

Senate File 2144 - Enrolled

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AN ACT

RELATING TO THE DISCLOSURE OF BEHAVIORAL HEALTH INFORMATION
FOR THE PURPOSE OF PATIENT CARE COORDINATION, AND INCLUDING
EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DISCLOSURE OF BEHAVIORAL HEALTH INFORMATION

Section 1. Section 125.37, subsection 3, Code 2016, is amended to read as follows:

3. Notwithstanding the provisions of subsection 1 of this section, a patient's records may be disclosed ~~to~~ only under any of the following circumstances:

a. To medical personnel in a medical emergency with or without the patient's consent.

b. For purposes of care coordination as defined in section 135.154 if not otherwise restricted by federal law or regulation.

Sec. 2. Section 228.2, Code 2016, is amended to read as follows:

228.2 Mental health information disclosure prohibited — exceptions — record of disclosure.

1. Except as specifically authorized in subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section 135.154 if not otherwise restricted by federal law or regulation, a mental health professional, data collector, or employee or agent of

a mental health professional, of a data collector, or of or for a mental health facility shall not disclose or permit the disclosure of mental health information.

2. a. Upon disclosure of mental health information pursuant to subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section 135.154 if not otherwise restricted by federal law or regulation, the person disclosing the mental health information shall enter a notation on and maintain the notation with the individual's record of mental health information, stating the date of the disclosure and the name of the recipient of mental health information.

b. The person disclosing the mental health information shall give the recipient of the information a statement which informs the recipient that disclosures may only be made pursuant to the written authorization of an individual or an individual's legal representative, or as otherwise provided in this chapter, that the unauthorized disclosure of mental health information is unlawful, and that civil damages and criminal penalties may be applicable to the unauthorized disclosure of mental health information.

3. A recipient of mental health information shall not disclose the information received, except as specifically authorized for initial disclosure in subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section 135.154 if not otherwise restricted by federal law or regulation.

4. ~~However, mental~~ Mental health information may be transferred at any time to another facility, physician, or mental health professional in cases of a medical emergency or if the individual or the individual's legal representative requests the transfer in writing for the purposes of receipt of medical or mental health professional services, at which time the requirements of subsection 2 shall be followed.

Sec. 3. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 4. Section 125.37, subsection 3, Code 2016, as amended in this Act, is amended to read as follows:

3. Notwithstanding the provisions of [subsection 1](#), a patient's records may be disclosed only under any of the following circumstances:

a. To medical personnel in a medical emergency with or without the patient's consent.

b. For purposes of care coordination as defined in section ~~135.154~~ [135D.2](#) if not otherwise restricted by federal law or regulation.

Sec. 5. Section 228.2, Code 2016, as amended in this Act, is amended to read as follows:

228.2 Mental health information disclosure prohibited — exceptions — record of disclosure.

1. Except as specifically authorized in subsection 4, [section 228.3](#), [228.5](#), [228.6](#), [228.7](#), or [228.8](#), or for the purposes of care coordination as defined in section ~~135.154~~ [135D.2](#) if not otherwise restricted by federal law or regulation, a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility shall not disclose or permit the disclosure of mental health information.

2. *a.* Upon disclosure of mental health information pursuant to subsection 4, [section 228.3](#), [228.5](#), [228.6](#), [228.7](#), or [228.8](#), or for the purposes of care coordination as defined in section ~~135.154~~ [135D.2](#) if not otherwise restricted by federal law or regulation, the person disclosing the mental health information shall enter a notation on and maintain the notation with the individual's record of mental health information, stating the date of the disclosure and the name of the recipient of mental health information.

b. The person disclosing the mental health information shall give the recipient of the information a statement which informs the recipient that disclosures may only be made pursuant to the written authorization of an individual or an individual's legal representative, or as otherwise provided in [this chapter](#), that the unauthorized disclosure of mental health information is unlawful, and that civil damages and criminal penalties may be applicable to the unauthorized disclosure of mental health

information.

3. A recipient of mental health information shall not disclose the information received, except as specifically authorized for initial disclosure in subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section ~~135.154~~ 135D.2 if not otherwise restricted by federal law or regulation.

4. Mental health information may be transferred at any time to another facility, physician, or mental health professional in cases of a medical emergency or if the individual or the individual's legal representative requests the transfer in writing for the purposes of receipt of medical or mental health professional services, at which time the requirements of subsection 2 shall be followed.

Sec. 6. EFFECTIVE DATE. This division of this Act takes effect upon the assumption of the administration and governance, including but not limited to the assumption of the assets and liabilities, of the Iowa health information network by the designated entity. The department of public health shall notify the Code editor of the date of such assumption by the designated entity.

PAM JOCHUM
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2144, Eighty-sixth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2016

TERRY E. BRANSTAD
Governor