

*Am. Human Resources 3/27 Amend (S386)
Be. Pass 4/10/91 (p. 1178)*

MAR 10 1991

HOUSE FILE 575

BY COMMITTEE ON HUMAN RESOURCES

Place In Calendar

(SUCCESSOR TO HSB 248)

Passed House, Date 3/25/91 (p. 819) Passed Senate, Date 4/24/91 (p. 1453)
Vote: Ayes 65 Nays 31 Vote: Ayes 42 Nays 6

Approved May 10, 1991 (p. 2461)

*Referred to House for 4-3382
4/24/91 (p. 1609)
April 12, 1991*

A BILL FOR

1 An Act relating to the collection and use of patient information
2 by the health data commission, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 575

S-3386

1 Amend House File 575, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 145.3, subsection 4, paragraph
6 d, Code 1991, is amended to read as follows:
7 d. Additional or alternative information related
8 to the intent and purpose of this chapter as outlined
9 in section 145.1 be submitted to the commission,
10 except that in no event shall hospitals with fewer
11 than one hundred licensed acute care beds be required
12 to install computerized severity of illness systems
13 before July 1, 1991 1993."
14 2. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

S-3386 FILED APRIL 10, 1991

(Adopted 4/17/91 (p. 1291))

HOUSE FILE 575

S-3554

1 Amend the amendment, S-3386, to House File 575, as
2 passed by the House, as follows:
3 1. Page 1, by striking line 13 and inserting the
4 following: "~~before July 1, 1991.~~"

By RICHARD VANDE HOEF

S-3554 FILED APRIL 24, 1991

WITHDRAWN (p. 1454)

HI 575

33807

1 Section 1. Section 145.3, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. A hospital, physician, third-party
4 payer, or other person required to provide information to the
5 commission pursuant to this section, is subject to a civil
6 penalty for failure to comply with this chapter or the rules
7 adopted pursuant to this chapter. The commission may impose a
8 civil penalty not to exceed five hundred dollars. Each day of
9 noncompliance constitutes a separate offense. However, a
10 penalty shall not be imposed for a technical, nonsubstantive
11 violation or if the person required to provide information
12 makes a good faith effort to comply with the commission's
13 requirements.

14 The commission shall notify the noncomplying party of the
15 commission's intent to impose a civil penalty. The notice
16 shall be sent by certified mail to the party's last known
17 address and shall state the nature of the party's actions
18 leading to the charge of noncompliance, the specific statute
19 or rule involved, and the amount of the proposed penalty. The
20 notice shall advise the party that upon failure to pay the
21 civil penalty, the penalty may be collected by civil action.
22 The party shall be given the opportunity to respond to the
23 imposition of the penalty in writing, within a reasonable time
24 as established by rule of the commission.

25 The commission may reduce or void a civil penalty imposed
26 under this section. A party upon whom a civil penalty is
27 imposed may appeal the action pursuant to chapter 17A. Moneys
28 collected from the civil penalties shall be deposited in the
29 general fund of the state.

30 Sec. 2. Section 145.4, unnumbered paragraph 3, Code 1991,
31 is amended to read as follows:

32 The commission shall determine the form in which
33 information will be made available and to whom, when, and
34 under what circumstances the information shall be made
35 available. The commission may enter into agreements with

1 private parties for the release of the information.
2 Consistent with the purpose and intent to protect patient
3 confidentiality expressed in section 145.1, the agreements,
4 the terms of which shall be dictated by the commission, may
5 prohibit parties from rereleasing some or all of the
6 information provided. The commission may assess civil
7 penalties against those parties who violate the terms of the
8 agreements.

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EXPLANATION

The bill provides for enforcement, through the imposition of civil penalties, of the requirements relating to the collection of patient information by the health data commission. This bill also provides for the protection of patient confidentiality and authorizes the commission to assess civil penalties for violation of confidentiality.

SENATE AMENDMENT TO HOUSE FILE 575

H-3832

1 Amend House File 575, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 145.3, subsection 4, paragraph
6 d, Code 1991, is amended to read as follows:
7 d. Additional or alternative information related
8 to the intent and purpose of this chapter as outlined
9 in section 145.1 be submitted to the commission,
10 except that in no event shall hospitals with fewer
11 than one hundred licensed acute care beds be required
12 to install computerized severity of illness systems
13 before July 1, ~~1991~~ 1993."
14 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3882 FILED APRIL 25, 1991
House Concurrent 4/26/91 (p 1609)

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NSB 248

HUMAN RESOURCES

HOUSE FILE 575
BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY
CHAIRPERSON HAVERLAND)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the collection and use of patient information
2 by the health data commission, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 145.3, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. A hospital, physician, third-party
4 payer, or other person required to provide information to the
5 commission pursuant to this section, is subject to a civil
6 penalty for failure to comply with this chapter or the rules
7 adopted pursuant to this chapter. The commission may impose a
8 civil penalty not to exceed one thousand dollars. Each day of
9 noncompliance constitutes a separate offense.

10 The commission shall notify the noncomplying party of the
11 commission's intent to impose a civil penalty. The notice
12 shall be sent by certified mail to the party's last known
13 address and shall state the nature of the party's actions
14 leading to the charge of noncompliance, the specific statute
15 or rule involved, and the amount of the proposed penalty. The
16 notice shall advise the party that upon failure to pay the
17 civil penalty, the penalty may be collected by civil action.
18 The party shall be given the opportunity to respond to the
19 imposition of the penalty in writing, within a reasonable time
20 as established by rule of the commission.

21 The commission may reduce or void a civil penalty imposed
22 under this section. A party upon whom a civil penalty is
23 imposed may appeal the action pursuant to chapter 17A. Moneys
24 collected from the civil penalties shall be deposited in the
25 general fund of the state.

26 Sec. 2. Section 145.4, unnumbered paragraph 3, Code 1991,
27 is amended to read as follows:

28 The commission shall determine the form in which
29 information will be made available and to whom, when, and
30 under what circumstances the information shall be made
31 available. The commission may enter into agreements with
32 private parties for the release of the information.
33 Consistent with the purpose and intent to protect patient
34 confidentiality expressed in section 145.1, the agreements,
35 the terms of which shall be dictated by the commission, may

1 prohibit parties from rereleasing some or all of the
2 information provided. The commission may assess civil
3 penalties against those parties who violate the terms of the
4 agreements.

5 EXPLANATION

6 The bill provides for enforcement, through the imposition
7 of civil penalties, of the requirements relating to the
8 collection of patient information by the health data
9 commission. This bill also provides for the protection of
10 patient confidentiality and authorizes the commission to
11 assess civil penalties for violation of confidentiality.

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HOUSE FILE 575

AN ACT

RELATING TO THE COLLECTION AND USE OF PATIENT INFORMATION
BY THE HEALTH DATA COMMISSION, AND PROVIDING PENALTIES.

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

Section 1. Section 145.3, subsection 4, paragraph d, Code 1991, is amended to read as follows:

d. Additional or alternative information related to the intent and purpose of this chapter as outlined in section 145.1 be submitted to the commission, except that in no event shall hospitals with fewer than one hundred licensed acute care beds be required to install computerized severity of illness systems before July 1, 1991 1993.

Sec. 2. Section 145.3, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A hospital, physician, third-party payer, or other person required to provide information to the commission pursuant to this section, is subject to a civil

penalty for failure to comply with this chapter or the rules adopted pursuant to this chapter. The commission may impose a civil penalty not to exceed five hundred dollars. Each day of noncompliance constitutes a separate offense. However, a penalty shall not be imposed for a technical, nonsubstantive violation or if the person required to provide information makes a good faith effort to comply with the commission's requirements.

The commission shall notify the noncomplying party of the commission's intent to impose a civil penalty. The notice shall be sent by certified mail to the party's last known address and shall state the nature of the party's actions leading to the charge of noncompliance, the specific statute or rule involved, and the amount of the proposed penalty. The notice shall advise the party that upon failure to pay the civil penalty, the penalty may be collected by civil action. The party shall be given the opportunity to respond to the imposition of the penalty in writing, within a reasonable time as established by rule of the commission.

The commission may reduce or void a civil penalty imposed under this section. A party upon whom a civil penalty is imposed may appeal the action pursuant to chapter 17A. Moneys collected from the civil penalties shall be deposited in the general fund of the state.

Sec. 3. Section 145.4, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The commission shall determine the form in which information will be made available and to whom, when, and under what circumstances the information shall be made available. The commission may enter into agreements with private parties for the release of the information, consistent with the purpose and intent to protect patient confidentiality expressed in section 145.1, the agreements, the terms of which shall be dictated by the commission, may prohibit parties from rereleasing some or all of the

information provided. The commission may assess civil penalties against those parties who violate the terms of the agreements.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 575, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 10th, 1991

TERRY E. BRANSTAD
Governor