

HOUSE BILL NO. 105

INTRODUCED BY D. KOTTEL

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE EMERGENCY DEPARTMENT AND HOSPITAL DISCHARGE DATA REPORTING ACT; PROVIDING DEFINITIONS; REQUIRING HOSPITALS TO PROVIDE DATA RELATED TO THE TREATMENT OF PERSONS ADMITTED TO A HOSPITAL OR TREATED IN THE EMERGENCY DEPARTMENT OF A HOSPITAL; PROVIDING FOR CONFIDENTIALITY OF DATA; PROVIDING FOR RULEMAKING AUTHORITY; AND ESTABLISHING IMMUNITY FROM LIABILITY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Emergency Department and Hospital Discharge Data Reporting Act".

NEW SECTION. **Section 2. Findings and purpose.** The legislature finds and declares that public health data analysis is critical to determining the health status of Montanans and to guiding future actions by the legislature, the department, and other health organizations. High-quality emergency department and hospital discharge data is essential in order to describe the patterns and trends of health and morbidity among Montanans.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 7], the following definitions apply:

- (1) "Department" means the department of public health and human services provided for in 2-15-2201.
- (2) "Emergency department" means the department or organizational unit of a hospital that is responsible for provision of medical and surgical care to patients arriving at the hospital who are in need of immediate care but who are not necessarily admitted to the hospital for inpatient care.
- (3) "Health care facility" has the meaning provided in 50-5-101.
- (4) "Health care practitioner" means a person licensed to practice medicine pursuant to Title 37, chapter

3.

1 (5) "Hospital" has the meaning provided in 50-5-101.

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3 **NEW SECTION. Section 4. Duty to report data.** Hospitals shall report to the department or its
4 designee, in a form specified by the department, all required medical and demographic information pertaining to
5 the treatment of, condition of, and cost of treatment for an individual admitted to a hospital or treated in an
6 emergency department of that hospital.

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8 **NEW SECTION. Section 5. Confidentiality.** Information received by the department pursuant to
9 [sections 1 through 7] may not be released unless:

- 10 (1) it is in statistical, nonidentifiable form;
- 11 (2) it is used for purposes of administration of [sections 1 through 7] and the release or transfer is to a
12 person or organization that is qualified to perform data processing or data analysis and that has safeguards
13 against unauthorized disclosure of that information; or
- 14 (3) the release is to qualified organizations, as determined by the department, for public health research
15 purposes.

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17 **NEW SECTION. Section 6. Rulemaking authority.** The department shall adopt rules implementing
18 [sections 1 through 7], including:

- 19 (1) the types of data that are reportable;
- 20 (2) the information on each patient that must be submitted to the department;
- 21 (3) the frequency of reporting by the hospital; and
- 22 (4) the release of information.

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24 **NEW SECTION. Section 7. Immunity from liability.** A person, other than the department, may not be
25 held liable in a civil or criminal action for complying with the reporting requirements of [section 4].

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27 **NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 7] are intended to be codified
28 as an integral part of Title 50, chapter 15, and the provisions of Title 50, chapter 15, apply to [sections 1 through
29 7].

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