

Administrative Order

2023-5

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In the Probate Court

Number Two

Travis County, Texas

FILED FOR RECORD
2023 OCT -2 PM 2:57
DYANA LINON-MERCADO
COUNTY CLERK
TRAVIS COUNTY TEXAS

**Administrative Order Granting Release of Protected Health Information
in Mental Health Cases**

After weighing the public interest and the interest of proposed and court-ordered patients regarding the need for disclosure of a proposed and a court-ordered patient's medical records and treatment information, including "protected health information" as used in the Health Insurance Portability and Accountability Act (HIPAA), the Court finds that good cause exists for the release of medical records and protected health information as set forth in this Order.

Therefore, the Court ORDERS the Travis County Sheriff's Office, and any mental health facility or provider, including but not limited to Integral Care and the Texas Health and Human Services Commission, to immediately release any information in their possession pertaining a mental health proposed or a court-ordered patient, including, without limitation, previous hospitalizations (including admissions for emergency detentions; commitments; medications; and hospitalizations resulting in a discharge before a commitment hearing was held) to prosecuting or defense attorneys or judge involved in any mental health case pending in the Travis County Probate Court No. 2, including but not limited to cases in which the proposed patient is being considered for or is subject to an order for Assisted Outpatient Treatment or a temporary or extended commitment. Such information shall be communicated orally upon request of prosecuting attorney, defense attorney, or judge.

Such medical information shall include, but is not limited to, data available to the Sheriff's Office, the mental health facility, or Integral Care pertaining to diagnosis, program enrollment, dates of admission and release from hospitalizations, emergency detentions at hospital emergency departments, and dates when the proposed patient has been incarcerated to be restored to competency. Medical information shall exclude any substance use disorder information that is subject to requirements of 42 CFR Part 2, or HIV/AIDS information subject to the requirements of Chapter 81, Texas Health and Safety Code.

The Court further ORDERS that any person who receives any information pursuant to this Order is prohibited from disclosing such information to third parties except to the extent said use or disclosure is consistent with the authorized purpose for which the person so disclosing first obtained the information.

This Order is issued pursuant to Chapters 595 and 611, Texas Health and Safety Code, and 45 CFR 164.512(e)(1)(i), Health Insurance Portability and Accountability Act (HIPAA), each of which authorizes those in possession of protected health information to disclose it in any judicial proceeding when responding to an order of a Court.



Nicholas Chu, Presiding Judge