Short Title:	Access to Public Health Information.-AB	(Public)
Sponsors:		
Referred to:		

February 26, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE ACCESS TO INFORMATION FOR PUBLIC HEALTH
3   PURPOSES IN A MANNER THAT IS CONSISTENT WITH THE HEALTH
4   INFORMATION PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)
5   MEDICAL PRIVACY RULE.
6 The General Assembly of North Carolina enacts:
7   **SECTION 1.** Part 1 of Article 1 of Chapter 130A of the General Statutes is
8 amended by adding the following new section to read:
9 "**§ 130A-15. Access to information.**
10   (a)   Health care providers and persons in charge of health care facilities or
11 laboratories shall, upon request and proper identification, permit the State Health
12 Director to examine, review, and obtain a copy of records containing privileged medical
13 information or information protected under the Health Information Portability and
14 Accountability Act (HIPAA) medical privacy rule, 45 C.F.R. Parts 160 and 164, that the
15 State Health Director deems are necessary to prevent, control, or investigate a disease or
16 health hazard that may present a clear danger to the public health.
17   (b)   Confidential or protected health information received by the State Health
18 Director pursuant to this section shall be confidential and shall not be released, except
19 when the release is made pursuant to any other provision of law, to another federal,
20 state, or local public health agency for the purpose of preventing or controlling a disease
21 or public health hazard, or to a court or law enforcement official or law enforcement
22 officer for the purpose of enforcing the provisions of this Chapter or for the purpose of
23 investigating a disease or public health hazard.
24   (c)   A person who permits examination, review, or copying of records, or who
25 provides copies of the records pursuant to subsection (a) of this section is immune from
26 any civil or criminal liability that might otherwise be incurred or imposed."
27   **SECTION 2.** G.S. 130A-5(2) reads as rewritten:
28   "(2)   To investigate the causes of epidemics and of infectious,
29   communicable and other diseases affecting the public health in order

1   to control and prevent these diseases; to provide, under the rules of the
2   Commission, for the prevention, detection, reporting and control of
3   communicable, infectious or any other diseases or health hazards
4   considered harmful to the public health; ~~to obtain, notwithstanding the~~
5   ~~provisions of G.S. 8-53, a copy or a summary of pertinent portions of~~
6   ~~privileged patient medical records deemed necessary for investigating~~
7   ~~a disease or health hazard that may present a clear danger to the public~~
8   ~~health. Records shall be identified as necessary by joint agreement of a~~
9   ~~Department physician and the patient's attending physician. However,~~
10   ~~if the Department is unable to contact the attending physician after~~
11   ~~reasonable attempts to do so, or if the Department determines that~~
12   ~~contacting all attending physicians of patients involved in an~~
13   ~~investigation would be impractical or would unreasonably delay the~~
14   ~~inquiry and thereby endanger the public health, the records shall be~~
15   ~~identified as necessary by joint agreement of a Department physician~~
16   ~~and the health care facility's chief of staff. For a facility with no chief~~
17   ~~of staff, the facility's chief administrator may consent to the~~
18   ~~Department's review of the records. Any person, authorized to have or~~
19   ~~handle such records, providing copies or summaries of privileged~~
20   ~~patient medical records pursuant to this subdivision shall be immune~~
21   ~~from civil or criminal liability that might otherwise be incurred or~~
22   ~~imposed based upon invasion of privacy or breach of physician-patient~~
23   ~~confidentiality arising out of the furnishing of or agreement to furnish~~
24   ~~such records;~~".
25   **SECTION 3.** This act is effective when it becomes law.