

House File 2064 - Introduced

HOUSE FILE 2064

BY FRY

A BILL FOR

1 An Act relating to disclosure of the electronic protected
2 health information of a minor to a legal guardian.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.194 Electronic protected health
2 information of minor — disclosure to legal guardian.

3 1. A health care provider or facility that maintains
4 or transmits electronic protected health information shall
5 disclose to the legal guardian of a minor the minor's
6 electronic protected health information, with the following
7 exceptions:

8 a. Electronic protected health information that relates
9 to health care for which the minor is legally authorized to
10 consent without the consent of a legal guardian.

11 b. If disclosure of the electronic protected health
12 information to a legal guardian is otherwise prohibited
13 by state law or federal law, including federal statute,
14 regulation, or centers for disease control and prevention
15 guidelines.

16 2. For the purposes of this section:

17 a. "Disclosure" means the release, transfer, provision of
18 access to, or divulging in any manner of electronic protected
19 health information outside the entity holding the electronic
20 protected health information.

21 b. "Electronic media" means electronic storage material
22 on which data is or may be recorded electronically and
23 transmission media used to exchange information already in
24 electronic storage media.

25 c. "Electronic protected health information" means protected
26 health information that is transmitted or maintained by or in
27 electronic media.

28 d. "Facility" means a health care delivery system location
29 that provides a range of primary, secondary, and tertiary
30 inpatient, outpatient, and physician services; an institution
31 providing health care services; and any other health care
32 setting including but not limited to a hospital or other
33 licensed inpatient center, ambulatory surgical center
34 or treatment center, skilled nursing center, residential
35 treatment center, diagnostic, laboratory or imaging centers,

1 rehabilitation or other therapeutic health setting, or the
2 private office or clinic of an individual health care provider
3 or group of health care providers.

4 *e. "Health care"* means care, services, or supplies related
5 to the health of a person and includes but is not limited to:

6 (1) Preventive, diagnostic, therapeutic, rehabilitative,
7 maintenance, or palliative care, and any counseling, service,
8 assessment, or procedure with respect to the physical or mental
9 condition, or functional status of a person, or that affects
10 the structure or function of the body.

11 (2) The sale or dispensing of a drug, device, equipment, or
12 other item in accordance with a prescription.

13 *f. "Health care provider"* means a physician or osteopathic
14 physician licensed under chapter 148, a physician assistant
15 licensed under chapter 148C, a podiatrist licensed under
16 chapter 149, a chiropractor licensed under chapter 151, a
17 licensed practical nurse, a registered nurse, or an advanced
18 registered nurse practitioner licensed under chapter 152 or
19 152E, a dentist licensed under chapter 153, an optometrist
20 licensed under chapter 154, a pharmacist licensed under chapter
21 155A, or any other person who is licensed, certified, or
22 otherwise authorized or permitted by the law of this state to
23 administer health care in the ordinary course of business or in
24 the practice of a profession.

25 *g. "Health information"* means health information as defined
26 in 45 C.F.R. §160.103 that is maintained or transmitted by a
27 health care provider or facility.

28 *h. "Legal guardian"* means a person appointed by a court as
29 the guardian of a minor pursuant to chapter 633, or the parent
30 or other person responsible for the care of the minor.

31 *i. "Protected health information"* means protected health
32 information as defined in 45 C.F.R. §160.103 that is maintained
33 or transmitted by a health care provider or facility.

34

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill requires a health care provider or facility that
3 maintains or transmits electronic protected health information
4 (EPHI) to disclose to the legal guardian of a minor the minor's
5 EPHI, with some exceptions. The exceptions include that the
6 EPHI relates to health care for which the minor is legally
7 authorized to consent without the consent of a legal guardian;
8 or if disclosure of the EPHI to a legal guardian is otherwise
9 prohibited by state or federal law.

10 The bill provides definitions used in the bill including
11 "disclosure", "electronic media", "electronic protected
12 health information", "facility", "health care", "health
13 care provider", "health information", "legal guardian", and
14 "protected health information".