

GUIDELINES FOR THE IMPLEMENTATION OF STATE INTERMEDIATE PUNISHMENT

The Department of Corrections (“Department”) hereby issues guidelines for the implementation of the first state intermediate punishment program approved by the General Assembly. The guidelines implement the Act of November 19, 2004 (P.L. 855, No. 112) which permits a defendant who commits a drug-related offense to be sentenced to an individualized drug offender treatment program for a period of twenty-four months. The purpose and background of the program are explained below.

A. Effective Date

The guidelines will become effective on May 18, 2005.

B. Contact Person

Further information concerning the guidelines may be obtained from Jill C. Fluck, Special Assistant to the Secretary, Department of Corrections, 2520 Lisburn Road, P.O. Box 598, Camp Hill, PA 17001. The guidelines are published on the Department of Corrections website at www.cor.state.pa.us.

C. Statutory Authority

The guidelines are published pursuant to 42 Pa.C.S. § 9906 which requires the Department to develop written guidelines which are not subject to the Regulatory Review Act (Act of June 25, 1982, P.L. 633, No. 181). The guidelines are effective for a period of two years and must be replaced with regulations promulgated consistently with the Regulatory Review Act within the two-year period during which the guidelines are effective.

D. Purpose and Background

On November 19, 2004, Governor Rendell signed into law P.L. 855, No. 112 which becomes effective on May 18, 2005 (“Act”). The Act establishes the Commonwealth’s first state intermediate punishment program. The state intermediate punishment program is intended to reduce recidivism by providing intense drug and alcohol treatment to certain defendants who have been convicted of drug-related offenses. A drug-related offense is a crime that was motivated by the defendant’s consumption of or addiction to alcohol or other drugs.

The Act permits certain defendants who have been convicted of drug-related offenses to be committed to the Department for an assessment of their addiction and other treatment needs. Defendants who are subject to a sentence that includes an enhancement

for the use of a deadly weapon or who have been convicted of a personal injury crime and certain other sexual crimes cannot be sentenced to state intermediate punishment. If, after assessment, the Department determines that the defendant is likely to benefit from a drug offender treatment program and is appropriate for placement in such a program, the Department will develop an individualized drug offender treatment program for the defendant. The judge may sentence the defendant to participate in the drug offender treatment program with the agreement of the defendant and the attorney for the Commonwealth.

A drug offender treatment program will be twenty-four months in duration and consist of at least four components. The defendant must serve a minimum of seven months incarceration in a state correctional institution, during which the defendant must receive a minimum of four months treatment in an institutional therapeutic community. The defendant then must receive a minimum of two months treatment in a community-based therapeutic community and a minimum of six months treatment through an outpatient addiction treatment facility. The balance of the twenty-four month program consists of supervised reintegration into the community. The Act permits the Department to transfer the defendant from less restrictive to more restrictive settings for medical, disciplinary or administrative reasons and to suspend or expel the defendant from the program. The Department intends to expel defendants who are not meaningfully participating in their individualized drug offender treatment program. A defendant who is expelled from the program will be resentenced by the court.

E. Paperwork

The guidelines will not increase the paperwork requirements of the counties. The guidelines will require counties to submit to the Department documentation that currently is being prepared in criminal cases. The Department will use the existing documentation and other evaluative tools in performing assessments. The Department and the various treatment providers will have to prepare additional reports under the guidelines.

F. Fiscal Impact

The guidelines will be fiscally neutral with respect to counties. The Department anticipates a savings of \$3,873,000 through the first five years of the program.

Jeffrey A. Beard, Ph.D.
Secretary
Pennsylvania Department of Corrections

Chapter 97
State Intermediate Punishment
Drug Offender Treatment Program

97.1. Authority and purpose.

These Guidelines are published pursuant to the Act of November 19, 2004, P.L. 855, No. 112 (“Act”) and establish the Drug Offender Treatment Program administered by the Department of Corrections. The Guidelines are intended to inform judges, prosecutors, defense counsel, defendants and the general public about the Drug Offender Treatment Program.

The Drug Offender Treatment Program is a form of state intermediate punishment that provides a sentencing alternative for a person who commits a drug-related offense as defined in the Act. The Drug Offender Treatment Program offers a sentencing alternative that punishes a person who commits a drug-related offense, but also provides treatment that offers the opportunity for the person to address their drug or alcohol addiction or abuse.

97.2. Definitions.

The following words and terms, when used in these guidelines have the following meanings unless the context clearly indicates otherwise:

Act – The Act of November 19, 2004, P.L. 855, No. 112 establishing the drug offender treatment program.

Commission – the Pennsylvania Commission on Sentencing.

Community-based therapeutic community – A long-term residential addiction treatment program licensed by the Department of Health to provide addiction treatment services using a therapeutic community model, determined by the Department of Corrections to be qualified to provide addiction treatment to eligible offenders and accredited as a therapeutic community for the treatment of drug and alcohol abuse and addiction by the Commission on Accreditation of Rehabilitation Facilities or another nationally recognized accreditation organization for community-based therapeutic communities for drug and alcohol treatment.

Community corrections center – A residential program that is supervised and operated by the Department of Corrections for inmates with prerelease status or who are on parole.

Court – the trial judge exercising sentencing jurisdiction over an eligible offender under this chapter or the president judge if the original trial judge is no longer serving as a judge of the sentencing court.

Defendant – an individual charged with a drug-related offense.

Department – the Department of Corrections of the Commonwealth.

Drug offender treatment program (“DOTP”) – an individualized treatment program established by the Department consisting primarily of drug and alcohol addiction treatment and lasting for twenty-four months and including a period of not less than seven months in a state correctional institution, a minimum of four months of which shall be in an institutional therapeutic community; a period of treatment in a community-based therapeutic community of at least two months; a period of at least six months treatment through an outpatient addiction treatment program; and a period of supervised reintegration into the community.

Drug-related offense – a criminal offense for which the defendant is convicted and that the court determines was motivated by the defendant’s consumption of or addiction to alcohol or a controlled substance, counterfeit, designer drug, drug, immediate precursor or marijuana, as those terms are defined in the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

Eligible Offender – a defendant designated by the sentencing court as a person convicted of a drug-related offense who: (1) has undergone an assessment performed by the Department which assessment has concluded that the defendant is in need of drug and alcohol addiction treatment and would benefit from commitment to a drug offender treatment program and that placement in a drug offender treatment program would be appropriate; (2) does not demonstrate a history of present or past violent behavior; (3) would be placed in the custody of the Department if not sentenced to state intermediate punishment; and (4) provides written consent permitting the release of information pertaining to the defendant’s participation in a drug offender treatment program. The term shall not include a defendant who is subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon, as defined pursuant to law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, or a defendant who has been convicted of a personal injury crime as defined in section 103 of the Crime Victims Act, or an attempt or conspiracy to commit such a crime or who has been convicted of violating 18 Pa.C.S. § 4302 (relating to incest), 5901 (relating to open lewdness), 6312 (relating to abuse of children), 6318 (relating to unlawful contact with minor); 6320 (relating to sexual exploitation of children) or Chapter 76 Subchapter C (relating to internet child pornography).

Expulsion – the permanent removal of a participant from a drug offender treatment program.

Group Home – a residential program that is contracted out by the Department to a private service provider for inmates with prerelease status or who are on parole.

Individualized drug offender treatment plan – an individualized addiction treatment plan within the framework of the drug offender treatment program.

Institutional therapeutic community – a residential drug treatment program in a state correctional institution, accredited as a therapeutic community for treatment of drug and alcohol abuse and addiction by the American Correctional Association or other nationally recognized accreditation organization for therapeutic community drug and alcohol addiction treatment.

Outpatient addiction treatment facility – an addiction treatment facility licensed by the Department of Health and designated by the Department of Corrections as qualified to provide addiction treatment to criminal justice offenders.

Participant – an eligible offender actually sentenced to state intermediate punishment pursuant to 42 Pa.C.S. § 9721(a)(7) (relating to sentencing generally).

Transitional residence – a residence investigated and approved by the Department as appropriate for housing a participant in a drug offender treatment program.

97.3. Commitment for assessment.

(a) Prior to imposing sentence, the court may, upon motion of the Commonwealth and agreement of the defendant, commit a defendant to the custody of the Department for the purpose of evaluating whether the defendant would benefit from a DOTP and whether placement in a DOTP is appropriate.

(b) The committing county shall deliver a defendant committed to the custody of the Department for purposes of an evaluation to the institution the Department has designated for reception of inmates from that county. The defendant shall be housed in a state correctional institution while undergoing the evaluation. The following documents shall be delivered to the Department simultaneously with the defendant's arrival:

(1) A certified copy of the order committing the defendant to the Department's custody for purposes of an evaluation.

(2) A summary of the offense for which the inmate has been convicted, including the criminal complaint and police report summarizing the facts of the crime, if available or a copy of the affidavit of probable cause accompanying the arrest warrant.

(3) A summary of the defendant's criminal history or history of delinquency including information maintained by the court pursuant to Chapter 63 of Title 42 of the Pennsylvania Statutes.

(4) Any available information regarding the defendant's history of drug or alcohol abuse or addiction, including any evaluation performed using Court Reporting Network instruments or other evaluation techniques deemed appropriate by the court under 75 Pa.C.S. § 3816 or any other provision of law.

(5) A pre-sentence investigation when available or the official version of the crime for which the offender was convicted or a copy of the guilty plea transcript or a copy of the preliminary hearing transcript.

(6) A written consent in the form set forth in § 97.17 authorizing the release of information pertaining to the defendant's participation in the DOTP,

(7) A copy of the guideline sentence form issued by the Commission;

(8) A record of the defendant's adjustment in the county correctional facility, including, but not limited to, misconducts and escape history.

(9) Any current medical or psychological condition requiring treatment, including, but not limited to suicide attempts.

(10) Any medical admission testing performed by the county and the results of those tests, including, but not limited to, hepatitis, HIV/AIDS, tuberculosis or other infectious disease testing.

(11) A notice of current or previously administered medications.

(12) A forty-eight hour supply of current medications. and

(13) Any other information the court deems relevant to assist the Department with its assessment of the defendant.

97.4. Assessment of addiction and other treatment needs.

(a) The Department shall conduct a risk assessment and assess the addiction and other treatment needs of a defendant committed to its custody for purposes of an evaluation. The assessment of addiction shall be conducted using a nationally recognized assessment instrument or an instrument that has been normed and validated on the Department's inmate population by a recognized expert in such matters. The instrument will be administered by persons skilled in the treatment of drug and alcohol addiction and trained to conduct assessments. The assessment will be reviewed and approved by a supervisor with at least three years of experience providing drug and alcohol counseling services.

(b) The Department will provide a report of its assessment to the court, the defendant, the attorney for the Commonwealth and the Sentencing Commission within 60 days of the commitment of the defendant to the Department for purposes of evaluation. If the Department determines that the defendant will benefit from a DOTP and placement in a DOTP is appropriate, the report will include a proposed DOTP detailing the type of treatment proposed for the defendant. If the Department determines that the defendant

will not benefit from a DOTP or that placement in a DOTP is inappropriate, the report will set forth the reasons for the Department's determination.

(c) The Act provides that the court may not modify or alter the terms of the Department's proposed DOTP without the agreement of the Department and attorney for the Commonwealth. A request for modification of the terms of a proposed DOTP shall be sent to the Deputy Superintendent for the Diagnostic and Classification Center at SCI-Camp Hill for male inmates and the Deputy Superintendent for Centralized Services at SCI-Muncy for female inmates. If the Department agrees to a request for modification, it shall forward an amended report to the court, defendant, attorney for the Commonwealth and the Sentencing Commission.

97.5. Drug Offender Treatment Program Selection Committee

(a) The Participant Selection Committee shall consist of the Diagnostic and Classification Center Director or his or her designee, the Deputy Superintendent responsible for the Diagnostic and Classification Center or his or her designee, and the Chief of the Department's Central Office Treatment Division or his or her designee.

(b) The Participant Selection Committee shall apply the participant selection criteria to determine whether a defendant will benefit from a DOTP and whether his or her placement in a DOTP is appropriate.

97.6. Participant Selection Criteria

(a) An eligible offender, as that term is defined in the Act, may be selected to be a participant in a DOTP. The Participant Selection Committee will consider all information relevant to determining which defendants are most likely to benefit from a DOTP by becoming productive, law-abiding members of society by addressing their abuse of or addiction to alcohol or other drugs. Selection criteria will include, but not necessarily be limited to, the following:

- (1) Information furnished to the Department by the sentencing court.
- (2) The results of the assessment of addiction and other treatment needs conducted by the Department.
- (3) The length of the sentence that would be typically imposed under the standard range of the sentencing guidelines promulgated by the Pennsylvania Commission of Sentencing.
- (4) The eligible offender's motivation to participate meaningfully in a DOTP.
- (5) Whether the eligible offender has provided to the Department written consent permitting the release of information pertaining to his or her participation in a DOTP.

- (6) The eligible offender's criminal history.
- (7) The eligible offender's escape or parole absconder history.
- (8) The eligible offender's institutional adjustment during current and prior incarcerations.
- (9) The availability of the Department's programming resources.

(b) No eligible offender shall have a right to placement in a DOTP. A DOTP is intended to assist defendants to become productive, law-abiding members of society and is not intended to be a means for a defendant simply to serve a shorter sentence. The goal of the Participant Selection Committee will be to select those defendants it believes will most likely benefit from a DOTP by becoming productive, law-abiding members of society while allowing the Department to use its available programming resources efficiently and effectively. The number of participants selected for a DOTP will be that number that the Participant Selection Committee believes will neither under use nor overtax the available programming resources.

97.7. Drug offender treatment program.

(a) A DOTP developed for a defendant shall be designed to address the defendant's individually assessed drug and alcohol abuse and addiction needs and other issues essential to the defendant's successful reintegration into the community, including, but not limited to, education and employment issues.

(b) A DOTP developed for a defendant shall be twenty-four months in duration and shall include the following:

(1) A period of confinement in a state correctional institution of not less than seven months, including the assessment period prior to the imposition of sentence and a period of at least four months during which the defendant shall be placed in an institutional therapeutic community.

(2) A period of treatment in a community-based therapeutic community of at least two months.

(3) A period of at least six months treatment through an outpatient addiction treatment facility.

(4) A period of supervised reintegration into the community for the balance of the DOTP.

97.8. Confinement in a state correctional institution.

(a) The Department will accommodate requests to conduct sentencing proceedings for persons committed to its custody via videoconferencing subject to equipment and staff availability. A defendant who is not sentenced via videoconferencing, but is sentenced to a DOTP following an evaluation and recommendation by the Department shall be delivered to the institution the Department has designated for reception of inmates from the committing county. The defendant will be considered to be a participant upon receipt by the Department.

(b) The participant will be required to begin his or her individual DOTP while housed in a state correctional institution and may be required to begin additional programming intended to address other treatment needs identified during his or her incarceration.

97.9. Program advancement and regression.

(a) An individual DOTP contemplates that a participant will progress through treatment provided in progressively less restrictive treatment settings. The Department anticipates that some participants who have progressed to a less restrictive treatment setting will benefit from an additional period of treatment or confinement in a more restrictive setting or location. Consistent with the minimum time requirements set forth in the Act, the Department may, in its discretion, transfer a participant to a state correctional institution, an institutional therapeutic community, a community-based therapeutic community, an outpatient addiction treatment program or an approved transitional residence. The Department may transfer a participant between less restrictive and more restrictive settings based upon the participant's progress or regression in treatment or for medical, disciplinary or other administrative reasons.

(b) The Chief of the Department's Central Office Treatment Division or his or her designee will determine whether a participant will be transferred to a different setting or location. The Department's goal will be to take the action that it believes will maximize the use of programming resources by continuing to treat those participants it believes will most likely complete and benefit from a DOTP by becoming productive, law-abiding members of society while allowing the Department to use its available programming resources efficiently and effectively.

97.10. Community-based therapeutic community.

(a) A participant who successfully completes the institutional therapeutic community portion of his or her DOTP and any required additional programming will be placed in a community based therapeutic community. Placement in a community based therapeutic community will not necessarily be made immediately upon successful

completion of the institutional therapeutic community and any additional required programming, but will be made in sufficient time to permit the participant to complete the remaining portions of his or her DOTP.

(b) The participant will be required to continue engaging in his or her individual DOTP while housed in a community-based therapeutic community and may be required to participate in additional programming intended to address other treatment needs identified during his or her incarceration.

(c) The treatment staff of the community-based therapeutic community shall provide the Department with an informational report concerning the participant's progress toward completion of the community-based treatment portion of his or her DOTP at the conclusion of the participant's first two months in the community-based therapeutic community. The report shall include a recommendation whether the participant has progressed sufficiently to begin the outpatient addiction treatment portion of his or her DOTP, if the participant should continue in the community-based treatment community, be returned to the institutional therapeutic community or to a state correctional institution or be expelled from the DOTP. The report shall include specific reasons supporting the recommendation and a suggested plan for addressing any treatment deficiencies noted. The report shall be transmitted to the Chief of the Department's Central Office Treatment Division or his or her designee.

(d) The Department shall not be limited to approving or disapproving the recommendation of the community-based therapeutic treatment community treatment staff and may select alternatives not recommended by the treatment staff.

(e) The Department may require the treatment staff of the community-based therapeutic community to submit reports in addition to the report required by paragraph (c).

97.11. Outpatient addiction treatment facility.

(a) A participant who successfully completes the community-based therapeutic community and any additional required programming will be assigned to an outpatient addiction treatment facility. Assignment to an outpatient addiction treatment facility will not necessarily be made immediately upon successful completion of the community-based therapeutic community and any additional required programming, but will be made in sufficient time to permit the participant to complete the remaining portions of his or her DOTP. A participant may reside in a community corrections center, group home or an approved transitional residence while assigned to an outpatient addiction treatment facility program, but will not be permitted to begin residing in a group home or an approved transitional residence until the Department has completed its investigation, review and approval of such residence

(b) A participant will be required to continue his or her individual DOTP while assigned to an outpatient addiction treatment facility program and may be required to participate in additional programming intended to address other treatment needs identified during his or her incarceration.

(c) The treatment staff of the outpatient addiction treatment facility shall provide the Department with an informational report concerning the participant's progress toward completion of the outpatient addiction treatment portion of his or her DOTP at the conclusion of the participant's first six months of treatment with the outpatient addiction treatment facility. The report shall include a recommendation whether the participant has progressed sufficiently to begin his or her supervised reintegration into the community, if the participant should continue treatment with the outpatient addiction treatment facility, be returned to a community-based treatment community, institutional therapeutic community or to a state correctional institution or be expelled from the DOTP. The report shall include specific reasons supporting the recommendation and a suggested plan for addressing any treatment deficiencies noted. The report shall be transmitted to the Chief of the Department's Central Office Treatment Division or his or her designee.

(d) The Department shall not be limited to approving or disapproving the recommendation of the outpatient addiction treatment facility treatment staff and may select alternatives not recommended by the treatment staff.

(e) The Department may require the treatment staff of the outpatient addiction treatment program to submit reports in addition to the report required by paragraph (c).

97.12. Supervised reintegration into the community.

(a) A participant who successfully completes treatment through an outpatient addiction treatment facility and any additional required programming will begin supervised reintegration into the community for the remaining portion of his or her DOTP. The participant may continue to or be permitted to begin to reside in a community corrections center, group home or an approved transitional residence during the period of supervised reintegration into the community, but will not be permitted to begin residing in an approved transitional residence until the Department has completed its investigation, review and approval of such residence.

(b) A participant residing in an approved transitional residence will be supervised by the Department during the remainder of his or her DOTP. The participant will be required to comply with any conditions imposed by the Department while residing in an approved transitional residence including abstaining from the use of alcohol or other drugs, submitting urine, hair or other samples the Department requests to monitor the

participant's use of alcohol or other drugs and engaging in additional treatment or programming required by the Department.

(c) A participant will continue to be subject to the treatment and disciplinary sanctions set forth in sections 97.13 and 97.14 of these guidelines while residing in an approved transitional residence.

(d) The Department will notify the sentencing court, the attorney for the Commonwealth and the Commission when the participant successfully completes the DOTP.

97.13. Treatment sanctions.

(a) A participant who tests positive for the use of alcohol or other drugs shall receive a hearing according to the procedures set forth in the Department's inmate disciplinary policy. If the hearing examiner determines that the participant used alcohol or other drugs, the participant shall be subject to the following sanctions:

(1) A participant housed in a state correctional institution or institutional therapeutic community shall be expelled from the DOTP and housed as the Department deems appropriate pending further action by the sentencing court.

(2) A participant receiving treatment through a community-based therapeutic community, outpatient addiction treatment facility or while during supervised reintegration to society shall be evaluated by the Department. The participant shall be housed as the Department deems appropriate pending completion of the evaluation. Following the evaluation, the participant may be placed in the treatment setting deemed appropriate by the Chief of the Department's Central Office Treatment Division or his or her designee or suspended or expelled from the DOTP.

(b) Subject to the time limitations set forth in the Act, a participant who requests assistance because he or she believes they are in danger of relapsing will be given the opportunity to receive treatment in a more restrictive treatment setting as deemed appropriate by the Chief of the Department's Central Office Treatment Division or his or her designee.

97.14 Disciplinary sanctions.

(a) A participant who is alleged to have violated the Department's disciplinary rules, shall receive a hearing according to the procedures set forth in the Department's inmate disciplinary policy.

(b) If the hearing examiner determines that the participant committed a Class 1 or Class 2 misconduct, the Chief of the Department's Central Office Treatment Division or his or her designee will determine whether the participant will be suspended or expelled from the DOTP, sanctioned according to the Department's inmate disciplinary policy or be subject to other sanctions deemed appropriate.

97.15 Suspension from a DOTP.

(a) A participant who violates the conditions of his or her DOTP, other than by testing positive for the use of alcohol or other drugs or by committing a violation of the Department's disciplinary rules, may be suspended from participation in a DOTP.

(b) The Department's goal in determining whether to suspend a participant from a DOTP will be to take the action it believes will maximize the efficient and effective use of programming resources by continuing to treat those participants it believes will most likely complete and benefit from a DOTP by becoming productive, law-abiding members of society if permitted to participate in continued treatment after a period of suspension.

(c) The Chief of the Department's Central Office Treatment Division or his or her designee will be responsible for determining whether to suspend a participant from a DOTP. The determination whether to suspend a participant from a DOTP may be based upon any information deemed appropriate by the Chief of the Department's Central Office Treatment Division or his or her designee.

(d) A participant who is suspended from participation in a DOTP will be housed in the setting deemed appropriate by the Chief of the Department's Central Office Treatment Division or his or her designee and must comply with the Department's rules and any conditions imposed during the period of suspension.

97.16. Expulsion from a DOTP.

(a) In addition to the provisions of sections 97.13 and 97.14, a participant who violates the conditions of his or her DOTP or who is not constructively participating in his or her DOTP or who will be unable to complete his or her DOTP within the period remaining on his or her 24 months sentence may be expelled from participation in a DOTP.

(b) The Department's goal in determining whether to expel a participant from a DOTP will be to take the action it believes will maximize the efficient and effective use of programming resources by continuing to treat those participants it believes will most likely complete and benefit from a DOTP by becoming productive, law-abiding members of society if permitted to participate in continued treatment after being subject to sanctions or a period of suspension or both.

(c) The Chief of the Department's Central Office Treatment Division or his or her designee will be responsible for determining whether to expel a participant from a DOTP. The determination whether to expel a participant from a DOTP may be based upon any information deemed appropriate by the Chief of the Department's Central Office Treatment Division or his or her designee.

(d) The Department will promptly notify the sentencing court, the participant, the attorney for the Commonwealth and the commission of the expulsion of a participant from a DOTP and of the reason for such expulsion. The inmate will be housed in a state correctional institution or county prison pending action by the court.

Section 97.17. Consent to disclosure of information

The consent to disclosure of information shall be in the following form:

CONSENT

I, the undersigned, hereby give my consent for the Commonwealth of Pennsylvania Department of Corrections, its officers, employees, volunteers, contractors and agents to release and disclose to any court, attorney for the Commonwealth, the Pennsylvania Commission on Sentencing and to my attorney information pertaining to my evaluation for and participation in a drug offender treatment program. This consent to release and disclosure includes medical and dental information, mental health treatment information, drug and alcohol treatment information, criminal history records information and any other information contained in records maintained by the Department of Corrections, its officers, employees, volunteers, contractors and agents. This consent to release and disclosure extends to records pertaining to any period during which I am or was committed to the custody of the Department of Corrections and shall not expire.

Disclosure of medical/dental information may pertain to all aspects of my treatment and hospitalization, including psychological and psychiatric information and drug and/or alcohol information.

Disclosure of mental health records pertains to treatment, hospitalization, and/or outpatient care provided to me for the period listed above. I understand that my record may contain information regarding all aspects of my mental health treatment and hospitalization, including psychological and psychiatric information, drug and/or alcohol information.

In authorizing this disclosure, I expressly waive any and all rights I may have to the confidential maintenance of these records, including any such rights that exist under

local, state, and federal statutory and/or constitutional law, rule or order, including those contained in the Pennsylvania Mental Health Procedures Act of 1976 and the Pennsylvania Drug and Alcohol Abuse Control Act of 1972.

I understand that I have no obligation to authorize disclosure of any information from my record and that I may revoke this consent, except to the extent that action has already been taken, at any time by notifying in writing the Medical Records Technician, Health Care Administrator, or Facility Manager. I also understand that revocation of this consent will result in my being expelled from the drug offender treatment program and that I will be resentenced by the court.

I understand that these records are the property of the Department of Corrections and that my authorization for their release does not require the Department of Corrections to release these records.

Furthermore, I will indemnify and hold harmless the Pennsylvania Department of Corrections, and its officers, employees, volunteers, contractors and agents, for any losses, costs, damages, or expenses incurred because of releasing information in accordance with this authorization.

Signature

Date

Witness Signature

Date