

April 5, 2001

S 992. PROTECTED HEALTH INFORMATION. TO PROVIDE FOR AN INDIVIDUAL TO HAVE ACCESS TO PROTECTED HEALTH INFORMATION ABOUT THE INDIVIDUAL. In December 2000, the US Dep't of Health and Human Services issued a final rule regulating the privacy of medical information. Among other things, the federal rule contains provisions granting individuals the right to have access to confidential medical information about themselves. This bill codifies into state law the individual right-of-access provisions of the federal medical privacy rule.

Creates new GS Ch. 132A Art. 1, "Patient Access to Medical Records." Defines "covered entity" as a health benefit plan, a health care clearinghouse, or a health care provider who transmits health information in electronic form in connection with a transaction covered by the Act. Requires covered entities to provide individuals an opportunity to inspect and obtain a copy of protected health information about the individual, except in designated circumstances. Exempts psychotherapy notes; information compiled in anticipation of or for use in a civil, criminal, or administrative proceeding; and certain information that is governed by the federal Clinical Laboratory Improvement Amendments of 1988. Authorizes covered entities to deny individuals access to information, and not allow for review of the denial, if (1) the information is exempted from coverage, as described above; (2) the information pertains to an inmate in a correctional facility and security interests are implicated; (3) the information was created or obtained in the course of research that is in progress, and the individual has agreed to denial of access while the research is in progress; or (4) the information was obtained from someone other than a health care provider under a promise of confidentiality and, if access were granted, it would likely reveal the source of the information. Authorizes covered entities to deny individuals right to access, provided the individual is given the right to have the denial reviewed, if (1) a licensed health care professional has determined that the access is reasonably likely to endanger the life or health of the individual or another person; (2) the information makes reference to another person (other than a health care provider) and a licensed health care professional has determined that the access is reasonably likely to cause substantial harm to the other person; or (3) the request for access is made by the individual's personal representative and a licensed health care professional has determined that providing the personal representative with access is reasonably likely to cause substantial harm to the individual who is the subject of the information or another person. Sets forth procedures for review of denial of access, when it is required. Requires covered entities to act on a request for access within 30 days. Authorizes covered entities to charge reasonable, cost-based fees for copying, postage, and preparing an explanation or summary of the information. A covered entity that denies access to information must, to the extent possible, give the individual access to other protected health information not subject to a ground for denying access. Requires covered entities: (1) to designate a privacy official who is responsible for developing and implementing policies and procedures and a contact person to receive complaints; (2) to train all members of its workforce on policies and procedures regarding protected health information; (3) to have in place appropriate administrative, technical, and physical safeguards to protect the privacy of protected health information; (4) to provide a process for individuals to complain about policies and procedures; and (5) to apply appropriate sanctions against members of its workforce who fail to comply with policies and procedures. Effective Jan. 1, 2002.

Intro. by Rand.

Ref. to Judiciary I	GS 132A
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