paragraph (1) to the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from substance abuse. In prescribing and implementing regulations pursuant to this paragraph, the Secretary shall, from time to time, consult with the Secretary of Health and Human Services in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.


**§ 290dd-2. Confidentiality of records**

**(a) Requirement**

Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e) of this section, be designed for application to families of employees and to employees who have family members who are alcoholics.

Subsec. (b). Pub. L. 96–190, §6(b)(1), designated existing provisions as par. (1), made the Secretary responsible for encouraging the programs and services to be designed for application to families of employees and to employees who have family members who are alcoholics, and added par. (2) to (4).

**Effective Date of 1992 Amendment**

Amendment by Pub. L. 102–321 effective Oct. 1, 1992, with provision for programs providing financial assistance, see section 301(c), (d) of Pub. L. 102–321, set out as a note under section 236 of this title.

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Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e) of this section, be designed for application to families of employees and to employees who have family members who are alcoholics. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.”

Subsec. (b) to (d). Pub. L. 99–570, §6002(b)(1), redesignated subsec. (c) and (d) as (b) and (c), respectively.

Former subsec. (b). redesignated (a).


1981—Subsec. (b). Pub. L. 97–35, §§961, 966(d), made changes in nomenclature, and substituted provisions relating to responsible State administrative agencies, for provisions relating to single State agencies designated pursuant to section 4573 of this title.


Subsec. (a). Pub. L. 96–190, §6(a), substituted “Office of Personnel Management” for “Civil Service Commission” and inserted provisions that require compliance with provisions of subpart F of part III of title 5 and encourage agencies and departments to extend the programs and services to the families of alcoholic employees and to employees who have family members who are alcoholics.

Subsec. (b). Pub. L. 96–190, §6(b)(1), designated existing provisions as par. (1), made the Secretary responsible for encouraging the programs and services to be designed for application to families of employees and to employees who have family members who are alcoholics, and added par. (2) to (4).

**Effective Date of 1992 Amendment**

Amendment by Pub. L. 102–321 effective Oct. 1, 1992, with provision for programs providing financial assistance, see section 301(c), (d) of Pub. L. 102–321, set out as a note under section 236 of this title.
after application showing good cause there-
for, including the need to avert a substantial
risk of death or serious bodily harm. In as-
sessing good cause the court shall weigh the
public interest and the need for disclosure
gained by the injury to the patient, to the phy-
sician-patient relationship, and to the treat-
ment services. Upon the granting of such
order, the court, in determining the extent to
which any disclosure of all or any part of
any record is necessary, shall impose appro-
priate safeguards against unauthorized dis-
closure.

(c) Use of records in criminal proceedings
Except as authorized by a court order granted
under subsection (b)(2)(C) of this section, no
record referred to in subsection (a) of this sec-
tion may be used to initiate or substantiate any
criminal charges against a patient or to conduct
any investigation of a patient.

(d) Application
The prohibitions of this section continue to
apply to records concerning any individual who
has been a patient, irrespective of whether or
when such individual ceases to be a patient.

(e) Nonapplicability
The prohibitions of this section do not apply
to any interchange of records—
(1) within the Uniformed Services or within
those components of the Department of Veter-
ans Affairs furnishing health care to veterans;
or
(2) between such components and the Uni-
formed Services.

The prohibitions of this section do not apply to
the reporting under State law of incidents of
suspected child abuse and neglect to the appro-
priate State or local authorities.

(f) Penalties
Any person who violates any provision of this
section or any regulation issued pursuant to this
section shall be fined in accordance with title 18.

(g) Regulations
Except as provided in subsection (h) of this
section, the Secretary shall prescribe regula-
tions to carry out the purposes of this section.
Such regulations may contain such definitions,
and may provide for such safeguards and proce-
dures, including procedures and criteria for the
issuance and scope of orders under subsection
(b)(2)(C) of this section, as in the judgment of
the Secretary are necessary or proper to effec-
tuate the purposes of this section, to prevent circum-
vention or evasion thereof, or to facilit-
tate compliance therewith.

(h) Application to Department of Veterans Af-
fairs
The Secretary of Veterans Affairs, acting
through the Under Secretary for Health, shall,
to the maximum feasible extent consistent with
their responsibilities under title 38, prescribe
regulations making applicable the regulations
prescribed by the Secretary of Health and
Human Services under subsection (g) of this sec-
tion to records maintained in connection with
the provision of hospital care, nursing home
care, domiciliary care, and medical services
under such title 38 to veterans suffering from
substance abuse. In prescribing and implement-
ing regulations pursuant to this subsection, the
Secretary of Veterans Affairs shall, from time
to time, consult with the Secretary of Health
and Human Services in order to achieve the
maximum possible coordination of the regula-
tions, and the implementation thereof, which
they each prescribe.

(July 1, 1944, ch. 373, title V, §543, formerly Pub.
1852, as amended Pub. L. 93–282, title I, §121(a),
May 14, 1974, 88 Stat. 130; Pub. L. 94–371, §111(a),
(b), July 26, 1976, 90 Stat. 1041; Pub. L. 94–581,
title I, §§111(c)(1), Oct. 21, 1976, 90 Stat. 2852; re-
numbered §522 of act July 1, 1944, and amended
renumbered §543, Pub. L. 100–77, title VI, §611(2),
1985; Pub. L. 105–392, title IV, §402(c), Nov. 13,
1998, 112 Stat. 3588.)

CODIFICATION
Section was formerly classified to section 4581 of
title 42 prior to renumbering by Pub. L. 98–24.

AMENDMENTS
“Uniformed Services” for “‘Armed Forces’”.
1992—Pub. L. 102–405 substituted “Secretary for Health” for “Chief Medical Director” in subsec. (h).
Pub. L. 102–321 amended section generally, substitut-
ing provisions relating to confidentiality of records for
provisions relating to admission of alcohol abusers and
alcoholics to general hospitals and outpatient facili-
ties.
1993—Pub. L. 98–24, §2(b)(13), renumbered section 4581
of this title as this section.
Subsec. (a). Pub. L. 98–24, §2(b)(13)(C), made a tech-
nical amendment to reference to section 300s–3 of this
title.
1976—Subsec. (a). Pub. L. 94–371, §111(a), inserted “‘”, or
outpatient facility” (as defined in section 300s–3(b) of
this title) after “hospital”.
Subsec. (b)(1). Pub. L. 94–371, §111(b), inserted “and
outpatient facilities” after “hospitals”, and “or out-
patient facility” after “hospital” wherever appearing,
and substituted “shall issue regulations not later than
December 31, 1976” for “is authorized to make regula-
tions”.
(b)(2), which directed the Administrator of Veteran’s
Affairs, through the Chief Medical Director, to pre-
scribe regulations making applicable the regulations
prescribed by the Secretary under subsec. (b)(1) to the
provision of hospital care, nursing home care, domici-
liary care, and medical services under title 38 to vet-
erns suffering from alcohol abuse or alcoholism and to
consult with the Secretary in order to achieve the max-
imum possible coordination of the regulations, and the
implementation thereof, which they each prescribed,
was superseded by section 4131 [now 7331] et seq. of
Title 38, Veterans’ Benefits.
1974—Subsec. (a). Pub. L. 93–282, in revising text, pro-
hibited discrimination because of alcohol abuse, sub-
stituted provisions respecting eligibility for admission
and treatment based on suffering from medical condi-
tions for former provision based on medical need and
ineligibility, because of discrimination, for support in
any form from any program supported in whole or in
part by funds appropriated to any Federal department
or agency for former requirement for treatment by a
general hospital which received Federal funds, and de-
leted prohibition against receiving Federal financial
assistance for violation of section and for termination of Federal assistance on failure to comply, now incorporated in regulation authorization of subsec. (b) of this section.

Subsec. (b). Pub. L. 93–282 substituted provisions respecting issuance of regulations by the Secretary concerning enforcement procedures and suspension or revocation of Federal support and by the Administrator concerning applicable regulations for veterans, and for coordination of the respective regulations for former provisions respecting judicial review.

Effective Date of 1992 Amendment
Amendment by Pub. L. 102–321 effective Oct. 1, 1992, with provision for programs providing financial assistance and that require the preparation and submission of a report on regulations prescribed by the Administrator to submit report not later than sixty days after effective date of regulations prescribed by Secretary under section 321(b)(1) of such Act (42 U.S.C. 290dd–2(b)(1)), (3) on extent, substance, and results of his consultations with Secretary respecting prescribing and implementing of Administrator’s regulations and (4) containing such recommendations for legislation and administrative actions as he determined were necessary and desirable, with Administrator to submit report not later than sixty days after effective date of regulations prescribed by Secretary under such section 321(b)(1) of such Act (42 U.S.C. 290dd–2(b)(1)), and to publish such report in Federal Register, was characterized by section 111(c)(5) of Pub. L. 94–581 as having been superseded by section 4134 [now 7334] of Title 38, Veterans’ Benefits.

§ 290dd–3 to 290ee–3. Omitted

CODIFICATION

Sections 290dd–3 to 290ee–3 were omitted in the general revision of this part by Pub. L. 102–321.


PART E—CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES

§ 290ff. Comprehensive community mental health services for children with serious emotional disturbances

(a) Grants to certain public entities

(1) In general

The Secretary, acting through the Director of the Center for Mental Health Services, shall make grants to public entities for the purpose of providing comprehensive community mental health services to children with a serious emotional disturbance.

(2) “Public entity” defined

For purposes of this part, the term “public entity” means any State, any political subdivision of a State, and any Indian tribe or tribal organization (as defined in section 450(b)(1) and section 450(b)(3) of title 25).

(b) Considerations in making grants

(1) Requirement of status as grantee under part B of subchapter XVII

The Secretary may make a grant under subsection (a) of this section to a public entity only if—

(A) in the case of a public entity that is a State, the State is a grantee under section 300x of this title;

(B) in the case of a public entity that is a political subdivision of a State, the State in 1

1See References in Text note below.