

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

February 27, 2024  
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB24-1217 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, lines 4 and 5, strike "FOR INDIVIDUALS  
2 SEEKING" and substitute "REGARDING".
- 3 Page 3, line 7, strike "CONSTITUTES" and substitute "MUST CONTAIN ALL  
4 ELEMENTS NECESSARY TO CONSTITUTE".
- 5 Page 3, line 9, strike "CONSTITUTES" and substitute "MUST CONTAIN ALL  
6 ELEMENTS NECESSARY TO CONSTITUTE".
- 7 Page 3, strike lines 13 through 16.
- 8 Page 3, strike lines 17 through 20 and substitute:  
9 "(I) CLEARLY STATES THAT THE RELEASE FORM PERMITS  
10 DISCLOSURE OF AN INDIVIDUAL'S PROTECTED HEALTH INFORMATION BUT  
11 DOES NOT REQUIRE DISCLOSURE;"
- 12 Renumber succeeding subparagraphs accordingly.
- 13 Page 3, line 22, strike "HAVE CONSENTED" and substitute "THE  
14 INDIVIDUAL HAS AUTHORIZED".
- 15 Page 4, line 4, strike "SIX" and substitute "TWELVE".
- 16 Page 4, strike lines 11 through 14 and substitute:  
17 "(3) NOTHING IN THIS SECTION REQUIRES A PERSON TO USE OR  
18 RELY ON THE RELEASE FORM CREATED PURSUANT TO THIS SECTION WHEN

1 AUTHORIZATION FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION  
2 IS REQUIRED UNDER HIPAA OR 42 CFR 2.

3 (4) NOTHING IN THIS SECTION REQUIRES AUTHORIZATION WHEN  
4 DISCLOSURE OF PROTECTED HEALTH INFORMATION IS PERMITTED WITHOUT  
5 AUTHORIZATION UNDER HIPAA OR 42 CFR 2.

6 (5) IF A RELEASE FORM CONFLICTS OR IS INCONSISTENT WITH  
7 ANOTHER AUTHORIZATION OR CONSENT FORM FOR AN INDIVIDUAL, A  
8 PROVIDER OR COVERED ENTITY MAY CHOOSE WHETHER TO RELY UPON THE  
9 RELEASE FORM AND INCURS NO LIABILITY AS A CONSEQUENCE OF  
10 CHOOSING TO RELY UPON THE RELEASE FORM OR TO NOT RELY UPON THE  
11 RELEASE FORM. A PROVIDER OR COVERED ENTITY INCURS NO LIABILITY  
12 FOR NOT DISCLOSING INFORMATION PROVIDED IN A RELEASE FORM IF THE  
13 PROVIDER OR COVERED ENTITY HAS A GOOD FAITH, REASONABLE BELIEF  
14 THAT THE INDIVIDUAL HAS REVOKED THE RELEASE FORM. A PROVIDER OR  
15 COVERED ENTITY IS PRESUMED TO HAVE ACTED IN GOOD FAITH AND WITH  
16 A REASONABLE BELIEF. THIS PRESUMPTION MAY BE REBUTTED BY CLEAR  
17 AND CONVINCING EVIDENCE."

18 Renumber succeeding subsections accordingly.

19 Page 5, after line 27 insert:

20 "(g) DISCUSS THE ROLE OF THE CENTRALIZED DIGITAL CONSENT  
21 REPOSITORY IN CRISIS SITUATIONS AND HOW TO ENSURE EMERGENT  
22 INFORMATION IS COMMUNICATED IN A TIMELY MANNER BETWEEN A  
23 PATIENT, A PROVIDER OR FACILITY, AND OTHER AUTHORIZED PERSONS;".

24 Reletter succeeding paragraphs accordingly.

25 Page 6, line 11, before "LICENSED" insert "A REPRESENTATIVE OF A  
26 HEALTH INFORMATION ORGANIZATION NETWORK; A REPRESENTATIVE OF  
27 A HOSPITAL;".

28 Page 6, line 12, strike "PROVIDERS INCLUDING," and substitute  
29 "PROVIDERS, INCLUDING".

30 Page 7, after line 16 insert:

31 "(VII) FAMILY HISTORY, RELATIONSHIPS, OR SOCIAL CONTEXT;".

32 Renumber succeeding subparagraphs accordingly.

33 Page 8, line 17, strike "ENTITY." and substitute "ENTITY, UNLESS A

1 PATIENT HAS AUTHORIZED THE DISCLOSURE OF THE PATIENT'S FORM OR OF  
2 THE PATIENT'S FULL MENTAL HEALTH RECORD OR UNLESS A COURT OR  
3 OTHER LEGAL AUTHORITY HAS ORDERED SUCH DISCLOSURE."

4 Page 8, after line 25 insert:

5 "(e) IF A PATIENT EXPLICITLY OBJECTS TO A COVERED ENTITY  
6 RECEIVING INFORMATION REGARDING THE PATIENT FROM A SPECIFIC  
7 INDIVIDUAL, THE COVERED ENTITY SHALL NOT ACCEPT INFORMATION  
8 FROM THE SPECIFIC INDIVIDUAL."

\*\* \*\* \*\* \*\* \*\*