

1975 WL 174062 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 26, 1975

Re: Confidentiality of Patient's Records

*1 Mr. Farroll E. Gunter
Registrar
S. C. State Hospital
P.O. Box 119
Columbia, South Carolina 29201

Dear Farroll:

I am writing in response to your letter of May 20, 1975, in which you requested advice and recommendations as to the disclosure of confidential patients' records to medical personnel at hospitals outside of the Department of Mental Health who assist in the treatment of patients. Section 32-1022, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, prohibits disclosure of confidential records except in certain specified instances. When disclosure to persons outside the Department of Mental Health is necessary to further the treatment of the patient, certain safeguards should be used to insure that adequate confidentiality is maintained. Any release of records should be accompanied by sufficient notification to all who have access to the records of the fact that the records are confidential and the contents should not be disclosed. This could be facilitated by delivering the records in a sealed envelope with a brief notation on the outside that the records are confidential and also have a designated space on the envelope on which any person having access to the records would sign before viewing the records. Also I would suggest that the hospital have the consulting member of the staff make the persons with whom he or she is to be working aware of the confidentiality of the records. Another recommended safeguard is that the hospital would release only the portion of the record necessary to perform the medical functions at the hospital outside of the Department of Mental Health.

These recommendations are in no way exclusive of others that may be more conveniently and effectively used; they are only suggestions. However, I do feel that some procedural safeguards should be utilized to more adequately insure confidentiality of the patients' records. Please feel free to contact me for assistance in this regard.

Very truly yours,

Edwin E. Evans
Staff Attorney

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