

House File 2271 - Introduced

HOUSE FILE 2271
BY COMMITTEE ON HEALTH AND
HUMAN SERVICES

(SUCCESSOR TO HF 2064)

A BILL FOR

1 An Act relating to disclosure of the electronic protected
2 health information of a minor to a legal guardian.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.194 Electronic protected health
2 information of minor — disclosure to legal guardian — option
3 to provide printed copy.

4 1. A health care provider or facility that maintains
5 or transmits electronic protected health information shall
6 disclose to the legal guardian of a minor the minor's
7 electronic protected health information, with the following
8 exceptions:

9 a. Electronic protected health information that relates
10 to health care for which the minor is legally authorized to
11 consent without the consent of a legal guardian.

12 b. If disclosure of the electronic protected health
13 information to a legal guardian is otherwise prohibited
14 by state law or federal law, including federal statute,
15 regulation, or centers for disease control and prevention
16 guidelines.

17 2. In lieu of disclosing the minor's electronic protected
18 health information to the legal guardian of a minor as required
19 pursuant to subsection 1, a health care provider or facility
20 may comply with this section by providing a printed copy of the
21 minor's electronic protected health information, subject to
22 the exceptions prescribed pursuant to subsection 1, and at no
23 charge to the legal guardian of the minor.

24 3. For the purposes of this section:

25 a. "Disclosure" means the release, transfer, provision of
26 access to, or divulging in any manner of electronic protected
27 health information outside the entity holding the electronic
28 protected health information.

29 b. "Electronic media" means electronic storage material
30 on which data is or may be recorded electronically and
31 transmission media used to exchange information already in
32 electronic storage media.

33 c. "Electronic protected health information" means protected
34 health information that is transmitted or maintained by or in
35 electronic media.

1 *d. "Facility"* means a health care delivery system location
2 that provides a range of primary, secondary, and tertiary
3 inpatient, outpatient, and physician services; an institution
4 providing health care services; and any other health care
5 setting including but not limited to a hospital or other
6 licensed inpatient center, ambulatory surgical center
7 or treatment center, skilled nursing center, residential
8 treatment center, diagnostic, laboratory or imaging centers,
9 rehabilitation or other therapeutic health setting, or the
10 private office or clinic of an individual health care provider
11 or group of health care providers.

12 *e. "Health care"* means care, services, or supplies related
13 to the health of a person and includes but is not limited to:
14 (1) Preventive, diagnostic, therapeutic, rehabilitative,
15 maintenance, or palliative care, and any counseling, service,
16 assessment, or procedure with respect to the physical or mental
17 condition, or functional status of a person, or that affects
18 the structure or function of the body.

19 (2) The sale or dispensing of a drug, device, equipment, or
20 other item in accordance with a prescription.

21 *f. "Health care provider"* means a physician or osteopathic
22 physician licensed under chapter 148, a physician assistant
23 licensed under chapter 148C, a podiatrist licensed under
24 chapter 149, a chiropractor licensed under chapter 151, a
25 licensed practical nurse, a registered nurse, or an advanced
26 registered nurse practitioner licensed under chapter 152 or
27 152E, a dentist licensed under chapter 153, an optometrist
28 licensed under chapter 154, a pharmacist licensed under chapter
29 155A, or any other person who is licensed, certified, or
30 otherwise authorized or permitted by the law of this state to
31 administer health care in the ordinary course of business or in
32 the practice of a profession.

33 *g. "Health information"* means health information as defined
34 in 45 C.F.R. §160.103 that is maintained or transmitted by a
35 health care provider or facility.

1 *h.* "Legal guardian" means a person appointed by a court as
2 the guardian of a minor pursuant to chapter 633, or the parent
3 or other person responsible for the care of the minor.

4 *i.* "Protected health information" means protected health
5 information as defined in 45 C.F.R. §160.103 that is maintained
6 or transmitted by a health care provider or facility.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill requires a health care provider or facility that
11 maintains or transmits electronic protected health information
12 (EPHI) to disclose to the legal guardian of a minor the minor's
13 EPHI, with some exceptions. The exceptions include that the
14 EPHI relates to health care for which the minor is legally
15 authorized to consent without the consent of a legal guardian;
16 or if disclosure of the EPHI to a legal guardian is otherwise
17 prohibited by state or federal law. The bill provides an
18 option for a health care provider or facility to comply with
19 the bill by providing a printed copy of the minor's EPHI in
20 lieu of the EPHI, at no charge to the legal guardian of the
21 minor.

22 The bill provides definitions used in the bill including
23 "disclosure", "electronic media", "electronic protected
24 health information", "facility", "health care", "health
25 care provider", "health information", "legal guardian", and
26 "protected health information".