

SENATE BILL NO. 81

INTRODUCED BY N. SWANDAL

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING CORONERS; PROVIDING THAT HEALTH CARE INFORMATION REGARDING A DECEASED PATIENT MAY BE DISCLOSED TO A CORONER FOR USE IN THE CORONER'S INVESTIGATION; AND AMENDING SECTION 50-16-811, MCA."

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

Section 1. Section 50-16-811, MCA, is amended to read:

"50-16-811. When health care information available by compulsory process. (1) Health care information may not be disclosed by a health care provider pursuant to compulsory legal process or discovery in any judicial, legislative, or administrative proceeding unless:

(a) the patient has authorized in writing the release of the health care information in response to compulsory process or a discovery request;

(b) the patient has waived the right to claim confidentiality for the health care information sought;

(c) the patient is a party to the proceeding and has placed the patient's physical or mental condition in issue;

(d) the patient's physical or mental condition is relevant to the execution or witnessing of a will or other document;

(e) the physical or mental condition of a deceased patient is placed in issue by any person claiming or defending through or as a beneficiary of the patient;

(f) a patient's health care information is to be used in the patient's commitment proceeding;

(g) the health care information is for use in any law enforcement proceeding or investigation in which a health care provider is the subject or a party, except that health care information so obtained may not be used in any proceeding against the patient unless the matter relates to payment for the patient's health care or unless authorized under subsection (1)(i);

(h) a court has determined that particular health care information is subject to compulsory legal process or discovery because the party seeking the information has demonstrated that there is a compelling state interest that outweighs the patient's privacy interest; or



1 (i) the health care information is requested pursuant to an investigative subpoena issued under 46-4-301
2 or similar federal law; or

3 (j) the patient is deceased and the coroner requires the health care information for the investigation of
4 the death as provided in Title 46, chapter 4, part 1.

5 (2) This part does not authorize the disclosure of health care information by compulsory legal process
6 or discovery in any judicial, legislative, or administrative proceeding where disclosure is otherwise prohibited by
7 law."

8 - END -