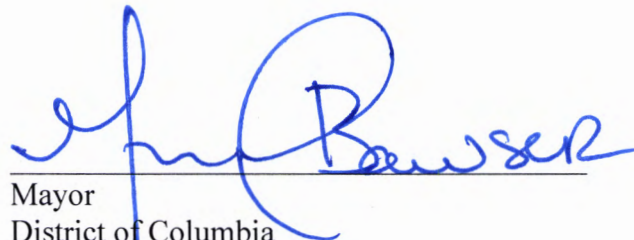
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 16, 2015



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B21-7**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 07/14/2015

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie				X					
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

9.29.15

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 09/22/2015

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

9.29.15

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ITEM ON CONSENT CALENDAR

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ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Evans					Orange				
Alexander					Grosso					Silverman				
Allen					May					Todd				
Bonds					McDuffie									
Cheh					Nadeau									

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

Date