

HOUSE BILL NO. 668

INTRODUCED BY MCDONOUGH, HARPER, WYATT,  
WHALEN, HALLIGAN

BY REQUEST OF THE DEPARTMENT OF HEALTH AND  
ENVIRONMENTAL SCIENCES

IN THE HOUSE

FEBRUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 18, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1989	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 21, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 92; NOES, 7.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
MARCH 23, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1989	SECOND READING, PASS CONSIDERATION.
MARCH 28, 1989	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 1, 1989

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *668*  
2 INTRODUCED BY *McIntyre Hanger "Jeff" Whalen*  
3 BY REQUEST OF THE DEPARTMENT OF HEALTH AND *Collyer*  
4 ENVIRONMENTAL SCIENCES

5  
6 A BILL FOR AN ACT ENTITLED: "THE GOVERNMENT HEALTH CARE  
7 INFORMATION ACT; SPECIFYING THE CIRCUMSTANCES UNDER WHICH  
8 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND  
9 LOCAL HEALTH DEPARTMENTS MAY RELEASE HEALTH CARE INFORMATION  
10 FROM THEIR RECORDS; PROVIDING A PENALTY; AND PROVIDING AN  
11 IMMEDIATE EFFECTIVE DATE."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 NEW SECTION. Section 1. Short title. [This act] may be  
15 cited as the "Government Health Care Information Act".

16 NEW SECTION. Section 2. Definitions. As used in [this  
17 act], unless the context requires otherwise, the following  
18 definitions apply:

19 (1) "Department" means the department of health and  
20 environmental sciences provided for in Title 2, chapter 15,  
21 part 21.

22 (2) "Health care information" means information,  
23 whether oral or recorded in any form or medium, that  
24 identifies or can readily be associated with the identity of  
25 an individual, including one who is deceased, and relates to

1 that individual's health care or status. The term includes  
2 any record of disclosures of health care information and any  
3 information about an individual received pursuant to state  
4 law or rules relating to communicable disease.

5 (3) "Local board" means a county, city, city-county, or  
6 district board of health provided for in Title 50, chapter  
7 2, part 1.

8 (4) "Local health officer" means a county, city,  
9 city-county, or district health officer appointed by a local  
10 board.

11 NEW SECTION. Section 3. Confidentiality of health care  
12 information. Health care information in the possession of  
13 the department, a local board, a local health officer, or  
14 their authorized representatives may not be released except:

15 (1) for statistical purposes, if no identification of  
16 individuals can be made from the information released;

17 (2) when the health care information pertains to a  
18 person who has given written consent to the release and has  
19 specified the type of information to be released and the  
20 person or entity to whom it may be released;

21 (3) to medical personnel in a medical emergency as  
22 necessary to protect the health, life, or well-being of the  
23 named person;

24 (4) as allowed by Title 50, chapters 15, 17, and 18;

25 (5) to another state or local public health agency,

including those in other states, whenever necessary to continue health services to the named person or to undertake public health efforts to prevent or interrupt the transmission of a communicable disease;

(6) in the case of a minor, as required by 41-3-201 or pursuant to an investigation under 41-3-202. If the health care information is required in a subsequent court proceeding involving child abuse, the information may be disclosed only in camera and documents containing the information must be sealed by the court upon conclusion of the proceedings.

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

**NEW SECTION. Section 4. Secondary release of health care information.** Information released pursuant to [section 3] may not be released again unless the release conforms to the requirements of [section 3].

**NEW SECTION. Section 5. Judicial, legislative, and administrative proceedings -- testimony.** (1) An officer or employee of the department may not be examined in a

judicial, legislative, administrative, or other proceeding about the existence or content of records containing individually identifiable health care information, including the results of investigations, unless all individuals whose names appear in the records give written consent to the release of information identifying them.

(2) Subsection (1) does not apply if the health care information is to be released pursuant to [section 3(7)].

**NEW SECTION. Section 6. Penalty.** A person who violates the provisions of [this act] is guilty of a misdemeanor and upon conviction shall be fined not less than \$500 or more than \$10,000, be imprisoned in the county jail not less than 3 months or more than 1 year, or both.

**NEW SECTION. Section 7. Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

**NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 6] are intended to be codified as an integral part of Title 50.

**NEW SECTION. Section 9. Effective date.** [This act] is effective on passage and approval.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

## HOUSE BILL NO. 668

INTRODUCED BY MCDONOUGH, HARPER, WYATT,

WHALEN, HALLIGAN

BY REQUEST OF THE DEPARTMENT OF HEALTH AND

ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "THE GOVERNMENT HEALTH CARE INFORMATION ACT; SPECIFYING THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND LOCAL HEALTH DEPARTMENTS MAY RELEASE HEALTH CARE INFORMATION FROM THEIR RECORDS; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Short title. [This act] may be cited as the "Government Health Care Information Act".

NEW SECTION. **Section 2.** Definitions. As used in [this act], unless the context requires otherwise, the following definitions apply:

(1) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(2) "Health care information" means information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of

an individual, including one who is deceased, and relates to that individual's health care or status. The term includes any record of disclosures of health care information and any information about an individual received pursuant to state law or rules relating to communicable disease. THE TERM DOES NOT INCLUDE VITAL STATISTICS INFORMATION GATHERED UNDER TITLE 50, CHAPTER 15.

(3) "Local board" means a county, city, city-county, or district board of health provided for in Title 50, chapter 2, part 1.

(4) "Local health officer" means a county, city, city-county, or district health officer appointed by a local board.

NEW SECTION. **Section 3.** Confidentiality of health care information. Health care information in the possession of the department, a local board, a local health officer, or their authorized representatives may not be released except:

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

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

(3) to medical personnel in a medical emergency as necessary to protect the health, life, or well-being of the

1 named person;

2 (4) as allowed by Title 50, chapters 15, 17, and 18;

3 (5) to another state or local public health agency,  
4 including those in other states, whenever necessary to  
5 continue health services to the named person or to undertake  
6 public health efforts to prevent or interrupt the  
7 transmission of a communicable disease;

8 (6) in the case of a minor, as required by 41-3-201 or  
9 pursuant to an investigation under 41-3-202. If the health  
10 care information is required in a subsequent court  
11 proceeding involving child abuse, the information may be  
12 disclosed only in camera and documents containing the  
13 information must be sealed by the court upon conclusion of  
14 the proceedings.

15 (7) to medical personnel, the department, a local  
16 health officer or board, or a district court when necessary  
17 to implement or enforce state statutes or state or local  
18 health rules concerning the prevention or control of  
19 diseases designated as reportable pursuant to 50-1-202, if  
20 the release does not conflict with any other provision  
21 contained in [this act].

22 NEW SECTION. Section 4. Secondary release of health  
23 care information. Information released pursuant to [section  
24 3] may not be released again BY THE PERSON OR ENTITY IT IS  
25 RELEASED TO unless the release conforms to the requirements

1 of [section 3].

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

11 (2) Subsection (1) does not apply if the health care  
12 information is to be released pursuant to [section 3(7)].

13 NEW SECTION. Section 6. Penalty. A person who  
14 KNOWINGLY violates the provisions of [this act] is guilty of  
15 a misdemeanor and upon conviction shall be fined not less  
16 than \$500 or more than \$10,000, be imprisoned in the county  
17 jail not less than 3 months or more than 1 year, or both.

18 NEW SECTION. Section 7. Extension of authority. Any  
19 existing authority to make rules on the subject of the  
20 provisions of [this act] is extended to the provisions of  
21 [this act].

22 NEW SECTION. Section 8. Codification instruction.  
23 [Sections 1 through 6] are intended to be codified as an  
24 integral part of Title 50.

25 NEW SECTION. Section 9. Effective date. [This act] is

HB 0668/02

1 effective on passage and approval.

-End-

## HOUSE BILL NO. 668

INTRODUCED BY MCDONOUGH, HARPER, WYATT,

WHALEN, HALLIGAN

BY REQUEST OF THE DEPARTMENT OF HEALTH AND  
ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "THE GOVERNMENT HEALTH CARE  
INFORMATION ACT; SPECIFYING THE CIRCUMSTANCES UNDER WHICH  
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND  
LOCAL HEALTH DEPARTMENTS MAY RELEASE HEALTH CARE INFORMATION  
FROM THEIR RECORDS; PROVIDING A PENALTY; AND PROVIDING AN  
IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Short title. [This act] may  
be cited as the "Government Health Care Information Act".

NEW SECTION. Section 2. Definitions. As used in [this  
act], unless the context requires otherwise, the following  
definitions apply:

(1) "Department" means the department of health and  
environmental sciences provided for in Title 2, chapter 15,  
part 21.

(2) "Health care information" means information,  
whether oral or recorded in any form or medium, that  
identifies or can readily be associated with the identity of

an individual, including one who is deceased, and relates to  
that individual's health care or status. The term includes  
any record of disclosures of health care information and any  
information about an individual received pursuant to state  
law or rules relating to communicable disease. THE TERM DOES  
NOT INCLUDE VITAL STATISTICS INFORMATION GATHERED UNDER  
TITLE 50, CHAPTER 15.

(3) "Local board" means a county, city, city-county,  
or district board of health provided for in Title 50,  
chapter 2, part 1.

(4) "Local health officer" means a county, city,  
city-county, or district health officer appointed by a local  
board.

NEW SECTION. Section 3. Confidentiality of health  
care information. Health care information in the possession  
of the department, a local board, a local health officer, or  
their authorized representatives may not be released except:

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

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

(3) to medical personnel in a medical emergency as  
necessary to protect the health, life, or well-being of the



1 named person;

2 (4) as allowed by Title 50, chapters 15, 17, and 18;

3 (5) to another state or local public health agency,  
4 including those in other states, whenever necessary to  
5 continue health services to the named person or to undertake  
6 public health efforts to prevent or interrupt the  
7 transmission of a communicable disease;

8 (6) in the case of a minor, as required by 41-3-201 or  
9 pursuant to an investigation under 41-3-202. If the health  
10 care information is required in a subsequent court  
11 proceeding involving child abuse, the information may be  
12 disclosed only in camera and documents containing the  
13 information must be sealed by the court upon conclusion of  
14 the proceedings.

15 (7) to medical personnel, the department, a local  
16 health officer or board, or a district court when necessary  
17 to implement or enforce state statutes or state or local  
18 health rules concerning the prevention or control of  
19 diseases designated as reportable pursuant to 50-1-202, if  
20 the release does not conflict with any other provision  
21 contained in [this act].

22 NEW SECTION. Section 4. Secondary release of health  
23 care information. Information released pursuant to [section  
24 3] may not be released again BY THE PERSON OR ENTITY IT IS  
25 RELEASED TO unless the release conforms to the requirements

1 of [section 3].

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

11 (2) Subsection (1) does not apply if the health care  
12 information is to be released pursuant to [section 3(7)].

13 NEW SECTION. Section 6. Penalty. A person who  
14 KNOWINGLY violates the provisions of [this act] is guilty of  
15 a misdemeanor and upon conviction shall be fined not less  
16 than \$500 or more than \$10,000, be imprisoned in the county  
17 jail not less than 3 months or more than 1 year, or both.

18 NEW SECTION. Section 7. Extension of authority. Any  
19 existing authority to make rules on the subject of the  
20 provisions of [this act] is extended to the provisions of  
21 [this act].

22 NEW SECTION. Section 8. Codification instruction.  
23 [Sections 1 through 6] are intended to be codified as an  
24 integral part of Title 50.

25 NEW SECTION. Section 9. Effective date. [This act] is

HB 0668/02

1 effective on passage and approval.

-End-

**SENATE STANDING COMMITTEE REPORT**

March 22, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration HB 668 (third reading copy -- blue), respectfully report that HB 668 be amended and as so amended be concurred in:

Sponsor: McDonough (Halligan)

1. Title, lines 11 and 12.  
Following: "RECORDS;" on line 11  
Insert: "AND"  
Following: "PENALTY" on line 11  
Strike: remainder of line 11 through "DATE" on line 12
2. Page 3, line 2.  
Following: "by"  
Insert: "50-16-5 and"
3. Page 4, line 25 through page 5, line 1.  
Strike: section 9 in its entirety

**AND AS AMENDED BE CONCURRED IN**

Signed: \_\_\_\_\_

  
Thomas O. Hager, Chairman

**HB 668**

**SENATE**

scrhb668.322

**SENATE COMMITTEE OF THE WHOLE AMENDMENT**

March 28, 1989 11:55 am

Mr. Chairman: I move to amend HB 668 (third reading copy -- blue) as follows:

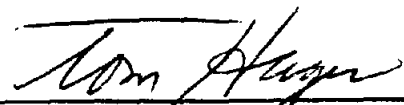
Amend the Senate Committee on Public Health, Welfare, and Safety amendments to HB 668 (third reading copy -- blue) dated March 22, 1989, as follows:

1. Strike: Amendment No. 2 in its entirety

**ADOPT**

**REJECT**

Signed: \_\_\_\_\_



Senator Hager

**SENATE  
HB 668**

## HOUSE BILL NO. 668

INTRODUCED BY MCDONOUGH, HARPER, WYATT,

WHALEN, HALLIGAN

BY REQUEST OF THE DEPARTMENT OF HEALTH AND  
ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "THE GOVERNMENT HEALTH CARE  
INFORMATION ACT; SPECIFYING THE CIRCUMSTANCES UNDER WHICH  
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND  
LOCAL HEALTH DEPARTMENTS MAY RELEASE HEALTH CARE INFORMATION  
FROM THEIR RECORDS; AND PROVIDING A PENALTY; -AND- PROVIDING  
AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Short title. [This act] may  
be cited as the "Government Health Care Information Act".

NEW SECTION. **Section 2.** Definitions. As used in [this  
act], unless the context requires otherwise, the following  
definitions apply:

(1) "Department" means the department of health and  
environmental sciences provided for in Title 2, chapter 15,  
part 21.

(2) "Health care information" means information,  
whether oral or recorded in any form or medium, that  
identifies or can readily be associated with the identity of

an individual, including one who is deceased, and relates to  
that individual's health care or status. The term includes  
any record of disclosures of health care information and any  
information about an individual received pursuant to state  
law or rules relating to communicable disease. THE TERM DOES  
NOT INCLUDE VITAL STATISTICS INFORMATION GATHERED UNDER  
TITLE 50, CHAPTER 15.

(3) "Local board" means a county, city, city-county,  
or district board of health provided for in Title 50,  
chapter 2, part 1.

(4) "Local health officer" means a county, city,  
city-county, or district health officer appointed by a local  
board.

NEW SECTION. **Section 3.** Confidentiality of health  
care information. Health care information in the possession  
of the department, a local board, a local health officer, or  
their authorized representatives may not be released except:

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

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

(3) to medical personnel in a medical emergency as  
necessary to protect the health, life, or well-being of the



1 named person;

2 (4) as allowed by Title 50, ~~CHAPTER 16, --PART--57--AND~~  
3 chapters 15, 17, and 18;

4 (5) to another state or local public health agency,  
5 including those in other states, whenever necessary to  
6 continue health services to the named person or to undertake  
7 public health efforts to prevent or interrupt the  
8 transmission of a communicable disease;

9 (6) in the case of a minor, as required by 41-3-201 or  
10 pursuant to an investigation under 41-3-202. If the health  
11 care information is required in a subsequent court  
12 proceeding involving child abuse, the information may be  
13 disclosed only in camera and documents containing the  
14 information must be sealed by the court upon conclusion of  
15 the proceedings.

16 (7) to medical personnel, the department, a local  
17 health officer or board, or a district court when necessary  
18 to implement or enforce state statutes or state or local  
19 health rules concerning the prevention or control of  
20 diseases designated as reportable pursuant to 50-1-202, if  
21 the release does not conflict with any other provision  
22 contained in [this act].

23 NEW SECTION. Section 4. Secondary release of health  
24 care information. Information released pursuant to [section  
25 3] may not be released again BY THE PERSON OR ENTITY IT IS

1 RELEASED TO unless the release conforms to the requirements  
2 of [section 3].

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

12 (2) Subsection (1) does not apply if the health care  
13 information is to be released pursuant to [section 3(7)].

14 NEW SECTION. Section 6. Penalty. A person who  
15 KNOWINGLY violates the provisions of [this act] is guilty of  
16 a misdemeanor and upon conviction shall be fined not less  
17 than \$500 or more than \$10,000, be imprisoned in the county  
18 jail not less than 3 months or more than 1 year, or both.

19 NEW SECTION. Section 7. Extension of authority. Any  
20 existing authority to make rules on the subject of the  
21 provisions of [this act] is extended to the provisions of  
22 [this act].

23 NEW SECTION. Section 8. Codification instruction.  
24 [Sections 1 through 6] are intended to be codified as an  
25 integral part of Title 50.

HB 0668/03

1       ~~NEW SECTION. --~~**Section 9.** ~~-- Effective -- date. --- {This act}~~  
2       ~~is effective on passage and approval.~~

-End-