



February 19, 1999

HOUSE BILL No. 2035

DIGEST OF HB 2035 (Updated February 17, 1999 6:24 pm - DI 77)

Citations Affected: IC 16-18; IC 16-39.

Synopsis: Health records for scientific projects. Allows a health provider to disclose health records to a hospital trade association for use in voluntary scientific, statistical, or educational projects with the state department of health. Provides that certain information is confidential.

Effective: July 1, 1999.

Brown C, Becker

January 27, 1999, read first time and referred to Committee on Public Health.
February 18, 1999, amended, reported — Do Pass.

C
o
p
y

HB 2035—LS 8126/DI 77+



February 19, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 2035

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-168 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 168. (a) "Health
3 records", for purposes of IC 16-39, means written, **electronic**, or
4 printed information possessed by a provider concerning any diagnosis,
5 treatment, or prognosis of the patient.

6 ~~(b)~~ The term includes mental health records and alcohol and drug
7 abuse records.

8 **(b) For purposes of IC 16-39-5-3(d), the term includes**
9 **information that describes services provided to a patient and a**
10 **provider's charges for services provided to a patient.**

11 SECTION 2. IC 16-39-5-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) Except as
13 provided in IC 16-39-4-5, the original health record of the patient is the
14 property of the provider and as such may be used by the provider
15 without specific written authorization for legitimate business purposes,
16 including the following:

17 (1) Submission of claims for payment from third parties.

HB 2035—LS 8126/DI 77+



C
O
P
Y

- 1 (2) Collection of accounts.
 2 (3) Litigation defense.
 3 (4) Quality assurance.
 4 (5) Peer review.
 5 (6) Scientific, statistical, and educational purposes.
- 6 (b) In use under subsection (a), the provider shall at all times protect
 7 the confidentiality of the health record and may disclose the identity of
 8 the patient only when disclosure is essential to the provider's business
 9 use or to quality assurance and peer review.
- 10 (c) A provider may disclose a health record to another provider or
 11 to a nonprofit medical research organization to be used in connection
 12 with a joint scientific, statistical, or educational project. Each party that
 13 receives information from a health record in connection with the joint
 14 project shall protect the confidentiality of the health record and may not
 15 disclose the patient's identity except as allowed under this article.
- 16 (d) **A provider may disclose a health record or information**
 17 **obtained from a health record to an Indiana hospital trade**
 18 **association founded in 1921 for use in connection with a voluntary**
 19 **scientific, statistical, or educational project undertaken by the**
 20 **association. The hospital trade association may disclose the**
 21 **information it receives from a provider under this subsection to the**
 22 **state department to be used in connection with a voluntary**
 23 **scientific, statistical, or educational project undertaken jointly by**
 24 **the association and the state department if the association and the**
 25 **state department have agreed to the project's scope, nature, and**
 26 **duration. The information disclosed by:**
- 27 (1) a provider to the hospital trade association; or
 28 (2) the hospital trade association to the state department;
 29 under this subsection is confidential.
- 30 (e) The final results obtained by the state department for a
 31 voluntary scientific, statistical, or educational project undertaken
 32 jointly by the state department and the hospital trade association
 33 using information disclosed under subsection (d) are not
 34 confidential except for information contained in the final results
 35 that:
- 36 (1) identifies; or
 37 (2) could be used to determine the identity of;
 38 a patient. However, information contained in the final results that
 39 identifies or could be used to determine the identity of a patient
 40 may, in the state department's discretion, be disclosed to the
 41 hospital trade association and to the provider who disclosed the
 42 information to the hospital trade association.

C
O
P
Y

1 **(f) Information that is:**
2 **(1) advisory or deliberative material of a speculative nature;**
3 **or**
4 **(2) an expression of opinion;**
5 **including preliminary reports produced in the course of a**
6 **voluntary scientific, statistical, or educational project undertaken**
7 **jointly by the state department and the hospital trade association**
8 **using information disclosed under subsection (d) is confidential and**
9 **may only be disclosed by the state department to the hospital trade**
10 **association and to the provider who disclosed the information to**
11 **the hospital trade association.**
12 ~~(d)~~ **(g)** A person who recklessly violates or fails to comply with
13 **subsections (c) through (f)** commits a Class C infraction. Each day a
14 violation continues constitutes a separate offense.
15 ~~(e)~~ **(h)** This chapter does not do any of the following:
16 (1) Repeal, modify, or amend any statute requiring or authorizing
17 the disclosure of information about any person.
18 (2) Prevent disclosure or confirmation of information about
19 patients involved in incidents that are reported or required to be
20 reported to governmental agencies and not required to be kept
21 confidential by the governmental agencies.

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 2035, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "joint" and insert "**voluntary**".

Page 2, line 19, delete "." and insert "**undertaken by the association.**".

Page 2, line 21, after "provider" insert "**under this subsection**".

Page 2, line 22, delete "joint" and insert "**voluntary**".

Page 2, line 22, after "project" insert "**undertaken jointly by the association and the state department**".

Page 2, line 22, delete "both parties" and insert "**the association and the state department**".

Page 2, line 24, delete "Information produced from a joint project under this subsection:" and insert "**The information disclosed by:**

(1) a provider to the hospital trade association; or

(2) the hospital trade association to the state department;".

Page 2, delete lines 25 through 29.

Page 2, line 30, before "is" insert "**under this subsection**".

Page 2, line 30, delete "Confidential information in the final results may".

Page 2, delete lines 31 through 32.

Page 2, between lines 32 and 33, begin a new paragraph and insert:

"(e) The final results obtained by the state department for a voluntary scientific, statistical, or educational project undertaken jointly by the state department and the hospital trade association using information disclosed under subsection (d) are not confidential except for information contained in the final results that:

(1) identifies; or

(2) could be used to determine the identity of;

a patient. However, information contained in the final results that identifies or could be used to determine the identity of a patient may, in the state department's discretion, be disclosed to the hospital trade association and to the provider who disclosed the information to the hospital trade association.

(f) Information that is:

(1) advisory or deliberative material of a speculative nature; or

(2) an expression of opinion;

including preliminary reports produced in the course of a



C
O
P
Y

voluntary scientific, statistical, or educational project undertaken jointly by the state department and the hospital trade association using information disclosed under subsection (d) is confidential and may only be disclosed by the state department to the hospital trade association and to the provider who disclosed the information to the hospital trade association."

Page 2, line 33, strike "(e)" and insert "(g)".

Page 2, line 34, delete "subsection" and insert "**subsections**".

Page 2, line 34, delete "or (d)" and insert "**through (f)**".

Page 2, line 36, delete "(f)" and insert "(h)".

and when so amended that said bill do pass.

(Reference is to HB 2035 as introduced.)

BROWN C, Chair

Committee Vote: yeas 14, nays 0.

C
O
P
Y

