

HOUSE BILL No. 2035

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-168; IC 16-39-5-3.

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

Effective: July 1, 1999.

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January 27, 1999, read first time and referred to Committee on Public Health.

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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.



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- 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 joint
 19 scientific, statistical, or educational project. The hospital trade
 20 association may disclose the information it receives from a
 21 provider to the state department to be used in connection with a
 22 joint scientific, statistical, or educational project if both parties
 23 have agreed to the project's scope, nature, and duration.
 24 Information produced from a joint project under this subsection:
 25 (1) that identifies or could be used to determine the identity of
 26 a patient; or
 27 (2) that contains advisory or deliberative material that is of a
 28 speculative nature or is an expression of opinion, including
 29 preliminary reports;
 30 is confidential. Confidential information in the final results may
 31 only be disclosed, at the state department's discretion, to the
 32 parties that submitted the information.**
- 33 ~~(d)~~ (e) A person who recklessly violates or fails to comply with
 34 subsection (c) **or (d)** commits a Class C infraction. Each day a
 35 violation continues constitutes a separate offense.
- 36 ~~(e)~~ (f) This chapter does not do any of the following:
 37 (1) Repeal, modify, or amend any statute requiring or authorizing
 38 the disclosure of information about any person.
 39 (2) Prevent disclosure or confirmation of information about
 40 patients involved in incidents that are reported or required to be
 41 reported to governmental agencies and not required to be kept
 42 confidential by the governmental agencies.

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