

House Study Bill 549 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

- 1 An Act relating to an electronic health records system.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.156A Patient and health care
2 professional rights relative to an electronic health records
3 system.

4 1. An individual patient may choose to opt out of any
5 state-mandated, created, or funded electronic health records
6 system for maintaining health care information.

7 2. A health care professional shall not be required
8 to participate in any state-mandated, created, or funded
9 electronic health records system for maintaining health care
10 information.

11 3. A health care professional shall not be denied
12 participation in any state-funded health care program
13 or otherwise sanctioned for refusal to participate in a
14 state-mandated, created, or funded electronic health records
15 system for maintaining health care information.

16 4. a. Except in a medical emergency, information from
17 an electronic health records system maintained by a health
18 care professional and created pursuant to a state-mandated,
19 created, or funded program shall not be shared with another
20 health care professional unless the individual patient to whom
21 the information pertains has first provided the individual's
22 signed, informed consent.

23 b. Information from an individual patient's medical record
24 shall not be placed in a state-mandated, created, or funded
25 electronic health records system unless the individual first
26 provides signed, informed consent.

27 c. For the purposes of this subsection:

28 (1) "*Informed consent*" means with respect to the sharing
29 of information concerning an individual patient, a written
30 document certifying that the individual gives permission to
31 such sharing of information.

32 (2) "*Medical emergency*" means any situation in which the
33 failure to provide immediate medical treatment or assistance
34 could result in serious injury, loss of life, or both.

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EXPLANATION

1 This bill relates to the participation of individuals
2 and health care professionals in a state-mandated, created,
3 or funded electronic health records system (system). The
4 bill provides that an individual patient may opt out of any
5 such system; prohibits requiring a health care professional
6 to participate in any such system; and prohibits a health
7 care professional from being denied participation in any
8 state-funded health care program or otherwise sanctioned
9 for refusal to participate in such a system. The bill also
10 provides that except in a medical emergency, information from
11 an electronic health records system maintained by a health
12 care professional and created pursuant to a state-mandated,
13 created, or funded program shall not be shared with another
14 health care professional unless the individual patient to whom
15 the information pertains has first provided the individual's
16 signed, informed consent. Additionally, information from an
17 individual's medical record is prohibited from being placed
18 in such a system unless the individual first provides signed,
19 informed consent. The bill defines "informed consent" and
20 "medical emergency" for the purposes of the bill.