

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1382

95TH GENERAL ASSEMBLY

4043L.03P

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 information, in electronic or physical form, including demographic information collected from an individual, that relates to the past, present, or future physical or mental health or condition of an individual, the provision of

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 health care to an individual, or the past, present, or future payment for the provision of
19 health care to an individual, and:

20 (a) Identifies the individual; or

21 (b) With respect to which there is a reasonable basis to believe that the information
22 can be used to identify the individual.

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

33 (1) Oversight of state health programs, including disease state management
34 programs;

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

36 (3) State wellness initiatives and programs;

37 (4) Research state medical trends; and

38 (5) Programs accessing the quality and affordability of health care.

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

43 5. No health care provider shall be required to redact information when disclosing
44 personal health information under this section.

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