

ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES ADMINISTRATIVE DIRECTIVE	AD NO: 08.06 DATE: February 17, 2023 SUBJECT: Inmate Records TITLE: Mental Health Records FOR PUBLIC RELEASE: Yes
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- I. Reference: Maryland Annotated Code Health General Article, Sections 4-301 through 4-305, 4-307 and 4-309; MCCS .08A; AD 08.01
- II. Purpose: To delineate appropriate access to an inmate’s Mental Health record; to establish procedures for maintaining confidentiality of the Mental Health record; and stipulate the conditions under which disclosure or release of those records is allowed.
- III. Policy: It shall be the policy of the Anne Arundel County Department of Detention Facilities (AACDDF) to ensure the confidentiality of an inmate’s Mental Health records in accordance with applicable statutes.
- IV. Procedure:
 - A. The Medical Administrator shall ensure that all Mental Health records are kept in a secure area, and access is strictly controlled. The Mental Health record shall include, but not be limited to, the initial screening form, evaluations, test protocols, reports of contact, treatment plans, if written and reports of contacts.
 - 1. Health care providers, and those with designated access to these files, shall complete a Confidentiality Statement at the time of hire or assignment to the Behavioral Observation Unit.
 - 2. Health care providers, and those with designated access to these files as their specific duties may require, have access to these records. Detention Officers and Correctional Program Specialist IIs (CPSII) assigned to the Behavioral Observation Unit at JRDC shall have access only to:
 - a. The Behavioral Observation Unit Observation Log and Behavioral Observation Unit Treatment Information Sheet maintained on the unit.
 - b. The information shared during the weekly Staffing Meetings to review the treatment activities for inmates assigned to the Behavioral Observation Unit.
 - B. Mental Health File Access by Departmental Staff and Vendors
 - 1. Personnel with unrestricted access in the course of their specific duties and only as their duties require are limited to the following:

- a. On-site Physicians and specialists;
- b. Dentists;
- c. Psychiatrists;
- d. Psychologists;
- e. Social workers;
- f. Physician Assistants/Nurse Practitioner;
- g. Nursing staff.

2. The persons listed below shall have designated access to Mental Health record(s) on a need to know basis by request. They may be required to sign out the record(s) and insure their safe return; and must acknowledge the confidential nature of the material and their obligation to maintain that confidentiality:

- a. Superintendent;
- b. Correctional Facility Administrator (CFA)/Assistant Correctional Facility Administrator (ACFA);
- c. Detention Officers assigned to the Behavioral Observation Unit at JRDC;
- d. Correctional Program Specialist II assigned to the Behavioral Observation Unit at JRDC;
- e. Interagency staff (i.e., Department of Health and Mental Hygiene and Maryland Commission on Correctional Standards).

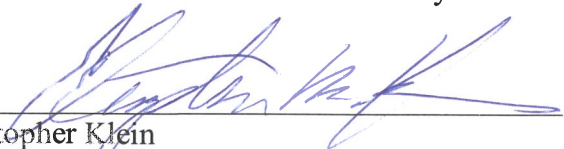
C. Person in Interest Access to Mental Health File

1. A person in interest may receive a copy of the Mental Health record in accordance with AD 08.01 IV.D.
2. An inmate designee may receive a copy of the Mental Health record when accompanied by the Authorization to Release Inmate Records (Appendix 1), signed by the inmate, or upon receipt of a valid subpoena.

- D. Disclosure Without Authorization - A health care provider may disclose an Mental Health record without the authorization of a person in interest under the following circumstances:
1. To the provider's authorized employees, agents, medical staff, medical students or consultants for the sole purpose of offering, providing, evaluation or seeking payment for health care to patients or recipients by the provider;
 2. To the provider's legal counsel regarding only the information in the medical record that relates to the subject matter of the representation; or
 3. To any provider's insurer or legal counsel, or the authorized employees or agents of a provider's insurer or legal counsel, or the authorized employees or agents of a provider's insurer, or legal counsel, for the sole purpose of handling a potential or actual claim against any provider;
 4. To evaluate and manage a health care delivery system;
 5. Accreditation of a facility by professional standard setting entities;
 6. If a health care provider makes a professional determination that an immediate disclosure is necessary, to provide for the emergency health care needs of a patient or recipient;
 7. To a government agency performing its lawful duties as authorized by an act of the Maryland General Assembly or the United States Congress;
 8. In compliance with duly authorized court proceedings;
 9. To the director of a medical or mental health facility to which the recipient of services is transferred if disclosure is necessary for the continuation of mental health services.
- E. Subpoenas - The Mental Health record shall be made available in response to appropriately filed subpoena.
1. All subpoenas for Mental Health records shall be forwarded to the Correctional Facility Administrator.
 2. The Correctional Facility Administrator or designee shall ensure the subpoena is valid.
 3. The Correctional Facility Administrator or designee shall forward the appropriate Mental Health records as indicated, in a sealed envelope with a "confidential" notation.

- F. Institutional Personnel Not Authorized Access - Personnel not specified under this directive do not have access to the Mental Health record. If input is needed for institutional programming purposes, the staff member shall make a written request to the Psychiatrist, in the form of questions/professional opinions regarding the programming issue in question (i.e. can this inmate participate meaningfully in the school program, etc.) The Psychiatrist or designee shall respond to this request, in writing, in a timely fashion.
- G. Person in Interest Requests Mental Health File Correction or Addition
1. A person in interest may request a correction or addition to the Mental Health file but may not have any information deleted. This request shall be in writing to the Medical Administrator.
 2. Within 30 days after a request has been received, the Psychiatrist shall:
 - a. Make the requested change, or
 - b. Provide written notice of a refusal to make the change to the person in interest. This notice shall contain:
 - i. The reason for the refusal;
 - ii. Any procedures the Medical Administrator has established for the review of the refusal.
 - c. If the final determination of the Medical Administrator is a refusal to change the Mental Health record, then the Medical Administrator shall:
 - i. Permit the person in interest to insert in the Mental Health file a concise statement of the reason that the person in interest disagrees with the record, and;
 - ii. Insert in the Mental Health file a statement of the reasons for the refusal.
 - d. The Medical Administrator shall give a notice of a change in an Mental Health record or a copy of a statement of disagreement to:
 - i. Any individual the person in interest has designated to receive the notice or statement and;
 - ii. Whom the medical provider has disclosed an inaccurate, an incomplete or a disputed record within the previous 6 months.

This directive shall be reviewed annually and revised as necessary.



Christopher Klein
Superintendent

Rescinds: AD 08.06 dated July 12, 2006
AD 08.06 dated October 14, 2014
AD 08.06 dated February 4, 2015

Appendix 1 – Authorization to Release Inmate Records