

## CHAPTER 125

### DEPARTMENT OF HUMAN SERVICES RECORDS — CONFIDENTIALITY — DISCLOSURE

H.F. 642

**AN ACT** relating to the release of certain confidential information by the department of human services to multidisciplinary teams and making penalties applicable.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 217.30](#), Code 2019, is amended to read as follows:

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

1. For purposes of [this section](#) unless the context otherwise requires, “person” means the same as defined in [section 4.1](#).

~~1. 2.~~ The following information relative to ~~individuals~~ an individual receiving services or assistance from the department shall be held confidential except as otherwise provided in [subsection 5](#):

~~a. Names and addresses of individuals~~ The name and address of an individual receiving services or assistance from the department, and the ~~types type~~ type of services or ~~amounts amount~~ amount of assistance provided, ~~except as otherwise provided in [subsection 4](#)~~.

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

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

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

~~2. 3.~~ Information described in ~~subsection 1~~ [subsection 2](#) shall not be disclosed to or used by any person ~~or agency~~ except for purposes of administration of ~~the programs~~ a program of services or assistance, and shall not ~~in any case~~, except as otherwise provided in [subsection 4 5](#), paragraph “b”, be disclosed to or used by ~~persons or agencies~~ a person outside the department unless ~~they are~~ the person is subject to standards of confidentiality comparable to those imposed on the department by [this section](#).

~~3. 4.~~ Nothing in [this section](#) shall restrict the disclosure or use of information regarding the cost, purpose, number of ~~persons~~ individuals served or assisted by, and results of any program administered by the department, and other general and statistical information, ~~so long as provided~~ the information does not identify ~~particular individuals~~ any particular individual served or assisted.

~~4. 5. a.~~ The general assembly finds and determines that the use and disclosure of information as provided in [this subsection](#) are for purposes directly connected with the administration of the programs of services and assistance referred to in [this section](#) and are essential for their proper administration.

~~b. Confidential information described in [subsection 1](#), paragraphs “a”, “b”, and “c”, shall be disclosed to public officials for use in connection with their official duties relating to law enforcement, audits and other purposes directly connected with the administration of such programs, upon written application to and with approval of the director or the director’s designee. Confidential information described in [subsection 1](#), paragraphs “a”, “b”, and “c”, shall also be disclosed to public officials for use in connection with their official duties relating to the support and protection of children and families, upon written application to and with the approval of the director or the director’s designee. 2 shall only be disclosed under the following circumstances:~~

(1) Upon written application to and with the approval of the director or the director’s designee, confidential information described in [subsection 2](#), paragraphs “a”, “b”, and “c”, shall be disclosed to a public official for use in connection with the public official’s duties relating to law enforcement, audits, the support and protection of children and families, and other purposes directly connected with the administration of the programs of services and assistance referred to in [this section](#).

(2) If necessary for an individual to receive services, upon written application to and with the approval of the director or the director's designee, confidential information described in [subsection 2](#) shall be disclosed to a state agency, or a person that is not subject to [chapter 17A](#), and that is providing services to the individual pursuant to [chapter 239B](#) promoting independence and self-sufficiency through employment through the job opportunities and basic skills program.

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

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

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

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

e. Information described in [subsection 1](#), paragraphs "a", "b", and "c", is subject to disclosure in accordance with [section 235A.15, subsection 10](#).

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

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

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

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

Sec. 2. [Section 217.31, subsection 1](#), Code 2019, is amended to read as follows:

1. Any person may institute a civil action for damages under [chapter 669](#) or to restrain the dissemination of confidential records set out in [section 217.30, subsection 4 2](#), paragraph "b", "c", or "d", in violation of that section, and any person, agency or governmental body proven to have disseminated or to have requested and received confidential records in violation of [section 217.30, subsection 4 2](#), paragraph "b", "c", or "d", shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorney fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

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

(1) Department of human services information described in [section 217.30, subsection 4 2](#).

Sec. 4. [Section 239B.8, subsection 6](#), Code 2019, is amended to read as follows:

6. *Confidential information disclosure.* If approved by the director of human services or the director's designee pursuant to a written request, the department shall disclose confidential information described in [section 217.30, subsection 4 2](#), to other state agencies or to any other entity which is not subject to the provisions of [chapter 17A](#) and is providing services to a participant family who is subject to a family investment agreement, if necessary in order for the participant family to receive the services. The department shall adopt rules establishing standards for disclosure of confidential information if disclosure is necessary in order for a participant to receive services.

Approved May 10, 2019