

4. Law enforcement agencies other than those in (b) above; or

5. Medical or mental health doctors.

Amended by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

Substituted references to inmate records for inmate and parolee records throughout and deleted the N.J.A.C. reference in (a).

Case Note

Before the Department of Corrections (DOC) can deprive the inmate of his right to be heard, deprive the press of the right to report in detail on the execution process, and deprive the public of the right to know how the process is actually carried out and what its implications are, the DOC must show with some degree of specificity how its legitimate concerns for institutional safety, security, and penological objectives are advanced by regulations that forbid inmate's contact with any member of the news media, impose a blanket prohibition on filming of the execution, and permit media witnessing only after the inmate is strapped to the gurney and the intravenous lines are connected. In the Matter of Readoption with Amendments of Death Penalty Regulations N.J.A.C. 10A:23, by the New Jersey Department of Corrections. 842 A.2d 207, 367 N.J.Super 61.

10A:22-2.6 Availability of records and information to staff

(a) Information from inmate records shall be provided to staff who have a clear and specific need to know the information for use in connection with their work responsibilities as determined by the Administrator or designee. The amount of information necessary or relevant for staff performance of duties shall be determined by the Administrator or designee.

(b) Medical and mental health records or information shall be provided as determined by the Administrator and the responsible health authority and as limited below:

1. The complete file shall be available to medical or mental health staff involved in treating the inmate and/or drafting reports concerning the inmate's condition; and

2. Medical or mental health information may be made available to Department of Corrections staff to whom the information is relevant in connection with the staff person's need to make a decision concerning the inmate such as, but not limited to, job placement, and discipline. Only that amount of information that is necessary shall be provided to authorized staff.

(c) In the event a question arises as to the disclosure of medical or mental health information to staff, the question shall be referred to the Department of Corrections Health Services Supervisor for review and decision which shall be final.

Amended by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

In (a), deleted "and parolee" following "from inmate"; in (b)2, substituted "and discipline" for "discipline and parole"; in (c), substituted "Department of Corrections Health Services Supervisor" for "Administrator".

10A:22-2.7 Availability of medical records to inmates

(a) In accordance with N.J.A.C. 13:35-6.5, an inmate may obtain a copy of his or her medical records by submitting a written request, on Form MR-022, to the Medical Department.

(b) The responsible health authority or designee shall provide a copy of the medical records to the inmate within 30-calendar days.

(c) The MR—022 form shall be maintained in the appropriate inmate medical file.

(d) Copies of mental health records related to routine mental health care, treatment and counseling shall be provided to inmates. However, copies of mental health records generated by professional mental health staff, such as evaluative or administrative assessment reports, or reports that, if disclosed, would compromise the safety of the inmate or others, or the security or orderly operation of the correctional facility, shall not be provided to inmates without court order or consent protective agreement.

(e) Information may be withheld if, in the opinion of the responsible health authority or Administrator, release of the information would:

1. Be harmful to the inmate;
2. Jeopardize the safety or well-being of other individuals;
3. Compromise the privacy rights of other individuals; and/or
4. Have a substantial adverse impact on the orderly operation of the correctional facility.

(f) Photocopies of the medical record shall be provided in accordance with this section to nonindigent inmates at the rate of \$.10 per page and at no charge to the indigent inmate as defined in N.J.A.C. 10A:1-2.2.

Amended by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

In (a), inserted a N.J.A.C. reference and substituted "Medical Department" for "Administrator or designee"; deleted former (b) and recodified former (c) as (b), inserting "calendar" following "30"; inserted a new (c).

Amended by R.2008 d.48, effective April 7, 2008.
See: 39 N.J.R. 2583(c), 40 N.J.R. 1869(a).

Section was "Availability of medical record summaries to inmates". In (a) and (b), substituted "records" for "record summaries"; in (a), substituted "his or her" for "a computer generated"; in (b), deleted "computer generated" preceding "medical" and substituted "30-calendar" for "30 calendar"; deleted former (d) and (e); recodified former (f) through (h) as (d) through (f); rewrote (d); and in (f), deleted "summaries" following "record".

10A:22-2.8 (Reserved)

Repealed by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

Section was "Procedure for release of confidential inmate or parolee records and information".

10A:22-2.9 (Reserved)

Repealed by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

Section was "Records and information authorized by the inmate or parolee for inspection or release".

10A:22-2.10 (Reserved)

Repealed by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

Section was "Litigation".

10A:22-2.11 Juvenile records and information

(a) Social, medical, mental health, legal and other records pertaining to juveniles shall be strictly safeguarded from public inspection.

(b) Juvenile records shall be made available only to the following agencies or persons:

1. Courts of competent jurisdiction;
2. A county probation department;
3. The Attorney General;
4. A county prosecutor;
5. The juvenile's parent(s) or guardian;
6. The attorney of the juvenile;
7. The Division of Youth and Family Services, if providing care or custody of the juvenile;
8. A law enforcement agency of New Jersey, another state or the United States for the purposes of law enforcement; or
9. Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown; and
10. Any institution to which the juvenile is currently committed.

(c) Pursuant to N.J.S.A. 2A:4A-60, at the time of charge, adjudication or disposition, information as to the identity of a juvenile charged with an offense, the offense charged, the adjudication and disposition shall, upon request, be disclosed to:

1. The victim or a family member of the victim;
2. Any law enforcement agency which investigated the offense;

3. The person or agency which filed the complaint;
4. Any law enforcement agency in the municipality where the juvenile resides;
5. A party in a subsequent legal proceeding involving the juvenile, upon approval by the court; or
6. The principal, on a confidential basis, of the school where the juvenile is enrolled for use by the principal and such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety, or discipline in the school or to planning programs relevant to the juvenile's educational and social development provided that no record of such information shall be maintained except as authorized by regulation of the Department of Education.

Amended by R.2007 d.17, effective January 16, 2007.

See: 38 N.J.R. 4159(a), 39 N.J.R. 216(a).

Rewrote (c)1.

10A:22-2.12 Reimbursement for costs of copying

(a) Pursuant to N.J.S.A. 47:1A-5, except as otherwise provided in this subchapter, correctional facilities and other administrative units within the Department of Corrections may charge the following fees for copying government records:

1. First through 10th page \$0.75 per page
2. Eleventh through 20th page \$0.50 per page
3. Over 20 pages \$0.25 per page

(b) Governmental agencies or officers who request records in the performance of their official duties shall be exempt from payment of fees for copying records.

(c) The copying fees for records other than government records shall also be based on the fee schedule in (a).

(d) When or if fees for the copying of government records change in accordance with N.J.S.A. 47:1A-5, these changes shall be published as a public notice in the New Jersey Register, and revised in (a) through a notice of administrative change pursuant to N.J.A.C. 1:30-2.7.

(e) Additional fees may be imposed in connection with a request for government records in accordance with N.J.S.A. 47:1A-1 et seq.

Amended by R.2004 d.317, effective August 16, 2004.

See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

Rewrote the section.