

HOUSE BILL NO. 236

INTRODUCED BY TOOLE, LARSON, WHALEN

IN THE HOUSE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 11, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 12, 1993	PRINTING REPORT.
FEBRUARY 13, 1993	SECOND READING, DO PASS.
FEBRUARY 15, 1993	ENGROSSING REPORT.
FEBRUARY 16, 1993	THIRD READING, PASSED. AYES, 93; NOES, 6.
FEBRUARY 17, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 25, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 26, 1993	SECOND READING, CONCURRED IN.
MARCH 27, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 236
 2 INTRODUCED BY Rep. V. J. Lamm Whalen

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR IMMUNITY
 5 FROM CIVIL SUIT FOR A HEALTH CARE PROVIDER WHO DISCLOSES
 6 HEALTH CARE INFORMATION TO A THIRD PARTY PURSUANT TO A
 7 WRITTEN AUTHORIZATION FOR DISCLOSURE; AND SPECIFYING THE
 8 FORM OF THE WRITTEN AUTHORIZATION."
 9

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

11 NEW SECTION. Section 1. Immunity of health care
 12 providers pursuant to written authorization -- form
 13 required. A health care provider who discloses health care
 14 information within the possession of the provider, including
 15 health care information from another provider, is immune
 16 from suit by the person to whom the information is disclosed
 17 for any civil cause of action based upon the disclosure if
 18 the information is disclosed in accordance with a written
 19 authorization using the following language:

20 "All health care information in your possession, whether
 21 generated by you or by any other source, may be released to
 22 me or to _____ (named person). I hereby waive my
 23 right under Title 50, chapter 16, part 5, Montana Code
 24 Annotated, to the confidentiality of the information you
 25 provide, based upon this express request.

1
 2 (Signature of patient)"

3 NEW SECTION. Section 2. Codification instruction.
 4 [Section 1] is intended to be codified as an integral part
 5 of Title 50, chapter 16, part 5, and the provisions of Title
 6 50, chapter 16, part 5, apply to [section 1].

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 236

INTRODUCED BY TOOLE, LARSON, WHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR IMMUNITY FROM CIVIL SUIT FOR A HEALTH CARE PROVIDER WHO DISCLOSES HEALTH CARE INFORMATION TO A ~~THIRD--PARTY~~ PATIENT OR THE PATIENT'S DESIGNEE PURSUANT TO A WRITTEN AUTHORIZATION FOR DISCLOSURE; AND SPECIFYING THE FORM OF THE WRITTEN AUTHORIZATION."

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

NEW SECTION. Section 1. Immunity of health care providers pursuant to written authorization -- form required. A health care provider who discloses health care information within the possession of the provider, including health care information from another provider, is immune from suit-by-the-person-to-whom-the-information-is-disclosed for any civil cause of action based-upon-the-disclosure BY THE PATIENT OR THE PATIENT'S HEIRS OR SUCCESSORS IN INTEREST THAT IS BASED UPON DELIVERY TO THE PATIENT OR THE PATIENT'S DESIGNEE OF HEALTH CARE INFORMATION CONCERNING THE PATIENT THAT IS CONTAINED IN THE HEALTH CARE PROVIDER'S PATIENT FILE if the information is disclosed in accordance with a written authorization using the following language:

"All health care information in your possession, whether

generated by you or by any other source, may be released to me or to _____ (named person);--i-hereby-waive-my right-under-Title-50,--chapter--16,--part--5--Montana--Code Annotated,--to--the--confidentiality--of-the-information-you provide,--based---upon---this---express---request; FOR _____ (PURPOSE OF THE DISCLOSURE). THIS RELEASE IS SUBJECT TO REVOCATION AT ANY TIME EXCEPT TO THE EXTENT THAT THE RELEASED HEALTH CARE PROVIDER HAS ALREADY ACTED IN RELIANCE ON THE RELEASE. IF NOT REVOKED, THE RELEASE TERMINATES IN ACCORDANCE WITH 50-16-527.

.....
(Signature of patient)"

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 16, part 5, and the provisions of Title 50, chapter 16, part 5, apply to [section 1].

-End-

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(Signature of patient)"

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 16, part 5, and the provisions of Title 50, chapter 16, part 5, apply to [section 1].

-End-



SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 24, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 236 (first reading copy -- blue), respectfully report that House Bill No. 236 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Page 2, lines 7 through 9.

Following: "TIME" on line 7

Strike: remainder of line 7 through the first "RELEASE" on line 9

2. Page 2, line 9.

Following: "._"

Insert: "The revocation is effective from the time it is
communicated to the health care provider."

-END-

AN Amd. Coord.
Sec. of Senate

Halligan
Senator Carrying Bill

SENATE
HB 236
661648SC.San

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"All health care information in your possession, whether

generated by you or by any other source, may be released to me or to _____ (named person) ~~and I hereby waive my right under Title 50, chapter 16, part 5, Montana Code Annotated, to the confidentiality of the information you provide, based upon this express request, FOR~~ (PURPOSE OF THE DISCLOSURE). THIS RELEASE IS SUBJECT TO REVOCATION AT ANY TIME EXCEPT TO THE EXTENT THAT THE RELEASED HEALTH CARE PROVIDER HAS ALREADY ACTED IN RELIANCE ON THE RELEASE. THE REVOCATION IS EFFECTIVE FROM THE TIME IT IS COMMUNICATED TO THE HEALTH CARE PROVIDER. IF NOT REVOKED, THE RELEASE TERMINATES IN ACCORDANCE WITH 50-16-527.

.....
(Signature of patient)"

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