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.

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L	17003C BILL NO. 236
2	INTRODUCED BY BULL NO. 236 INTRODUCED BY BULL NO. 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
0	PODM OF THE METOTON AUTHORITANTON "

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 if the information is disclosed in accordance with a written authorization using the following language:

Montana Lagislativa Council

(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-

APPROVED BY COMMITTEE ON JUDICIARY

L	HOUSE BILL NO. 238
2	INTRODUCED BY TOOLE, LARSON, 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 THERSPARTY PATIENT OR THE
7	PATIENT'S DESIGNEE PURSUANT TO A WRITTEN AUTHORIZATION FOR
8	DISCLOSURE; AND SPECIFYING THE FORM OF THE WRITTEN
9	AUTHORIZATION."
.0	
1	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	NEW SECTION. Section 1. Immunity of health care
L 3	providers pursuant to written authorization form
L 4	required. A health care provider who discloses health care
15	information within the possession of the provider, including
16	health care information from another provider, is immune
17	from suit-by-the-person-to-whom-the-information-is-disclosed
18	for any civil cause of action based-upon-the-disclosure BY
19	THE PATIENT OR THE PATIENT'S HEIRS OR SUCCESSORS IN INTEREST
20	THAT IS BASED UPON DELIVERY TO THE PATIENT OR THE PATIENT'S
21	DESIGNEE OF HEALTE CARE INFORMATION CONCERNING THE PATIENT
22	THAT IS CONTAINED IN THE HEALTH CARE PROVIDER'S PATIENT FILE
23	if the information is disclosed in accordance with a written
24	authorization using the following language:
25	"All health care information in your possession, whether

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generated by you or by any other source, may be released to

-End-

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 THEREPARTY PATIENT OR THE
PATIENT'S DESIGNEE PURSUANT TO A WRITTEN AUTHORIZATION FOR
DISCLOSURE; AND SPECIFYING THE FORM OF THE WRITTEN
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
NEW SECTION. Section 1. Immunity of health care
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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
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if the information is disclosed in accordance with a written
authorization using the following language:
"All health care information in your possession, whethe

HOUSE BILL NO. 236

2	me or to(named person) I-hereby-waive-my
3	right-under-Title-50ychapter16ypart5yMontanaCode
4	Annotated,totheconfidentialityof-the-information-you
5	provideybaseduponthisexpressrequest: FOR
6	(PURPOSE OF THE DISCLOSURE). THIS RELEASE IS
7	SUBJECT TO REVOCATION AT ANY TIME EXCEPT TO THE EXTENT THAT
8	THE RELEASED HEALTH CARE PROVIDER HAS ALREADY ACTED IN
9	RELIANCE ON THE RELEASE. IF NOT REVOKED, THE RELEASE
10	TERMINATES IN ACCORDANCE WITH 50-16-527.
11	•••••
12	(Signature of patient)
13	NEW SECTION. Section 2. Codification instruction.
14	[Section 1] is intended to be codified as an integral part
15	of Title 50, chapter 16, part 5, and the provisions of Title
16	50, chapter 16, part 5, apply to [section 1].
	-End-

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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: Www. | fellowtard
Senator William "Bill" Kellowtail, 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-

Amd. Coord.

N Sec. of Senate

Halligan
Senator Carrying Bill

SENATE #B 236 661648SC.San

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24	authorization using the following language:
25	"All health care information in your possession, whether

1	generated by you or by any other source, may be released to
2	me or to(named person)i-hereby-waive-my
3	right-under-Title-507chapter167part57MontanaCode
4	$\textbf{Annotated}_{7}\textbf{totheconfidentialityofthe-information-you}$
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9	RESIANCE-ON-THE-RESEASE. THE REVOCATION IS EFFECTIVE FROM
10	THE TIME IT IS COMMUNICATED TO THE HEALTH CARE PROVIDER. IF
11	NOT REVOKED, THE RELEASE TERMINATES IN ACCORDANCE WITH
12	50-16-527.
13	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
14	(Signature of patient)"
15	NEW SECTION. Section 2. Codification instruction.
16	[Section 1] is intended to be codified as an integral part
17	of Title 50, chapter 16, part 5, and the provisions of Title
18	50, chapter 16, part 5, apply to [section 1].



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