Public Health Service, HHS

part does not limit access by a legal
guardian, conservator, or other legal
representative of an individual with
mental illness, unless prohibited by
State or Federal law, court order or
the attorney-client privilege.

§ 51.46 Disclosing information ob-
tained from a provider of mental
health services.

(a) Except as provided in paragraph
(b) of this section, if a P&A system has
access to records pursuant to section
108(a)(4) of the Act (42 U.S.C.
10805(a)(4)) which, under Federal or
State law, are required to be main-
tained in a confidential manner by a
provider of mental health services, it
may not disclose information from
such records to the individual who is
the subject of the information if the
mental health professional responsible
for supervising the provision of mental
health services to that individual has
given the P&A system a written deter-
nition that disclosure of such infor-
mation to the individual would be det-
rimental to the individual’s health.
The provider shall be responsible for
giving any such written determination
to the P&A system at the same time as
access to the records containing the in-
formation is granted.

(b)(1) If the disclosure of information
has been denied under paragraph (a)
of this section to an individual, the fol-
lowing individuals or the P&A system
may select another mental health pro-
fessional to review the information and
to determine if disclosure of the infor-
mation would be detrimental to the in-
dividual’s health:
(i) Such individual;
(ii) The legal guardian, conserva-
tor or other legal representative of the in-
dividual; or
(iii) An eligible P&A system, acting
on behalf of an individual:
(A) Whose legal guardian is the
State; or
(B) Whose legal guardian, conserva-
tor, or other legal representative has
not, within a reasonable time after the
denial of access to information under
paragraph (a), selected a mental health
professional to review the information.
(2) If such mental health professional
determines, based on professional judg-
ment, that disclosure of the informa-
tion would not be detrimental to the
health of the individual, the P&A sys-
tem may disclose such information to
the individual.

(c) The restriction in paragraph (b) of
this section does not affect the P&A
system’s access to the records.

PART 51a—PROJECT GRANTS FOR
MATERNAL AND CHILD HEALTH

§ 51a.1 To which programs does this regu-
lation apply?

Sec. 51a.1 To which programs does this regula-

tion apply?

51a.2 Definitions.

51a.3 Who is eligible to apply for Federal

funding?

51a.4 How is application made for Federal

funding?

51a.5 What criteria will DHHS use to decide

which projects to fund?

51a.6 What confidentiality requirements

must be met?

51a.7 What other DHHS regulations apply?

51a.8 What other conditions apply to these

grants?

AUTHORITY: Sec. 1102 of the Social Security
Act, 49 Stat. 647 (42 U.S.C. 1302); sec. 502(a),
502(b)(1)(A), and 506(a)(3) of the Social Secu-
rity Act, 95 Stat. 819–20 (42 U.S.C. 702(a),
702(b)(1)(A) and 706(a)(3)).

SOURCE: 51 FR 7727, Mar. 5, 1986, unless oth-
erwise noted.

§ 51a.1 To which programs does this regu-
lation apply?

The regulation in this part applies to
grants, contracts, and other arrange-
ments under section 502(a) and
502(b)(1)(A) of the Social Security Act,
as amended (42 U.S.C. 702(a) and
702(b)(1)(A)), the Maternal and Child
Health (MCH) Federal Set-Aside
project grant programs. Section 502(a)
authorizes funding for special projects
of regional and national significance
(SPRANS), research and training
projects with respect to maternal and
child health and children with special
health care needs (including early int 
ervention training and services de 
velopment); genetic disease testing,
counseling and information programs;
comprehensive hemophilia diagnostic
and treatment centers; projects for
screening and follow-up of newborns for
sickle cell anemia and other genetic
disorders; and special maternal and
child health improvement projects. Section 502(b)(1)(A) authorizes funding