

HB 1370 -- MEDICAL RECORDS OF DECEASED PATIENTS

SPONSOR: Haahr

This bill allows a health care provider to disclose a deceased patient's medical records, payment records, or information contained within the records to the patient's health care decision maker or a personal representative or administrator of the estate of a deceased patient upon the death of the patient. If a personal representative or administrator has not been appointed, a provider may disclose the information to the following persons in the following order of priority unless the deceased patient during his or her lifetime or a person in a higher order of priority has notified the provider in writing that the deceased patient opposed the release of the medical or payment records:

- (1) The deceased patient's spouse, unless the patient and the patient's spouse were legally separated at the time of the patient's death;
- (2) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse if the trust was a revocable inter vivos trust during the deceased patient's lifetime and the deceased patient was a beneficiary of the trust during the deceased patient's lifetime;
- (3) An adult child of the deceased patient;
- (4) A parent of the deceased patient;
- (5) An adult brother or sister of the deceased patient; and
- (6) A guardian or conservator of the deceased patient at the time of the patient's death.