



MEMORANDUM

TO: Provider Associations  
Voluntary Provider Agency Executive Directors  
Developmental Disabilities State Operations Office Directors  
Developmental Disabilities Regional Office Directors  
IBR Director  
Commissioner's Advisory Council  
DDPC Consumer Caucus  
OPWDD Required Regulations Mailing List

FROM: Megan O'Connor-Hebert, Deputy Commissioner  
Division of Quality Improvement 

DATE: October 24, 2013

RE: **Proposed Guidance for Recent Legislative Change Permitting Limited Re-disclosure of Records and Reports by Qualified Persons under Jonathan's Law.**

An amendment to Jonathan's Law (Mental Hygiene Law §33.25), by Chapter 395 of the Laws of 2013, became effective on October 21, 2013. Previously, the law forbade qualified persons who received records and reports under Jonathan's Law from "further disseminat[ing]" those records. As a result of Chapter 395, the law now permits qualified persons to share disclosed records and reports released to them under Jonathan's Law with certain other persons. These persons include: (i) a health care provider; (ii) a behavioral health care provider; (iii) law enforcement, if the recipient believes that a crime has been committed; or (iv) the recipient's attorney.

The statute requires that notice of this limited permission to re-disclose be provided in writing with each release of records. The law specifically requires that each release under Jonathan's Law be accompanied by a cover letter that states the following:

"PURSUANT TO SECTION 33.25 OF THE MENTAL HYGIENE LAW, THE ATTACHED RECORDS AND REPORTS SHALL NOT BE FURTHER DISSEMINATED, EXCEPT THAT YOU MAY SHARE THE REPORT WITH: (i) A HEALTH CARE PROVIDER; (ii) A BEHAVIORAL HEALTH CARE PROVIDER; (iii) LAW ENFORCEMENT, IF YOU BELIEVED A CRIME HAS BEEN COMMITTED; OR (iv) YOUR ATTORNEY."

Please be advised that this notice requirement is effective beginning on October 21, 2013, for each release of reports or records under the authority of Jonathan's Law (MHL §33.25).