

2003 SENATE BILL 372

January 7, 2004 - Introduced by Senator PANZER, cosponsored by Representative GARD. Referred to Select Committee on Job Creation.

1 **AN ACT** *to amend* 146.82 (1) of the statutes; **relating to:** making patient health
2 care records concerning health care operations inapplicable to restrictions on
3 release without informed consent.

Analysis by the Legislative Reference Bureau

Under current state law, patient health care records must remain confidential and may be released by a health care provider only with the informed consent of the patient or of a person authorized by the patient. This limitation on release does not apply to required reports concerning certain deaths, gunshot wounds, burns, and birth defects in infants or children, or to court-ordered examinations of patients prior to proceedings for guardianship or protective placement. In addition, patient health care records are required to be released without informed consent by the health care provider in numerous specified circumstances, including for patient treatment, health care provider payment, and medical records management, and for certain audits, program monitoring, accreditation, and health care services review activities by health care facility staff committees or accreditation or review organizations.

Under current federal law, patient health care information may be released without patient authorization by health care providers for, among other purposes, treatment, payment, and health care operations. "Health care operations" is defined in federal law to include quality assessment and improvement activities; credentialing or evaluating of health care practitioners and training; underwriting; medical review, legal services, and auditing; business planning and development; and business management and general administrative activities.

