

HOUSE BILL 518

Introduced by Whalen, et al.

2/08	Introduced
2/08	Referred to Judiciary
2/08	First Reading
2/16	Hearing
2/19	Committee Report--Bill Passed as Amended
2/20	2nd Reading Passed
2/23	3rd Reading Passed
	Transmitted to Senate
3/01	First Reading
3/01	Referred to State Administration
3/12	Hearing
3/12	Tabled in Committee

1 House BILL NO. 518
2 INTRODUCED BY Whalen AL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF
5 HEALTH CARE INFORMATION FOR POLITICAL PURPOSES; PROVIDING A
6 PENALTY; AND AMENDING SECTIONS 50-16-204 AND 50-16-551,
7 MCA."
8

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

10 **Section 1.** Section 50-16-204, MCA, is amended to read:

11 "50-16-204. Restrictions on use or publication of
12 information. (1) Such The in-hospital medical staff
13 committees shall use or publish information from such the
14 material only for the purpose of evaluating matters of
15 medical care, therapy, and treatment for research and
16 statistical purposes. ~~Neither-such The~~ in-hospital medical
17 staff committee ~~nor and~~ the members, agents, or employees
18 ~~thereof--shall of the committee may not~~ disclose the name or
19 identity of any patient whose records have been studied in
20 any report or publication of findings and conclusions of
21 ~~such the committee-but-such. The~~ in-hospital medical staff
22 committee, and its members, agents, or employees shall
23 protect the identity of any patient whose condition or
24 treatment has been studied and ~~shall may~~ not disclose or
25 reveal the name of any such in-hospital patient.

1 (2) The information and records may not be used by the
2 in-hospital medical staff committee, any person employed by
3 the hospital, or the hospital for any political purpose or
4 in any political campaign."

5 **Section 2.** Section 50-16-551, MCA, is amended to read:

6 "50-16-551. Criminal penalty. (1) A person who by means
7 of bribery, theft, or misrepresentation of identity, purpose
8 of use, or entitlement to the information examines or
9 obtains, in violation of this part, health care information
10 maintained by a health care provider is guilty of a
11 misdemeanor and upon conviction is punishable by a fine not
12 exceeding \$10,000 or imprisonment for a period not exceeding
13 1 year, or both.

14 (2) A person who, knowing that a certification under
15 50-16-536(2) or a disclosure authorization under 50-16-526
16 and 50-16-527 is false, purposely presents the certification
17 or disclosure authorization to a health care provider is
18 guilty of a misdemeanor and upon conviction is punishable by
19 a fine not exceeding \$10,000 or imprisonment for a period
20 not exceeding 1 year, or both.

21 (3) A person who knowingly uses information in
22 violation of 50-16-204(2) is guilty of a misdemeanor and
23 upon conviction is punishable by a fine not exceeding \$500
24 or imprisonment for 6 months, or both."

-End-

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HB 518
INTRODUCED BILL

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 518

INTRODUCED BY WHALEN, J. RICE, TOOLE, FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF HEALTH CARE INFORMATION FOR POLITICAL PURPOSES; PROVIDING A PENALTY; AND AMENDING SECTIONS--50-16-204---AND SECTION 50-16-551, MCA."

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

Section 1. Section 50-16-204, MCA, is amended to read:

"50-16-204. Restrictions on use or publication of information. ~~(1)~~ Such ~~The~~ in-hospital medical staff committees shall use or publish information from such the material only for the purpose of evaluating matters of medical care, therapy, and treatment for research and statistical purposes. Neither such ~~The~~ in-hospital medical staff committee nor ~~and~~ the members, agents, or employees thereof shall ~~of the committee may not~~ disclose the name or identity of any patient whose records have been studied in any report or publication of findings and conclusions of such the committee, but such ~~The~~ in-hospital medical staff committee, ~~and~~ its members, agents, or employees shall protect the identity of any patient whose condition or treatment has been studied and shall ~~may~~ not disclose or reveal the name of any such in-hospital patient.

~~(2) The information and records may not be used by the in-hospital medical staff committee, any person employed by the hospital, or the hospital for any political purpose or in any political campaign."~~

NEW SECTION. **SECTION 1.** POLITICAL USE OF HEALTH CARE INFORMATION PROHIBITED. A HEALTH CARE PROVIDER MAY NOT USE HEALTH CARE INFORMATION FOR ANY POLITICAL PURPOSE OR IN ANY POLITICAL CAMPAIGN.

Section 2. Section 50-16-551, MCA, is amended to read:

"50-16-551. Criminal penalty. (1) A person who by means of bribery, theft, or misrepresentation of identity, purpose of use, or entitlement to the information examines or obtains, in violation of this part, health care information maintained by a health care provider is guilty of a misdemeanor and upon conviction is punishable by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 1 year, or both.

(2) A person who, knowing that a certification under 50-16-536(2) or a disclosure authorization under 50-16-526 and 50-16-527 is false, purposely presents the certification or disclosure authorization to a health care provider is guilty of a misdemeanor and upon conviction is punishable by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 1 year, or both.

(3) A person who knowingly uses information in

1 violation of 50-16-204+2+ [SECTION 1] is guilty of a
2 misdemeanor and upon conviction is punishable by a fine not
3 exceeding \$500 or imprisonment for 6 months, or both."

4 NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION.
5 [SECTION 1] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
6 OF TITLE 50, CHAPTER 16, PART 5, AND THE PROVISIONS OF TITLE
7 50, CHAPTER 16, PART 5, APPLY TO [SECTION 1].

-End-

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INTRODUCED BY WHALEN, J. RICE, TOOLE, FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF HEALTH CARE INFORMATION FOR POLITICAL PURPOSES; PROVIDING A PENALTY; AND AMENDING SECTIONS--50-16-204---AND SECTION 50-16-551, MCA."

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~~(2) The information and records may not be used by the in-hospital medical staff committee, any person employed by the hospital, or the hospital for any political purpose or in any political campaign."~~

NEW SECTION. SECTION 1. POLITICAL USE OF HEALTH CARE INFORMATION PROHIBITED. A HEALTH CARE PROVIDER MAY NOT USE HEALTH CARE INFORMATION FOR ANY POLITICAL PURPOSE OR IN ANY POLITICAL CAMPAIGN.

Section 2. Section 50-16-551, MCA, is amended to read:

"50-16-551. Criminal penalty. (1) A person who by means of bribery, theft, or misrepresentation of identity, purpose of use, or entitlement to the information examines or obtains, in violation of this part, health care information maintained by a health care provider is guilty of a misdemeanor and upon conviction is punishable by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 1 year, or both.

(2) A person who, knowing that a certification under 50-16-536(2) or a disclosure authorization under 50-16-526 and 50-16-527 is false, purposely presents the certification or disclosure authorization to a health care provider is guilty of a misdemeanor and upon conviction is punishable by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 1 year, or both.

(3) A person who knowingly uses information in

1 violation of 50-16-204(2) [SECTION 1] is guilty of a
2 misdemeanor and upon conviction is punishable by a fine not
3 exceeding \$500 or imprisonment for 6 months, or both."

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5 [SECTION 1] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
6 OF TITLE 50, CHAPTER 16, PART 5, AND THE PROVISIONS OF TITLE
7 50, CHAPTER 16, PART 5, APPLY TO [SECTION 1].

-End-