

HOUSE BILL NO. 73

INTRODUCED BY C. SCHREINER

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING LIMITED DISCLOSURE OF A PATIENT'S IMMUNIZATION RECORD WITHOUT THE PATIENT'S AUTHORIZATION FOR THE PURPOSES OF THE STATE IMMUNIZATION INFORMATION SYSTEM; ALLOWING A PATIENT TO OPT OUT OF DISCLOSURE OF THE INFORMATION; AND AMENDING SECTIONS 50-16-530, 50-16-603, 50-16-605, AND 50-16-805, MCA."

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

Section 1. Section 50-16-530, MCA, is amended to read:

"50-16-530. Disclosure without patient's authorization. A health care provider may disclose health care information about a patient without the patient's authorization if the disclosure is:

(1) directory information, unless the patient has instructed the health care provider not to make the disclosure;

(2) to federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information or when needed to protect the public health;

(3) to federal, state, or local law enforcement authorities to the extent required by law;

(4) to a law enforcement officer about the general physical condition of a patient being treated in a health care facility if the patient was injured on a public roadway or was injured by the possible criminal act of another;

(5) in response to a request of the office of victims services for information under 53-9-104(2)(b);

(6) pursuant to compulsory process in accordance with 50-16-535 and 50-16-536;

(7) pursuant to 50-16-712; ~~or~~

(8) to the department of public health and human services for inclusion in the state immunization information system unless the patient or the patient's parent or guardian, if the patient is under 18 years of age, has completed and filed with the provider a form prohibiting disclosure of the information; or

~~(8)~~(9) to the state medical examiner or a county coroner for use in determining cause of death. The information is required to be held confidential as provided by law."

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

3 **"50-16-603. Confidentiality of health care information -- exceptions.** Health (1) Except as provided
 4 in this section, health care information in the possession of the department, a local board, a local health officer,
 5 or the entity's authorized representatives may not be released except:

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

8 (2)(b) when the health care information pertains to a person who has given written consent to the release
 9 and has specified the type of information to be released and the person or entity to whom it may be released;

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

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

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

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

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

25 (2) The department may share information in the state immunization information system with:

26 (a) a local public health agency as defined in 50-1-101;

27 (b) a health care provider for a patient being treated by the health care provider; or

28 (c) a child-care facility or school for a child enrolled in the facility or school."

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30 **Section 3.** Section 50-16-605, MCA, is amended to read:

1 **"50-16-605. Judicial, legislative, and administrative proceedings -- testimony.** (1) An officer or
 2 employee of the department may not be examined in a judicial, legislative, administrative, or other proceeding
 3 about the existence or content of records containing individually identifiable health care information, including the
 4 results of investigations, unless all individuals whose names appear in the records give written consent to the
 5 release of information identifying them.

6 (2) Subsection (1) does not apply if the health care information is to be released pursuant to
 7 ~~50-16-603(6) and (7)~~ 50-16-603(1)(f) or (1)(g)."

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9 **Section 4.** Section 50-16-805, MCA, is amended to read:

10 **"50-16-805. Disclosure of information allowed for certain purposes.** (1) To the extent provided in
 11 39-71-604 and 50-16-527, a signed claim for workers' compensation or occupational disease benefits authorizes
 12 disclosure to the workers' compensation insurer, as defined in 39-71-116, by the health care provider.

13 (2) A health care provider may disclose health care information about an individual for law enforcement
 14 purposes if the disclosure is to:

15 (a) federal, state, or local law enforcement authorities to the extent required by law; or

16 (b) a law enforcement officer about the general physical condition of a patient being treated in a health
 17 care facility if the patient was injured by the possible criminal act of another.

18 (3) A health care provider may disclose a patient's immunization information to the department of public
 19 health and human services for inclusion in the state immunization information system unless the patient or the
 20 patient's parent or guardian, if the patient is under 18 years of age, has completed and filed with the provider a
 21 form prohibiting disclosure of the information.

22 ~~(3)~~(4) A health care provider may disclose health care information to a fetal, infant, child, and maternal
 23 mortality review team for the purposes of 50-19-402 [and to the Montana suicide review team for the purposes
 24 of 53-21-1105 through 53-21-1110]. (Bracketed language terminates June 30, 2016--sec. 16, Ch. 353, L. 2013.)"

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