

Senate File 477

H-8211

1 Amend the amendment, H-8173, to Senate File 477, as amended,  
2 passed, and reprinted by the Senate, as follows:

3 1. Page 1, before line 5 by inserting:

4 <DIVISION I

5 LICENSURE OF INTERNATIONALLY TRAINED PHYSICIANS>

6 2. Page 3, line 6, before <Act> by inserting <division of  
7 this>

8 3. Page 3, after line 7 by inserting:

9 <DIVISION \_\_\_\_

10 ELECTRONIC PROTECTED HEALTH INFORMATION

11 Sec. \_\_\_\_ . NEW SECTION. 135.194 **Electronic protected health**  
12 **information of minor — disclosure to legal guardian — option**  
13 **to provide printed copy.**

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

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

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

27 2. In lieu of disclosing the minor's electronic protected  
28 health information to the legal guardian of a minor as required  
29 pursuant to subsection 1, a health care provider or facility  
30 may comply with this section by providing a printed copy of the  
31 minor's electronic protected health information, subject to  
32 the exceptions prescribed pursuant to subsection 1, and at no  
33 charge to the legal guardian of the minor.

34 3. For the purposes of this section:

35 a. "Disclosure" means the release, transfer, provision of

1 access to, or divulging in any manner of electronic protected  
2 health information outside the entity holding the electronic  
3 protected health information.

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

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

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

22 *e. "Health care"* means care, services, or supplies related  
23 to the health of a person and includes but is not limited to:  
24 (1) Preventive, diagnostic, therapeutic, rehabilitative,  
25 maintenance, or palliative care, and any counseling, service,  
26 assessment, or procedure with respect to the physical or mental  
27 condition, or functional status of a person, or that affects  
28 the structure or function of the body.

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

31 *f. "Health care provider"* means a physician or osteopathic  
32 physician licensed under chapter 148, a physician assistant  
33 licensed under chapter 148C, a podiatrist licensed under  
34 chapter 149, a chiropractor licensed under chapter 151, a  
35 licensed practical nurse, a registered nurse, or an advanced

1 registered nurse practitioner licensed under chapter 152 or  
2 152E, a dentist licensed under chapter 153, an optometrist  
3 licensed under chapter 154, a pharmacist licensed under chapter  
4 155A, or any other person who is licensed, certified, or  
5 otherwise authorized or permitted by the law of this state to  
6 administer health care in the ordinary course of business or in  
7 the practice of a profession.

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

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

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

17 \_\_\_\_\_. Title page, line 1, after <to> by inserting <health  
18 care, including>

19 \_\_\_\_\_. Title page, line 2, after <and> by inserting  
20 <electronic protected health information, and>>

21 4. By renumbering as necessary.

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FRY of Clarke