

Sharing Information for Continuity of Care

Health & Safety Code § 614.017 requires agencies to request and share information about a special needs offender for the purposes of continuity of care and services without a signed release or consent form.

THE LAW

Health & Safety Code § 614.017(a) requires an agency to accept information about a special needs offender to serve the purposes of continuity of care and services and permits the agency to disclose that information when the disclosure serves those same purposes—regardless of whether other state law would otherwise treat the information as confidential.

Health & Safety Code § 611.004 separately provides that a professional may disclose confidential information to a governmental agency if the disclosure is required or authorized by law. Section 614.017(a) is that authorization; so, a request or disclosure made for continuity-of-care purposes is already lawful; it does not depend on a separate consent form.

WHO COUNTS AS AN “AGENCY”

A wide range of entities qualify (as listed below):

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| a) the Texas Department of Criminal Justice and the Correctional Managed Health Care Committee; | l) a municipal or county health department; |
| b) the Board of Pardons and Paroles; | m) a hospital district; |
| c) the Department of State Health Services; | n) a judge of this state with jurisdiction over juvenile or criminal cases; |
| d) the Texas Juvenile Justice Department; | o) an attorney who is appointed or retained to represent a special needs offender; |
| e) the Texas Workforce Commission; | p) the Health and Human Services Commission; |
| f) the Texas Education Agency; | q) the Department of Information Resources; |
| g) the Commission on Jail Standards; | r) the bureau of identification and records of the Department of Public Safety, for the sole purpose of providing real-time, contemporaneous identification of individuals in the Department of State Health Services client data base; and |
| h) the Texas School for the Blind and Visually Impaired; | s) the Department of Family and Protective Services. |
| i) community supervision and corrections departments and local juvenile probation departments; | |
| j) personal bond pretrial release offices established under Article 17.42, Code of Criminal Procedure; | |
| k) local jails regulated by the Commission on Jail Standards; | |

and any person or entity with an agency relationship with, or a contract with, one of these.

WHAT CAN BE SHARED

“Information” under this section includes the offender's identity, needs, treatment, social history, criminal history, vocational history, supervision status, compliance with conditions of supervision, and medical and mental health history.

GOOD TO KNOW

- Information obtained under this section cannot be used as evidence in a criminal proceeding (Health and Safety Code § 614.017(b)).
- Agencies must still manage the confidential information they accept or disclose prudently, protecting confidentiality to the extent possible (Health and Safety Code § 614.017(d)).
- “Special needs offender” includes someone with pending criminal charges, or who after conviction or adjudication is in custody or under any form of criminal justice supervision.

