

WEST VIRGINIA CODE: §22A-1A-3

§22A-1A-3. Disclosure of records exempt; exceptions.

Records of substance abuse and alcohol screening tests, written or otherwise, received by the Office of Miners' Health, Safety and Training, its employees, agents and representatives are confidential communications and are exempt from disclosure under article one, chapter twenty-nine-b of the code, except as follows:

- (a) Where release of the information is authorized solely pursuant to a written consent form signed voluntarily by the person tested. The consent form shall contain the following:
 - (1) The name of the person who is authorized to obtain the information;
 - (2) The purpose of the disclosure;
 - (3) The precise information to be disclosed;
 - (4) The duration of the consent; and
 - (5) The signature of the person authorizing the release of the information;
- (b) Where the release of the information is compelled by the Board of Appeals or a court of competent jurisdiction;
- (c) Where the release of the information is relevant to a legal claim asserted by the person tested;
- (d) Where the information is used by the entity conducting the substance abuse or alcohol screening test in defense of a civil or administrative action related to the testing or results, or to consult with its legal counsel; or
- (e) Where release of the information is deemed appropriate by the Board of Appeals or a court of competent jurisdiction in a disciplinary proceeding.