

THE FACILITY SHALL GIVE THE MENTALLY RETARDED INDIVIDUAL OR THE GUARDIAN OF THE PERSON INFORMATION ABOUT THE DIAGNOSIS, TREATMENT, AND PROGNOSIS OF THE MENTALLY RETARDED INDIVIDUAL.

(2) THE INFORMATION SHALL BE COMPLETE AND CURRENT AND STATED IN LANGUAGE THAT THE INDIVIDUAL REASONABLY CAN BE EXPECTED TO UNDERSTAND.

(D) PARTICIPATION IN PLANNING.

(1) UNLESS IT IS MEDICALLY INADVISABLE, A MENTALLY RETARDED INDIVIDUAL OR THE GUARDIAN OF THE PERSON:

(I) SHALL PARTICIPATE IN THE PLANNING OF THE MEDICAL TREATMENT;

(II) MAY REFUSE MEDICATION OR TREATMENT;
AND

(III) MAY KNOW THE MEDICAL CONSEQUENCES OF THESE ACTIONS.

(2) THE FACILITY SHALL KEEP A WRITTEN ACKNOWLEDGMENT OF THE MENTALLY RETARDED INDIVIDUAL OR GUARDIAN THAT THE MEDICAL CONSEQUENCES ARE KNOWN.

(E) CONFIDENTIAL INFORMATION.

(1) ANY CASE DISCUSSION, CONSULTATION, EXAMINATION, OR MEDICAL TREATMENT OF A MENTALLY RETARDED INDIVIDUAL:

(I) IS CONFIDENTIAL; AND

(II) IS NOT OPEN TO AN INDIVIDUAL WHO IS NOT INVOLVED DIRECTLY IN THE TREATMENT OF THE MENTALLY RETARDED INDIVIDUAL UNLESS THE MENTALLY RETARDED INDIVIDUAL OR THE GUARDIAN OF THE PERSON PERMITS THE INDIVIDUAL TO BE PRESENT.

(2) EXCEPT AS NECESSARY FOR THE TRANSFER OF A MENTALLY RETARDED INDIVIDUAL FROM ONE HEALTH CARE INSTITUTION TO ANOTHER OR AS REQUIRED BY LAW OR A THIRD PARTY PAYMENT CONTRACT, THE PERSONAL, MEDICAL, PSYCHOLOGICAL, AND INDIVIDUAL TREATMENT AND DEVELOPMENT INFORMATION ABOUT A MENTALLY RETARDED INDIVIDUAL IS CONFIDENTIAL AND MAY NOT BE RELEASED WITHOUT THE CONSENT OF THE MENTALLY RETARDED INDIVIDUAL OR THE GUARDIAN OF THE PERSON TO ANY INDIVIDUAL WHO:

(I) IS NOT ASSOCIATED WITH A FACILITY; OR

(II) IS ASSOCIATED WITH A FACILITY, BUT DOES NOT HAVE A DEMONSTRATED NEED FOR THE INFORMATION.