

Senate Study Bill 1117 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to the protection of certain patient
2 information and data under the purview of the department of
3 public health.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, Code 2019, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 2A. Emergency medical services ambulance
4 or transport documents or reports, including patient care
5 reports, that contain a patient's medical information. For
6 the purposes of this subsection, "*patient care report*" and
7 "*patient's medical information*" mean the same as defined in
8 section 147A.4A.

9 Sec. 2. Section 135.166, subsection 2, Code 2019, is amended
10 to read as follows:

11 2. Unless otherwise authorized or required by state or
12 federal law, data collected under [this section](#) shall not
13 include the social security number or name of the individual
14 subject of the data.

15 Sec. 3. NEW SECTION. 147A.4A **Patient medical information**
16 **— limitations.**

17 1. The department shall not collect, store, or require the
18 submission of emergency medical services ambulance or transport
19 documents or reports, including patient care reports, that
20 contain a patient's medical information, unless otherwise
21 authorized in writing by the patient or another person duly
22 authorized to act on behalf of the patient. However, such
23 reports and documents are subject to discovery, subpoena, or
24 other means of legal compulsion.

25 2. For the purposes of this section:

26 *a.* "*Patient care report*" means a computerized or written
27 report that documents the assessment and management of a
28 patient by an emergency care provider in an out-of-hospital
29 setting.

30 *b.* "*Patient's medical information*" means any information in
31 an emergency medical services ambulance or transport document
32 or report, including a patient care report, that identifies a
33 patient who is the subject of the information or with respect
34 to which there is a reasonable basis to believe that the
35 information could be used to identify the patient.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

EXPLANATION

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

This bill relates to the protection of certain patient health data and information under the purview of the department of public health (DPH).

EMERGENCY MEDICAL SERVICES. With regard to a patient's medical information contained in emergency medical services ambulance or transport documents or reports, including patient care reports, the bill provides that under Code section 22.7, public records that are emergency medical services ambulance or transport documents or reports, including patient care reports, that contain a patient's medical information shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information.

The bill also prohibits DPH under Code chapter 147A (Emergency medical care — trauma care) from collecting, storing, or requiring the submission of emergency medical services ambulance or transport documents or reports, including patient care reports, that contain a patient's medical information, unless otherwise authorized in writing by the patient or another person duly authorized to act on behalf of the patient. However, such reports and documents are subject to discovery, subpoena, or other means of legal compulsion.

The bill defines "patient care report" as a computerized or written report that documents the assessment and management of a patient by an emergency care provider in an out-of-hospital setting; and "patient's medical information" as any information in an emergency medical services ambulance or transport document or report, including a patient care report, that identifies a patient who is the subject of the information or with respect to which there is a reasonable basis to believe that the information could be used to identify the patient.

HOSPITAL DATA. The bill also provides that, with regard to

S.F. _____

1 certain inpatient, outpatient, and ambulatory data collected
2 from hospitals, unless otherwise authorized or required by
3 state or federal law, in addition to the social security
4 number, the name of the individual subject of the data shall
5 not be included in data collected from hospitals by DPH.