

HB 2606 -- PRIVACY RIGHTS OF PATIENTS

SPONSOR: Caton

This bill provides that a patient retains ownership rights over the patient's health records, and that while health care providers are custodians of the records, providers shall not disclose, transmit, or use a patient's records without the patient's informed consent, unless specifically authorized by state law, or without a documented representation from another health care provider holding a valid informed consent under state law.

A health care provider may disclose a patient's health records during a medical emergency to the extent necessary for the immediate care and treatment of the patient.

A health care provider is prohibited from conditioning treatment of a patient on the patient's decision to grant or withhold consent for the release of his or her health records.

The bill prohibits patient health records, including any de-identified data or limited data sets, from being used for research purposes unless the patient has provided informed consent specifically authorizing such use.

A patient whose rights under the provisions of this bill are violated may bring a civil action for damages, injunctive relief, and reasonable attorney's fees and court costs. Additionally, a prevailing patient may also recover liquidated damages of no less than \$1,000 and up to \$10,000 for each occurrence of unauthorized disclosure or failure to obtain proper informed consent.