

FILED

2025 OCT 16 AM 11:18

O-09-001-A1¹

In the County Courts at Law of Hays County, Texas

**STANDING ORDER REGARDING THE 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 proposed and court-ordered patient's medical records and treatment information, including the "protected health information" as used in the Health Insurance Portability and Accountability Act (HIPAA), the Court Courts at Law of Hays County find that good cause exists for the release of medical records and protected health information as set forth in this Order.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Release of Information.

The Hays County Sheriff's Office, and any mental health facility or provider, including but not limited to Hill Country mental Health and Developmental Disabilities Centers (Hill Country), Scheib Youth Crisis Respite Center (Scheib), and the Texas Health and Human Services Commission, shall immediately release any information in their possession pertaining to a mental health proposed or court-ordered patient, to prosecuting or defense attorneys or judges involved in any mental health case pending in the Hays County Courts at Law. Such medical information shall include without limitation:

- a) Previous hospitalizations (including admissions, for emergency detention, commitments, medications.)
- b) Hospitalizations resulting in discharge before a commitment hearing was held.
- c) Data available to the Sheriff's Office, the mental health facility, Hill Country or Schieb pertaining to diagnosis, program enrollment, dates of admission, releases form hospitalizations, emergency detentions at hospital emergency departments, and dates when the proposes patient has been incarcerated to be restored to competency.

Such release includes but is not limited to cases in which the proposed patient is considered for or is subject to an order for Assisted Outpatient Treatment or temporary or extended commitment. A proposed patient is an individual being: (1) evaluated involuntarily by the Local Mental Health Authority, Court staff and/or District Attorney's Office; or (2) being evaluated voluntarily by the Local Mental Health Authority, Court staff and/or District Attorney's Office by consent. Such information shall be communicated orally upon request of prosecuting attorneys, defense

¹ This Order was previously styled AO-0001. This number now reflects a conformed style, as well as the designation that this Order has been amended.

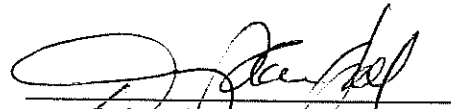
attorneys, or judge. Medical information shall exclude any substance use disorder information that is subject to requirements of 42 CFR Part 2, or HIV/Aids information subject to the requirements of Chapter 81 of the Texas Health and Safety Code.

2. Disclosure

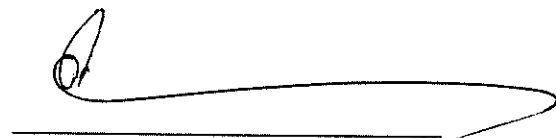
Any person who receives any information pursuant to this Order is prohibited from disclosing such information to third parties; except, to the extent said use of disclosure is consistent with the authorized purpose for which the person so disclosing, first obtained the information.

This Courts issue this Order pursuant to Chapters 595 and 611 of the Texas Health and Safety Code, 45 CFR 164.512(e)(1)(i), and the 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.

THIS HAYS COUNTY STANDING ORDER REGARDING THE RELEASE OF PROTECTED HEALTH INFORMATION IN MENTAL HEALTH CASES SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION ON THE OFFICE OF COURT ADMINISTRATION'S WEBSITE.



Judge Jimmy Alan Hall
County Court at Law No. 1
Hays County, Texas



Judge Chris Johnson
County Court at Law No. 2
Hays County, Texas



Judge Elaine S. Brown
County Court at Law No. 3
Hays County, Texas