

HB1217_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB24-1217 be amended as follows:

1 Amend printed bill, page 3, lines 4 and 5, strike "FOR INDIVIDUALS
2 SEEKING" and substitute "REGARDING".

3 Page 3, line 7, strike "CONSTITUTES" and substitute "MUST CONTAIN ALL
4 ELEMENTS NECESSARY TO CONSTITUTE".

5 Page 3, line 9, strike "CONSTITUTES" and substitute "MUST CONTAIN ALL
6 ELEMENTS NECESSARY TO CONSTITUTE".

7 Page 3, strike lines 17 through 20 and substitute:

8 "(II) CLEARLY STATES THAT THE RELEASE FORM PERMITS
9 DISCLOSURE OF AN INDIVIDUAL'S PROTECTED HEALTH INFORMATION BUT
10 DOES NOT REQUIRE DISCLOSURE;"

11 Page 3, line 22, strike "HAVE CONSENTED" and substitute "THE
12 INDIVIDUAL HAS AUTHORIZED".

13 Page 4, line 4, strike "SIX" and substitute "TWELVE".

14 Page 4, strike lines 11 through 14 and substitute:

15 "(3) NOTHING IN THIS SECTION REQUIRES A PERSON TO USE OR
16 RELY ON THE RELEASE FORM CREATED PURSUANT TO THIS SECTION WHEN
17 AUTHORIZATION FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION
18 IS REQUIRED UNDER HIPAA OR 42 CFR 2.

19 (4) NOTHING IN THIS SECTION REQUIRES AUTHORIZATION WHEN
20 DISCLOSURE OF PROTECTED HEALTH INFORMATION IS PERMITTED WITHOUT
21 AUTHORIZATION UNDER HIPAA OR 42 CFR 2.

22 (5) IF A RELEASE FORM CONFLICTS OR IS INCONSISTENT WITH
23 ANOTHER AUTHORIZATION OR CONSENT FORM FOR AN INDIVIDUAL, A
24 PROVIDER OR COVERED ENTITY MAY CHOOSE WHETHER TO RELY UPON THE
25 RELEASE FORM AND INCURS NO LIABILITY AS A CONSEQUENCE OF
26 CHOOSING TO RELY UPON THE RELEASE FORM OR TO NOT RELY UPON THE
27 RELEASE FORM. A PROVIDER OR COVERED ENTITY INCURS NO LIABILITY
28 FOR NOT DISCLOSING INFORMATION PROVIDED IN A RELEASE FORM IF THE
29 PROVIDER OR COVERED ENTITY HAS A GOOD FAITH, REASONABLE BELIEF
30 THAT THE INDIVIDUAL HAS REVOKED THE RELEASE FORM. A PROVIDER OR
31 COVERED ENTITY IS PRESUMED TO HAVE ACTED IN GOOD FAITH AND WITH
32 A REASONABLE BELIEF. THIS PRESUMPTION MAY BE REBUTTED BY CLEAR
33 AND CONVINCING EVIDENCE."

1 Renumber succeeding subsections accordingly.

2 Page 5, after line 27 insert:

3 "(g) DISCUSS THE ROLE OF THE CENTRALIZED DIGITAL CONSENT
4 REPOSITORY IN CRISIS SITUATIONS AND HOW TO ENSURE EMERGENT
5 INFORMATION IS COMMUNICATED IN A TIMELY MANNER BETWEEN A
6 PATIENT, A PROVIDER OR FACILITY, AND OTHER AUTHORIZED PERSONS;".

7 Reletter succeeding paragraphs accordingly.

8 Page 6, line 11, before "LICENSED" insert "A REPRESENTATIVE OF A
9 HEALTH INFORMATION ORGANIZATION NETWORK; A REPRESENTATIVE OF
10 A HOSPITAL;".

11 Page 6, line 12, strike "PROVIDERS INCLUDING," and substitute
12 "PROVIDERS, INCLUDING".

13 Page 7, after line 16 insert:

14 "(VII) FAMILY HISTORY, RELATIONSHIPS, OR SOCIAL CONTEXT;".

15 Renumber succeeding subparagraphs accordingly.

16 Page 8, line 17, strike "ENTITY." and substitute "ENTITY, UNLESS A
17 PATIENT HAS AUTHORIZED THE DISCLOSURE OF THE PATIENT'S FORM OR OF
18 THE PATIENT'S FULL MENTAL HEALTH RECORD OR UNLESS A COURT OR
19 OTHER LEGAL AUTHORITY HAS ORDERED SUCH DISCLOSURE.".

20 Page 8, after line 25 insert:

21 "(e) IF A PATIENT EXPLICITLY OBJECTS TO A COVERED ENTITY
22 RECEIVING INFORMATION REGARDING THE PATIENT FROM A SPECIFIC
23 INDIVIDUAL, THE COVERED ENTITY SHALL NOT ACCEPT INFORMATION
24 FROM THE SPECIFIC INDIVIDUAL.".

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