

September 4, 1937

Dr. B. M. Berger, Superintendent
Arizona State Hospital
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Dr. Berger:

This will acknowledge receipt of your letter of September 3rd in which you request an opinion from this office upon the following questions:

1. Can the Arizona State Hospital be compelled to show their clinical charts and histories of patients to relatives of such patients or other persons having an interest therein?

Please be advised that it is our opinion that in the case of the death of a patient in your institution the heirs or legal representative of such deceased person may authorize the inspection of the charts and records of such deceased patient and when this is done it is perfectly permissible for your office to reveal these records.

However the records and charts of a person confined in your institution can only be revealed during his lifetime by authorization of his legally appointed guardian.

In answer to your second question, that is, may a patient who has been out on parole for more than one year be returned to this institution without a new commitment by the court?

We are of the opinion that a patient who has been paroled, as provided by Section 2935 of the Revised Code of Arizona, 1928, may be returned to the Arizona State Hospital at any time without a new commitment.

Trusting that the above fully answers your inquiries, I am

Yours very truly,

JOE CONWAY
Attorney General

E. G. FRAZIER
Special Assistant Attorney
General

J. M. JOHNSON
Assistant Attorney General