



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2139: medical records; minors; confidentiality; consent

Sponsor: Representative Willoughby, LD 13

Committee on Judiciary

Overview

Specifies that a minor patient's medical records are not privileged and confidential and may be disclosed to the minor patient's parent or guardian under certain circumstances unless the minor patient submits a written notification to the health care provider.

History

Current statute requires that, unless otherwise provided by law, all medical records, payment records and the information in them are privileged and confidential. A health care provider may only disclose information from a patient's medical records and payment records as authorized by state or federal law or as authorized by the patient or the patient's health care decision maker ([A.R.S. § 12-2292](#)).

A *health care decision maker* is defined as an individual who is authorized to make health care treatment decisions for the patient, including a parent of a minor or an individual who is authorized to including a foster care provider, guardian, health care power of attorney or surrogate decision maker. A *health care provider* is defined as:

- 1) A person who is licensed pursuant to A.R.S. title 32 and who maintains medical records;
- 2) A health care institution as defined in [A.R.S. § 36-401](#);
- 3) An ambulance service as defined in [A.R.S. § 36-2201](#); and
- 4) A health care services organization licensed pursuant to A.R.S. title 20, chapter 4, article 9.

Medical records are defined as all communications related to a patient's physical or mental health or condition that are recorded in any form or medium that are maintained for purposes of patient diagnosis or treatment, including those provided by a health care provider or other providers ([A.R.S. § 12-2291](#)).

Provisions

1. Specifies that, unless otherwise provided by law and under the circumstances in which a minor patient may consent to the minor patient's own medical care and in which the minor patient has the mental capacity to consent, a minor patient's medical records are not privileged and confidential and may be disclosed to the parent or guardian unless the minor patient notifies the health care provider through a written authorization signed by the minor patient that the minor patient's medical records are privileged and confidential and may not be disclosed to the minor patient's parent or guardian. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
--	--	---	--------------------------------------

2. Requires a health care provider to inform a minor patient about the minor patient's option to keep the minor patient's medical records privileged and confidential. (Sec. 1)
3. States that these provisions do not apply to an emancipated minor patient. (Sec. 1)
4. Makes a conforming change. (Sec. 1)