

House File 435 - Introduced

HOUSE FILE 435

BY FRY

A BILL FOR

1 An Act relating to the release of certain confidential
2 information by the department of human services to
3 multidisciplinary teams and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 217.30, Code 2019, is amended to read as
2 follows:

3 **217.30 Confidentiality of records — report of recipients.**

4 1. For purposes of this section unless the context otherwise
5 requires, "person" means the same as defined in section 4.1.

6 ~~1.~~ 2. The following information relative to individuals an
7 individual receiving services or assistance from the department
8 shall be held confidential except as otherwise provided in
9 subsection 5:

10 a. Names and addresses of individuals The name and address
11 of an individual receiving services or assistance from the
12 department, and the ~~types~~ type of services or ~~amounts~~ amount of
13 assistance provided, ~~except as otherwise provided in subsection~~
14 4.

15 b. Information concerning the social or economic conditions
16 or circumstances of ~~particular individuals~~ an individual who
17 ~~are~~ is receiving or ~~have~~ has received services or assistance
18 from the department.

19 c. ~~Agency evaluations~~ An agency evaluation of information
20 about ~~a particular~~ an individual.

21 d. Medical or psychiatric data, including diagnosis and past
22 history of disease or disability, concerning ~~a particular~~ an
23 individual.

24 ~~2.~~ 3. Information described in subsection 1 2 shall
25 not be disclosed to or used by any person ~~or agency~~ except
26 for purposes of administration of ~~the programs~~ a program of
27 services or assistance, and shall not ~~in any case,~~ except
28 as ~~otherwise~~ provided in subsection 4 5, paragraph ~~"b"~~, be
29 disclosed to or used by ~~persons or agencies~~ a person outside
30 the department unless ~~they are~~ the person is subject to
31 standards of confidentiality comparable to those imposed on the
32 department by this section.

33 ~~3.~~ 4. Nothing in this section shall restrict the disclosure
34 or use of information regarding the cost, purpose, number of
35 ~~persons~~ individuals served or assisted by, and results of any

1 program administered by the department, and other general and
2 statistical information, ~~so long as~~ provided the information
3 does not identify ~~particular individuals~~ any particular
4 individual served or assisted.

5 ~~4.~~ 5. *a.* The general assembly finds and determines
6 that the use and disclosure of information as provided in
7 this subsection are for purposes directly connected with the
8 administration of the programs of services and assistance
9 referred to in this section and are essential for their proper
10 administration.

11 *b.* Confidential information described in subsection ~~1,~~
12 ~~paragraphs "a", "b", and "c", shall be disclosed to public~~
13 ~~officials for use in connection with their official duties~~
14 ~~relating to law enforcement, audits and other purposes directly~~
15 ~~connected with the administration of such programs, upon~~
16 ~~written application to and with approval of the director or~~
17 ~~the director's designee. Confidential information described~~
18 ~~in subsection 1, paragraphs "a", "b", and "c", shall also be~~
19 ~~disclosed to public officials for use in connection with their~~
20 ~~official duties relating to the support and protection of~~
21 ~~children and families, upon written application to and with the~~
22 ~~approval of the director or the director's designee. 2 shall~~
23 only be disclosed under the following circumstances:

24 (1) Upon written application to and with the approval of the
25 director or the director's designee, confidential information
26 described in subsection 2, paragraphs "a", "b", and "c", shall
27 be disclosed to a public official for use in connection with
28 the public official's duties relating to law enforcement,
29 audits, the support and protection of children and families,
30 and other purposes directly connected with the administration
31 of the programs of services and assistance referred to in this
32 section.

33 (2) If necessary for an individual to receive services, upon
34 written application to and with the approval of the director or
35 the director's designee, confidential information described in

1 subsection 2 shall be disclosed to a state agency, or a person
2 that is not subject to chapter 17A, and that is providing
3 services to the individual pursuant to chapter 239B promoting
4 independence and self-sufficiency through employment through
5 the job opportunities and basic skills program.

6 (3) Information described in subsection 2, paragraphs "a",
7 "b", and "c", in accordance with section 235A.15, subsection 10.

8 (4) To a multidisciplinary team as defined in section
9 235A.13, subsection 8, if the department approves the
10 composition of the multidisciplinary team and the team's sole
11 focus is identifying services for children who are victims of,
12 and children at risk of becoming victims of, human trafficking
13 as defined in section 710A.1. Confidential information shall
14 only be shared if a fully executed multidisciplinary agreement
15 is in place between the department and the multidisciplinary
16 team certifying that all confidential information shared
17 between the parties to the multidisciplinary agreement shall
18 be used solely for identifying services for children who are
19 victims of, and children at risk of becoming victims of, human
20 trafficking.

21 c. It shall be unlawful for any person to solicit, disclose,
22 receive, use, or to authorize or knowingly permit, participate
23 in, or acquiesce in the use of any information obtained from
24 any such report or record for commercial or political purposes.

25 ~~d. If approved by the director of human services or~~
26 ~~the director's designee pursuant to a written request, the~~
27 ~~department shall disclose information described in subsection~~
28 ~~1 to other state agencies or to any other person who is not~~
29 ~~subject to the provisions of [chapter 17A](#) and is providing~~
30 ~~services to recipients under [chapter 239B](#) who are participating~~
31 ~~in the promoting independence and self-sufficiency through~~
32 ~~employment job opportunities and basic skills program, if~~
33 ~~necessary for the recipients to receive the services.~~

34 e. ~~Information described in [subsection 1](#), paragraphs "a",~~
35 ~~"b", and "c", is subject to disclosure in accordance with~~

1 ~~section 235A.15, subsection 10.~~

2 5. ~~6.~~ If it is ~~definitely established~~ the director or the
3 director's designee finds that any provision of this section
4 ~~would~~ will cause ~~any of the programs~~ a program of services or
5 assistance referred to in this section to be ineligible for
6 federal funds, such provision shall be limited or restricted to
7 the extent which is essential to make such program eligible for
8 federal funds. The department shall adopt, pursuant to chapter
9 17A, any rules necessary to implement this subsection.

10 6. ~~7.~~ ~~The provisions of this~~ This section shall apply
11 to ~~recipients of assistance under~~ an individual receiving
12 assistance pursuant to chapter 252. ~~The reports~~ Any report
13 required to be prepared by the department under this section
14 ~~shall, with respect to such~~ regarding assistance or services,
15 provided pursuant to chapter 252 shall be prepared by the
16 ~~person or officer charged with the oversight of the poor~~
17 individual appointed pursuant to section 252.26.

18 7. ~~8.~~ Violation of An individual that violates this section
19 ~~shall constitute~~ commits a serious misdemeanor.

20 8. ~~9.~~ ~~The provisions of this~~ This section shall take
21 precedence over section 17A.12, subsection 7.

22 Sec. 2. Section 217.31, subsection 1, Code 2019, is amended
23 to read as follows:

24 1. Any person may institute a civil action for damages under
25 chapter 669 or to restrain the dissemination of confidential
26 records set out in section 217.30, subsection \pm 2, paragraph
27 "b", "c", or "d", in violation of that section, and any person,
28 agency or governmental body proven to have disseminated or to
29 have requested and received confidential records in violation
30 of section 217.30, subsection \pm 2, paragraph "b", "c", or "d",
31 shall be liable for actual damages and exemplary damages for
32 each violation and shall be liable for court costs, expenses,
33 and reasonable attorney fees incurred by the party bringing the
34 action. In no case shall the award for damages be less than one
35 hundred dollars.

1 Sec. 3. Section 235A.17, subsection 3, paragraph b,
2 subparagraph (1), Code 2019, is amended to read as follows:

3 (1) Department of human services information described in
4 section 217.30, subsection ~~±~~ 2.

5 Sec. 4. Section 239B.8, subsection 6, Code 2019, is amended
6 to read as follows:

7 6. *Confidential information disclosure.* If approved by
8 the director of human services or the director's designee
9 pursuant to a written request, the department shall disclose
10 confidential information described in section 217.30,
11 subsection ~~±~~ 2, to other state agencies or to any other entity
12 which is not subject to the provisions of [chapter 17A](#) and is
13 providing services to a participant family who is subject to
14 a family investment agreement, if necessary in order for the
15 participant family to receive the services. The department
16 shall adopt rules establishing standards for disclosure of
17 confidential information if disclosure is necessary in order
18 for a participant to receive services.

19

EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill relates to the release of certain confidential
23 information by the department of human services (DHS) to
24 multidisciplinary teams.

25 Currently, DHS may only share confidential information with
26 a multidisciplinary team as part of a child abuse assessment.
27 This bill amends Code section 217.30 to allow DHS to release
28 confidential information to a multidisciplinary team if DHS
29 approves the composition of the multidisciplinary team and the
30 team's sole focus is identifying services for children who are
31 victims of, and children at risk of becoming victims of, human
32 trafficking. Confidential information can only be shared if
33 a multidisciplinary agreement is in place between DHS and the
34 multidisciplinary team that certifies that all confidential
35 information shared among the parties to the agreement shall

1 be used solely for identifying such services and shall
2 remain confidential and not be shared with any other person.
3 Violation of this Code section is a serious misdemeanor.

4 The bill makes conforming changes to Code section 217.31(1)
5 (civil actions for damages — dissemination of confidential
6 information), Code section 235A.17(3)(b)(1) (redissemination of
7 child abuse information), and Code section 239B.8(6) (family
8 investment agreements — confidential disclosure).