

HOUSE BILL NO. 293

INTRODUCED BY K. KELKER

1
2
3
4
5
6
7
8
9

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."

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

11

12 **Section 1.** Section 50-16-530, MCA, is amended to read:13 **"50-16-530. Disclosure without patient's authorization. (1)** A health care provider may disclose
14 health care information about a patient without the patient's authorization if the disclosure is:15 ~~(1)~~(a) directory information, unless the patient has instructed the health care provider not to make the
16 disclosure;17 ~~(2)~~(b) to federal, state, or local public health authorities, to the extent the health care provider is required
18 by law to report health care information or when needed to protect the public health;19 ~~(3)~~(c) to federal, state, or local law enforcement authorities to the extent required by law;20 ~~(4)~~(d) to a law enforcement officer about the general physical condition of a patient being treated in a
21 health care facility if the patient was injured on a public roadway or was injured by the possible criminal act of
22 another;23 ~~(5)~~(e) in response to a request of the office of victims services for information under 53-9-104(2)(b);24 ~~(6)~~(f) pursuant to compulsory process in accordance with 50-16-535 and 50-16-536;25 ~~(7)~~(g) pursuant to 50-16-712; or26 ~~(8)~~(h) to the state medical examiner or a county coroner for use in determining cause of death. The
27 information is required to be held confidential as provided by law.28 (2) A health care provider may disclose a patient's immunization information to the department of public
29 health and human services for inclusion in the state immunization information system unless the patient or the
30 patient's parent or guardian, if the patient is under 18 years of age, has completed and filed with the provider a

1 form prohibiting disclosure of the information."

2

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

4 **"50-16-603. Confidentiality of health care information -- exceptions.** Health (1) Except as provided
 5 in subsection (2), health care information in the possession of the department, a local board, a local health officer,
 6 or the entity's authorized representatives may not be released except:

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

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

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

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

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

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

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

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

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

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

30 (c) a child-care facility or school for a child enrolled in the facility or school; or

1 (d) an individual to whom the information pertains or, if the individual is under 18 years of age, to the
 2 individual's parent or guardian."

3

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

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

10 (2) Subsection (1) does not apply if the health care information is to be released pursuant to
 11 ~~50-16-603(6) and (7)~~ 50-16-603(1)(f) or (1)(g)."

12

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

14 **"50-16-805. Disclosure of information allowed for certain purposes.** (1) To the extent provided in
 15 39-71-604 and 50-16-527, a signed claim for workers' compensation or occupational disease benefits authorizes
 16 disclosure to the workers' compensation insurer, as defined in 39-71-116, by the health care provider.

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

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

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

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

26 ~~(3)~~(4) A health care provider may disclose health care information to a fetal, infant, child, and maternal
 27 mortality review team for the purposes of 50-19-402."

28 - END -