

EXHIBIT NO.

# 7

DATE:

1-7-05

BILL NO.

SB46

Reference to Federal law in SB 4645 CFR 164.501 Definitions*6(v) Definition of health oversight agency*

**Health oversight agency means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant.**

45 CFR 164.512 Uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required.

A covered entity may use or disclose protected health information without the written authorization of the individual, .....in the situations covered by this section, subject to the applicable requirements of this section. When the covered entity is required by this section to inform the individual or, or when the individual may agree to, a use or disclosure permitted by this section, the covered entity's information and the individuals' agreement may be given orally.

*(d) Standard: uses and disclosures for health oversight activities.**(1) Permitted disclosures*

**A covered entity may disclose protected health information to a health oversight agency for oversight activities authorized by law, including audits, civil, administrative, or criminal investigations; inspections' licensure or disciplinary actions; civil, administrative, or criminal proceedings or actions; or other activities necessary for appropriate oversight of:**

- (i) **The health care system;**
- (ii) **Government benefit programs for which health information is relevant to beneficiary eligibility;**
- (iii) **Entities subject to government regulatory programs for which health information is necessary for determining compliance with program standards; or**
- (iv) **Entities subject to civil rights laws for which health information is necessary for determining compliance.**

*(2) Exceptions to health oversight activities.* For the purpose of the disclosures permitted by paragraph (d)(1) of this section, **a health oversight activity does not include an investigation or other activity in which the individual is subject of the investigation or activity and such investigation or the activity does not arise out of and is not directly related to:**

- (i) **The receipt of health care;**
- (ii) **A claim for public benefits related to health; or**
- (iii) **Qualification for, or receipt of, public benefits or services when a patient's health is integral to the claim for public benefits or services.**