

135.194 Electronic protected health information of minor — disclosure to legal guardian — option to provide printed copy.

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

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

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

2. In lieu of disclosing the minor's electronic protected health information to the legal guardian of a minor as required pursuant to [subsection 1](#), a health care provider or facility may comply with [this section](#) by providing a printed copy of the minor's electronic protected health information, subject to the exceptions prescribed pursuant to [subsection 1](#), and at no charge to the legal guardian of the minor.

3. For the purposes of [this section](#):

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

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

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

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

e. "Health care" means care, services, or supplies related to the health of a person and includes but is not limited to:

(1) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and any counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status of a person, or that affects the structure or function of the body.

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

f. "Health care provider" means a physician or osteopathic physician licensed under [chapter 148](#), a physician assistant licensed under [chapter 148C](#), a podiatrist licensed under [chapter 149](#), a chiropractor licensed under [chapter 151](#), a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed under [chapter 152](#) or [152E](#), a dentist licensed under [chapter 153](#), an optometrist licensed under [chapter 154](#), a pharmacist licensed under [chapter 155A](#), or any other person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

g. "Health information" means health information as defined in [45 C.F.R. §160.103](#) that is maintained or transmitted by a health care provider or facility.

h. "Legal guardian" means a person appointed by a court as the guardian of a minor pursuant to [chapter 232D](#), or the parent or other person responsible for the care of the minor.

i. "Protected health information" means protected health information as defined in [45 C.F.R. §160.103](#) that is maintained or transmitted by a health care provider or facility.

[2024 Acts, ch 1130, §4; 2024 Acts, ch 1154, §12](#)

NEW section