

SECOND REGULAR SESSION

# HOUSE BILL NO. 1382

## 95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ERVIN.

4043L.01I

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri patient privacy act.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.015, to read as follows:

**191.015. 1. This section shall be known and may be cited as the "Missouri Patient Privacy Act".**

**2. As used in this section, the following terms shall mean:**

**(1) "Disease state management programs", delivery of services for patients with chronic illness, including education, health management support, and coordination of health care services;**

**(2) "Health care provider", any corporation organized for the primary purpose of maintaining medical information for treatment or diagnosis, or to allow an individual to manage his or her information, including but not limited to a physician, hospital, health maintenance organization, ambulatory surgical center, long-term care facility including facilities licensed under chapter 198, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician in training, or any other person or entity that provides health care services under the authority of a license or certificate;**

**(3) "Personal health information", any identifiable information, in electronic or physical form, regarding an individual's health, medical history, medical treatment, or diagnosis by a health care provider that is:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           (a) Created or stored by the health care provider or health carrier in the normal  
19 course of its business operations; and

20           (b) Not otherwise publicly available or in the public domain.

21           **3. No personal health information of a patient which can be identified as specific**  
22 **to such patient shall be disclosed to any employer, public or private payor, or employee or**  
23 **agent of a state department or agency without the written consent of the patient and health**  
24 **care provider; except that, such information may be disclosed to a health insurer,**  
25 **employer, state employee or agent of the Missouri consolidated health care plan, the**  
26 **department of health and senior services, the department of insurance, financial**  
27 **institutions and professional registration, or the MO HealthNet division within the**  
28 **department of social services in connection with the performance of such employee's**  
29 **official duties. Such official duties shall be for purposes allowed under 45 C.F.R. 164.512,**  
30 **as amended, including but not limited to:**

31           (1) Oversight of state health programs, including disease state management  
32 programs;

33           (2) Tracking of infectious or communicable diseases throughout the state;

34           (3) State wellness initiatives and programs; and

35           (4) Research state medical trends.

36           **4. Nothing in this section shall be construed as prohibiting disclosure of personal**  
37 **health information of a patient consistent with federal law, including the federal Health**  
38 **Insurance Portability and Accountability Act (HIPAA) and the privacy rules set forth in**  
39 **this section.**

40           **5. No health care provider shall be required to redact information when disclosing**  
41 **personal health information under this section.**

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