

The State of Texas

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In the _____ Court

v.

of

DOB:

Travis County, Texas

**ORDER TO RELEASE MEDICAL RECORDS AND
TREATMENT INFORMATION TO DEFENSE COUNSEL**

The Court **FINDS** that an examination of the Defendant was done pursuant to Article 16.22 of the Code of Criminal Procedure indicating that the defense attorney in this case needs to receive medical records and treatment information regarding their client. The Court **FURTHER FINDS** that the following attorney is representing the Defendant in this cause.

Attorney

State Bar Number

Address

City

State

Zip Code

Phone

Fax

Email

The Court **FURTHER FINDS**, after weighing the public interest and need for disclosure of the Defendant's medical records and treatment information, including but not limited to information regarding mental health and any intellectual/developmental disability, against the potential injury to the Defendant, that good cause exists for the release of medical records and, therefore, **ORDERS** any mental health facility or provider, including but not limited to Integral Care, and the Texas Health and Human Services Commission, to immediately release upon request only to the attorney named above, and his/her representatives, any and all medical information concerning or related to evaluation and/or treatment of the Defendant (but specifically excluding any substance use disorder information that is subject to the requirements of 42 CFR Part 2, or HIV/AIDS information that is subject to the requirements of Chapter 81 of the Texas Health and Safety Code), in whatever medium such information may be stored and/or maintained, electronic or written, for the purpose of providing legal representation to the Defendant in this cause. Such information shall be communicated verbally at the request of the attorney above. Such medical information to include, but is not limited to, information gained in the course of evaluation and/or treatment of mental illness and/or intellectual/developmental disability which might otherwise be protected from disclosure under applicable federal and state laws, rules and/or regulations.

The Court **FURTHER FINDS**, after weighing the public interest and need for disclosure of the Defendant's mental health and intellectual/developmental disability records and treatment information, against the potential injury to the Defendant, that good cause exists for the release of these records and, therefore, **ORDERS** the Travis County Sheriff's Office to immediately release upon request only to the attorney named above, and his/her representatives, any and all mental health and intellectual/developmental disability information concerning or related to evaluation and/or treatment of the Defendant (but specifically excluding any substance use disorder information that is subject to the requirements of 42 CFR Part 2, or HIV/AIDS information that is subject to the requirements of Chapter 81 of the Texas Health and Safety Code), in whatever medium such information may be stored and/or maintained, electronic or written, for the purpose of providing legal representation to the Defendant in this cause. Such information shall be communicated verbally at the request of the attorney above. Such mental health and intellectual/developmental disability information to include, but is not limited to, information gained in the course of evaluation and/or treatment of mental illness and/or intellectual/developmental disability which might otherwise be protected from disclosure under applicable federal and state laws, rules and/or regulations.

The Court **FURTHER ORDERS** that any person who receives any medical, mental health or intellectual/developmental disability information pursuant to this Order is prohibited from using or further disclosing such information except to the extent that the use or disclosure is consistent with the authorized purpose for which the person first obtained the information.

This Order is issued pursuant to Chapters 595 and 611 of the Texas Health and Safety Code, and 45 CFR 164.512(e)(1)(i) Health Insurance Portability and Accountability Act ("HIPAA"), each of which authorizes those in possession of protected health information to disclose it in the course of any judicial or administrative proceeding when responding to an order of the Court.

Date _____

Judge