

HOUSE BILL 835

Introduced by Knox

2/13	Introduced
2/13	Referred to Human Services & Aging
2/14	First Reading
2/22	Hearing
2/22	Tabled in Committee

1 HOUSE BILL NO. 835
2 INTRODUCED BY H. Cox

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING IN THE
5 DEFINITION OF HEALTH CARE PROVIDER, FOR PURPOSES OF THE
6 UNIFORM HEALTH CARE INFORMATION ACT, A PERSON WHO SELLS OR
7 DISPENSES DRUGS OR MEDICAL DEVICES; AND AMENDING SECTION
8 50-16-504, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 50-16-504, MCA, is amended to read:

12 **"50-16-504. Definitions.** As used in this part, unless
13 the context indicates otherwise, the following definitions
14 apply:

15 (1) "Audit" means an assessment, evaluation,
16 determination, or investigation of a health care provider by
17 a person not employed by or affiliated with the provider, to
18 determine compliance with:

19 (a) statutory, regulatory, fiscal, medical, or
20 scientific standards;

21 (b) a private or public program of payments to a health
22 care provider; or

23 (c) requirements for licensing, accreditation, or
24 certification.

25 (2) "Directory information" means information

1 disclosing the presence and the general health condition of
2 a patient who is an inpatient in a health care facility or
3 who is receiving emergency health care in a health care
4 facility.

5 (3) "General health condition" means the patient's
6 health status described in terms of critical, poor, fair,
7 good, excellent, or terms denoting similar conditions.

8 (4) "Health care" means any care, service, or procedure
9 provided by a health care provider, including medical or
10 psychological diagnosis, treatment, evaluation, advice, or
11 other services that affect the structure or any function of
12 the human body.

13 (5) "Health care facility" means a hospital, clinic,
14 nursing home, laboratory, office, or similar place where a
15 health care provider provides health care to patients.

16 (6) "Health care information" means any information,
17 whether oral or recorded in any form or medium, that
18 identifies or can readily be associated with the identity of
19 a patient and relates to the patient's health care. The term
20 includes any record of disclosures of health care
21 information.

22 (7) "Health care provider" means a person who is
23 licensed, certified, or otherwise authorized by the laws of
24 this state to provide health care in the ordinary course of
25 business or practice of a profession. The term ~~does--not~~



-2- INTRODUCED BILL
HB 835

1 ~~include~~ includes a person who provides health care solely
2 through the sale or dispensing of drugs or medical devices.

3 (8) "Institutional review board" means a board,
4 committee, or other group formally designated by an
5 institution or authorized under federal or state law to
6 review, approve the initiation of, or conduct periodic
7 review of research programs to assure the protection of the
8 rights and welfare of human research subjects.

9 (9) "Maintain", as related to health care information,
10 means to hold, possess, preserve, retain, store, or control
11 that information.

12 (10) "Patient" means an individual who receives or has
13 received health care. The term includes a deceased
14 individual who has received health care.

15 (11) "Peer review" means an evaluation of health care
16 services by a committee of a state or local professional
17 organization of health care providers or a committee of
18 medical staff of a licensed health care facility. The
19 committee must be:

20 (a) authorized by law to evaluate health care services;
21 and

22 (b) governed by written bylaws approved by the
23 governing board of the health care facility or an
24 organization of health care providers.

25 (12) "Person" means an individual, corporation, business

1 trust, estate, trust, partnership, association, joint
2 venture, government, governmental subdivision or agency, or
3 other legal or commercial entity."

-End-