

HOUSE BILL NO. 486

INTRODUCED BY J. TAYLOR

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A DEFINITION OF HEALTH INFORMATION ORGANIZATION; PROVIDING FOR SHARING OF HEALTH CARE INFORMATION WITH HEALTH INFORMATION ORGANIZATIONS IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; AMENDING SECTIONS 50-16-602 AND 50-16-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 50-16-602, MCA, is amended to read:

"50-16-602. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) (a) "Health care information" means information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of an individual, including one who is deceased, and that relates to that individual's health care or status. The term includes any record of disclosures of health care information and any information about an individual received pursuant to state law or rules relating to communicable disease.

(b) The term does not include vital statistics information gathered under Title 50, chapter 15.

(3) "Health information organization" means an organization that oversees and governs the exchange of health care information and health-related information between health care providers and health care organizations for purposes of treatment, payment, and health care operations, as those terms are defined in 45 CFR 164.501, to improve coordination, efficiency, and quality of care.

~~(3)~~(4) "Local board" means a county, city, city-county, or district board of health provided for in Title 50, chapter 2, part 1.

~~(4)~~(5) "Local health officer" means a county, city, city-county, or district health officer appointed by a local board."



1 **Section 2.** Section 50-16-603, MCA, is amended to read:

2 **"50-16-603. Confidentiality of health care information.** Health care information in the possession of
3 the department, a local board, a local health officer, or the entity's authorized representatives may not be released
4 except:

5 (1) (a) for statistical purposes, if no identification of individuals can be made from the information
6 released; or

7 (b) to a health information organization without written consent from the persons whose information is
8 being released for the purposes of quality improvement, clinical decision support, statistical reporting, research,
9 and other uses meant to improve health care quality and affordability if no identification of individuals can be
10 made from the information released;

11 (2) when the health care information pertains to a person who has given written consent to the release
12 and has specified the type of information to be released and the person or entity to whom it may be released,
13 which may include a health information organization;

14 (3) to medical personnel in a medical emergency as necessary to protect the health, life, or well-being
15 of the named person;

16 (4) as allowed by Title 50, chapters 17 and 18;

17 (5) to a health information organization, another state, or local public health agency, including those in
18 other states, whenever necessary to continue health services to the named person or to undertake public health
19 efforts to prevent or interrupt the transmission of a communicable disease or to alleviate and prevent injury
20 caused by the release of biological, chemical, or radiological agents capable of causing imminent disability, death,
21 or infection;

22 (6) in the case of a minor, as required by 41-3-201 or pursuant to an investigation under 41-3-202 or if
23 the health care information is to be presented as evidence in a court proceeding involving child abuse pursuant
24 to Title 41, chapter 3. Documents containing the information must be sealed by the court upon conclusion of the
25 proceedings.

26 (7) to medical personnel, the department, a local health officer or board, or a district court when
27 necessary to implement or enforce state statutes or state or local health rules concerning the prevention or control
28 of diseases designated as reportable pursuant to 50-1-202, if the release does not conflict with any other
29 provision contained in this part; or

30 (8) to a health information organization in order for health care providers to access and utilize the

1 information for the purposes of treatment, payment, and health care operations, as those terms are defined in
2 45 CFR 164.501, through the electronic systems overseen and governed by the health information organization."

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4 **NEW SECTION. Section 3. Information sharing by and through health information organization.**

5 (1) Health information released under this part to a health information organization may be shared with health
6 care providers by and through a health information organization for purposes of treatment, payment, and health
7 care operations, as those terms are defined in 45 CFR 164.501, to improve coordination, efficiency, and quality
8 of care.

9 (2) If the identification of specific individuals cannot be made from the health information released, health
10 information released under this part to a health information organization may be shared with health care providers
11 and health care quality improvement organizations by and through a health information organization for the
12 purposes of quality improvement, clinical decision support, statistical reporting, research, and other uses meant
13 to improve health care quality and affordability.

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15 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an
16 integral part of Title 50, chapter 16, part 6, and the provisions of Title 50, chapter 16, part 6, apply to [section 3].

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18 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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