

HOUSE BILL NO. 681

INTRODUCED BY J. BROWN, BRADLEY

IN THE HOUSE

February 5, 1985	Introduced and referred to Committee on Judiciary.
February 8, 1985	Committee recommend bill do pass as amended. Report adopted.
February 9, 1985	Bill printed and placed on members' desks.
February 11, 1985	Second reading, pass consideration.
February 12, 1985	Second reading, do pass as amended.
	Correctly engrossed.
February 14, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 15, 1985	Introduced and referred to Committee on Judiciary.
March 19, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 22, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in. Ayes, 42; Noes, 6.
	Returned to House with amendments.

IN THE HOUSE

March 26, 1985	Received from Senate.
April 8, 1985	Second reading, pass consideration.
April 9, 1985	Second reading, amendments not concurred in.
	On motion, Conference Committee requested.
April 12, 1985	Conference Committee appointed.
April 20, 1985	Conference Committee dissolved.
	On motion, Free Conference Committee requested and appointed.
April 22, 1985	Free Conference Committee reported.
	Free Conference Committee report adopted by Senate.
April 23, 1985	Second reading, Free Conference Committee report adopted.
	Third reading, Free Conference Committee report adopted.
April 24, 1985	Sent to enrolling.
	Reported correctly enrolled.

1 HOUSE BILL NO. 681  
2 INTRODUCED BY J. Brown, Bozeman,

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW RELEASE OF  
5 GENERAL INFORMATION PERTAINING TO A PATIENT'S CONDITION TO A  
6 LAW ENFORCEMENT OFFICER OR TO THE NEWS MEDIA BY A HEALTH  
7 CARE FACILITY; AMENDING SECTION 50-16-311, MCA."

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

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

11 "50-16-311. When consent is required to release or  
12 transfer confidential health care information. (1) Except as  
13 provided in subsection (2) or as otherwise specifically  
14 provided by law or the Montana Rules of Civil Procedure,  
15 confidential health care information relating to a person  
16 may not be released or transferred without the written  
17 consent of the person or his authorized representative.

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

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

23 (b) to a peer review committee if the information  
24 concerns matters within the scope of the licensed  
25 professional practice of the committee members;

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

7 (d) to a health care provider:

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

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

15 (e) to an employer as may be reasonably necessary in  
16 the administration of a group insurance plan or to a  
17 workers' compensation insurer, the division of workers'  
18 compensation, or the workers' compensation judge, as is  
19 necessary in the administration of Title 39, chapters 71 and  
20 72;

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

23 (g) to a state insurance department for the purpose of  
24 reviewing an insurance claim or complaint made to such  
25 department by an insured or his authorized representative or



INTRODUCED BILL  
HB 681

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

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

7 (i) to the news media about the general physical  
8 condition of an injured person being treated in a health  
9 care facility."

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

HOUSE BILL NO. 681

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A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW RELEASE OF  
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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  
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(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  
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department by an insured or his authorized representative or



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(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;

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11 (I) TO THE NEWS MEDIA ABOUT THE GENERAL PHYSICAL  
12 CONDITION OF AN INJURED PERSON BEING TREATED IN A HEALTH  
13 CARE FACILITY.

14 (3) FOR THE PURPOSE OF THIS ACT, THE TERM "GENERAL  
15 PHYSICAL CONDITION" IS LIMITED TO A DESCRIPTION OF THE  
16 CONDITION AS "SATISFACTORY", "SERIOUS", OR "CRITICAL".

-End-



SENATE

STANDING COMMITTEE REPORT

March 19 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 681

third reading copy ( blue color )

(Senator Towe)

ALLOW RELEASE OF CONFIDENTIAL HEALTH INFORMATION TO MEDIA & LAW ENFORCEMENT

Respectfully report as follows: That HOUSE BILL No. 681

be amended as follows:

Page 3, line 13.

Following: "FACILITY"

Insert: ", provided the existence of the hospitalization is publicly known, or involves a public figure and release of the information would not violate his right of privacy"

AND AS AMENDED

BE CONCURRED IN

PLEASE

FOR NOTATION

Senator Joe Mazurek Chairman.

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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  
3 scientific research, management audits, financial audits,  
4 program evaluations, or similar studies. However, qualified  
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6 individual patient in a research report, audit, or  
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13 operation in connection with the providing of health care  
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16 (e) to an employer as may be reasonably necessary in  
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  
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REFERENCE BILL

HB 681

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15 OF THE INFORMATION WOULD NOT VIOLATE HIS RIGHT OF PRIVACY.

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-End-

# CONFERENCE COMMITTEE REPORT

Report No. 1  
April 19 85  
..... 19.....

MR. SPEAKER

We, your Free Conference Committee on  
House Bill 681, REFERENCE COPY, salmon

met and considered Judiciary Report of March 19, 1985

We recommend as follows:

1. Page 3, lines 14 and 15.  
Following: "KNOWN"  
Strike: "OR" through "PRIVACY" on line 15

And that this Conference Committee report be adopted.

FOR THE SENATE

Daniels  
Daniels, Chm.

Pinsonneault  
Pinsonneault

Stephens  
Stephens

FOR THE HOUSE

J. Brown  
J. Brown

Keyser  
Keyser

Spaeth  
Spaeth

Winslow  
Winslow

ADOPT REJECT

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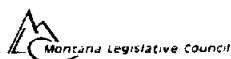
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