

~~(2) -- SHALL BEFORE INVESTIGATING ANY ALLEGED VIOLATION, INTERVIEW THE INDIVIDUAL WHOSE RIGHTS HAVE BEEN ALLEGEDLY VIOLATED UNDER THIS SUBTITLE, AND~~

~~(3) -- MAY NOT PURSUE AN INVESTIGATION IF THE INDIVIDUAL, WHOSE RIGHTS HAVE BEEN ALLEGEDLY VIOLATED, OBJECTS TO THE INVESTIGATION.~~

(I) BEFORE PURSUING ANY INVESTIGATION:

1. SHALL INTERVIEW THE INDIVIDUAL WHOSE RIGHTS HAVE BEEN ALLEGEDLY VIOLATED; AND

2. SHALL ATTEMPT TO OBTAIN WRITTEN CONSENT FROM THE INDIVIDUAL; AND

(II) IF THE INDIVIDUAL IS UNABLE TO GIVE WRITTEN CONSENT BUT DOES NOT OBJECT TO THE INVESTIGATION:

1. SHALL DOCUMENT THIS FACT; AND

2. SHALL REQUEST, IN WRITING, ACCESS TO THE INDIVIDUAL'S RECORDS FROM THE DIRECTOR OF THE MENTAL HYGIENE ADMINISTRATION.

(2) ON RECEIPT OF THE REQUEST FOR ACCESS TO THE INDIVIDUAL'S RECORDS, THE DIRECTOR OF THE MENTAL HYGIENE ADMINISTRATION SHALL AUTHORIZE ACCESS TO THE INDIVIDUAL'S RECORDS.

(3) AFTER SATISFYING THE PROVISIONS OF PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, THE EXECUTIVE DIRECTOR OF THE PROTECTION AND ADVOCACY AGENCY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, MAY PURSUE AN INVESTIGATION AND AS PART OF THAT INVESTIGATION, SHALL CONTINUE TO HAVE ACCESS TO THE RECORDS OF THE INDIVIDUAL WHOSE RIGHTS HAVE BEEN ALLEGEDLY VIOLATED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1984.

Approved May 15, 1984.

CHAPTER 430

(House Bill 623)

AN ACT concerning

Physicians - Disciplinary Actions -
Confidentiality of Records