

HOUSE BILL NO. 416

Introduced: 01/20/83

Referred to Committee on Human Services: 01/20/83

Hearing: 2/11/83

Report: 02/16/83, Do Pass, As Amended

2nd Reading: 02/17/83, Do Pass

3rd Reading: 02/21/83, Do Pass

Transmitted to Senate: 2/21/83

Referred to Committee on Judiciary: 3/1/83

Hearing: 3/22/83

Report: 3/23/83, Be Not Concurred In

Bill Killed: 3/23/83

House BILL NO. *416*

INTRODUCED BY

J. Brown

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW RELEASE OF CERTAIN GENERAL INFORMATION PERTAINING TO A PATIENT'S INJURY TO THE NEWS MEDIA BY A HEALTH CARE FACILITY IF A LAW ENFORCEMENT AUTHORITY HAS REPORTED THE INJURY; AMENDING SECTION 50-16-311, MCA."

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

Section 1. Section 50-16-311, MCA, is amended to read:

"50-16-311. When consent is required to release or transfer confidential health care information. (1) Except as provided in subsection (2) or as otherwise specifically provided by law or the Montana Rules of Civil Procedure, confidential health care information relating to a person may not be released or transferred without the written consent of the person or his authorized representative.

(2) Consent is not required for release or transfer of confidential health care information:

(a) to a physician, dentist, or other medical person for diagnosis or treatment of an individual in a medical or dental emergency;

(b) to a peer review committee if the information concerns matters within the scope of the licensed

professional practice of the committee members;

(c) to qualified persons for the purpose of conducting scientific research, management audits, financial audits, program evaluations, or similar studies. However, qualified persons may not directly or indirectly identify an individual patient in a research report, audit, or evaluation or disclose a patient's identity in any manner.

(d) to a health care provider:

(i) as may be reasonably necessary to provide health care services to the individual about whom the information relates; or

(ii) in the administration of the office, practice, or operation in connection with the providing of health care services to the individual about whom the information relates;

(e) to an employer as may be reasonably necessary in the administration of a group insurance plan or to a workers' compensation insurer, the division of workers' compensation, or the workers' compensation judge, as is necessary in the administration of Title 39, chapters 71 and 72;

(f) when a person's insurance coverage obligates more than one insurer with respect to a claim or benefit;

(g) to a state insurance department for the purpose of reviewing an insurance claim or complaint made to such

1 department by an insured or his authorized representative or
2 by a beneficiary or his authorized representative of a
3 deceased insured;

4 ~~(h) to the news media about the general physical~~
5 ~~condition or general nature of the injuries of an injured~~
6 ~~person being treated in a health care facility if any prior~~
7 ~~report concerning the injuries has been obtained by the news~~
8 ~~media from a law enforcement authority."~~

-End-

Approved by Comm. On Human Services

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 2 INTRODUCED BY J. BROWN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW RELEASE OF
 5 CERTAIN GENERAL INFORMATION PERTAINING TO A PATIENT'S INJURY
 6 CONDITION TO THE NEWS MEDIA BY A HEALTH CARE FACILITY IF A
 7 LAW ENFORCEMENT AUTHORITY HAS REPORTED THE INJURY; AMENDING
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 18 consent of the person or his authorized representative.

19 (2) Consent is not required for release or transfer of
 20 confidential health care information:

21 (a) to a physician, dentist, or other medical person
 22 for diagnosis or treatment of an individual in a medical or
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 25 concerns matters within the scope of the licensed

1 professional practice of the committee members;
 2 (c) to qualified persons for the purpose of conducting
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 4 program evaluations, or similar studies. However, qualified
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 10 care services to the individual about whom the information
 11 relates; or
 12 (ii) in the administration of the office, practice, or
 13 operation in connection with the providing of health care
 14 services to the individual about whom the information
 15 relates;
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 17 the administration of a group insurance plan or to a
 18 workers' compensation insurer, the division of workers'
 19 compensation, or the workers' compensation judge, as is
 20 necessary in the administration of Title 39, chapters 71 and
 21 72;
 22 (f) when a person's insurance coverage obligates more
 23 than one insurer with respect to a claim or benefit;
 24 (g) to a state insurance department for the purpose of
 25 reviewing an insurance claim or complaint made to such

1 department by an insured or his authorized representative or
2 by a beneficiary or his authorized representative of a
3 deceased insured;

4 (b) to the news media about the general physical
5 condition ~~or general nature of the injuries~~ of an injured
6 person being treated in a health care facility if any prior
7 report concerning the injuries has been obtained by the news
8 media from a law enforcement authority."

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(e) to an employer as may be reasonably necessary in the administration of a group insurance plan or to a workers' compensation insurer, the division of workers' compensation, or the workers' compensation judge, as is necessary in the administration of Title 39, chapters 71 and 72;

(f) when a person's insurance coverage obligates more than one insurer with respect to a claim or benefit;

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