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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF HEALTH
CARE COMMUNICATIONS AND INFORMATION ACT

Introduced By: Representatives Shekarchi, Craven, Jacquard, Nardone, and Knight

Date Introduced: February 14, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-37.3-3 of the General Laws in Chapter 5-37.3 entitled
2 "Confidentiality of Health Care Communications and Information Act" is hereby amended to read
3 as follows:

4 **5-37.3-3. Definitions.**

5 As used in this chapter:

6 (1) "Authorized representative" means:

7 (i) A person empowered by the patient/client to assert or to waive the confidentiality, or
8 to disclose or consent to the disclosure of confidential information, as established by this chapter.

9 That person is not, except by explicit authorization, empowered to waive confidentiality or to
10 disclose or consent to the disclosure of confidential information;

11 (ii) A guardian or conservator, if the person whose right to confidentiality is protected
12 under this chapter is incompetent to assert or waive that right;

13 (iii) If the patient/client is deceased, his or her personal representative or, in the absence
14 of that representative, ~~his or her heirs-at-law~~ any heir-at-law; or

15 (iv) A patient's attorney.

16 (2) "Board of medical licensure and discipline" means the board created under chapter 37
17 of this title.

18 (3)(i) "Confidential health care communication" means a communication of health care

1 information by an individual to a health care provider, including a transcription of any
2 information, not intended to be disclosed to third persons except if those persons are:

3 (A) Present to further the interest of the patient in the consultation, examination or
4 interview;

5 (B) Reasonably necessary for the transmission of the communication; or

6 (C) Participating in the diagnosis and treatment under the direction of the health care
7 provider, including members of the patient's family.

8 (ii) "Confidential health care information" means all information relating to a patient's
9 health care history, diagnosis, condition, treatment, or evaluation obtained from a health care
10 provider who has treated the patient.

11 (4) "Health care provider" means any person licensed by this state to provide or lawfully
12 providing health care services, including, but not limited to, a physician, hospital, intermediate
13 care facility or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist,
14 psychiatric social worker, pharmacist or psychologist, and any officer, employee, or agent of that
15 provider acting in the course and scope of his or her employment or agency related to or
16 supportive of health services.

17 (5) "Health care services" means acts of diagnosis, treatment, medical evaluation, or
18 counseling or any other acts that may be permissible under the health care licensing statutes of
19 this state.

20 (6) "Managed care contractor" means a person that:

21 (i) Establishes, operates, or maintains a network of participating providers;

22 (ii) Conducts or arranges for utilization review activities; and

23 (iii) Contracts with an insurance company, a hospital or medical service plan, an
24 employer, an employee organization, or any other entity providing coverage for health care
25 services to operate a managed care plan.

26 (7) "Managed care entity" includes a licensed insurance company, hospital or medical
27 service plan, health maintenance organization, an employer or employee organization, or a
28 managed care contractor as described in subdivision (6) of this section, that operates a managed
29 care plan.

30 (8) "Managed care plan" means a plan operated by a managed care entity as described in
31 subdivision (7) of this section, that provides for the financing and delivery of health care services
32 to persons enrolled in the plan through:

33 (i) Arrangements with selected providers to furnish health care services;

34 (ii) Explicit standards for the selection of participating providers;

1 (iii) Organizational arrangements for ongoing quality assurance, utilization review
2 programs, and dispute resolution; and

3 (iv) Financial incentives for persons enrolled in the plan to use the participating providers
4 and procedures provided for by the plan.

5 (9) "Medical peer review board" means a peer review board under chapter 37 of this title.

6 (10) "Nurse" means a registered nurse or licensed practical nurse licensed to practice
7 nursing in the state.

8 (11) "Participating provider" means a physician, hospital, pharmacy, laboratory, dentist,
9 or other state licensed or other state recognized provider of health care services or supplies, that
10 has entered into an agreement with a managed care entity to provide any services or supplies to a
11 patient enrolled in a managed care plan.

12 (12) "Patient" means a person who receives health care services from a health care
13 provider.

14 (13) "Personally identifiable confidential health care information" means confidential
15 health care information, which explicitly or by implication identifies a particular patient.

16 (14) "Physician" means a person registered or licensed to practice allopathic or
17 osteopathic medicine in this state under Rhode Island general laws.

18 (15) "Psychiatric social worker" means a person holding a Master's or further advanced
19 degree from a school of social work accredited by the council of social work education.

20 (16) "Psychologist" means a certified psychologist under chapter 44 of this title.

21 (17) "Qualified personnel" means persons whose training and experience are appropriate
22 to the nature and level of the work in which they are engaged and who, when working as part of
23 an organization, are performing that work with published and adequate administrative safeguards
24 against disclosure unauthorized under this chapter.

25 (18) "Third party" means a person other than the patient to whom the confidential health
26 care information relates and other than a health care provider.

27 (19) "Third-party requestor" means any person or entity presenting a patient signed
28 Health Insurance Portability and Accountability Act (HIPAA)-compliant authorization allowing
29 them to obtain a copy of the patient's medical records or reports.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF HEALTH
CARE COMMUNICATIONS AND INFORMATION ACT

- 1 This act would amend the definition of a deceased patient/client's authorized
- 2 representative from his or her heirs-at-law to any heir-at-law.
- 3 This act would take effect upon passage.

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