
HOUSE BILL No. 1766

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-39-10.

Synopsis: Transmission of health information. Specifies requirements that must be met for certain health related entities to transfer certain health information to a location outside the United States.

Effective: July 1, 2005.

Mays, Stilwell

January 19, 2005, read first time and referred to Committee on Public Health.

Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style~~ type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1766

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SOURCE: IC 16-18-2-88.5; (05)IN1766.1.1. --> SECTION 1. IC 16-18-2-88.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 88.5. "Covered entity", for purposes of IC 16-39-10, has the meaning set forth in 45 CFR 160.103.**

SOURCE: IC 16-18-2-188.1; (05)IN1766.1.2. --> SECTION 2. IC 16-18-2-188.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 188.1. "Individually identifiable health information", for purposes of IC 16-39-10, has the meaning set forth in 45 CFR 160.103.**

SOURCE: IC 16-39-10; (05)IN1766.1.3. --> SECTION 3. IC 16-39-10 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]:

Chapter 10. Transfers of Health Information

Sec. 1. As used in this chapter, "covered entity" has the meaning set forth in 45 CFR 160.103.

Sec. 2. As used in this chapter, "individually identifiable health information" has the meaning set forth in 45 CFR 160.103.

Sec. 3. Before a covered entity enters into or renews a contract with a person for the person to receive individually identifiable health information from the covered entity, the covered entity shall obtain a disclosure from the person concerning whether the individually identifiable health information will be transmitted to a location outside the United States.

Sec. 4. (a) A covered entity and a person described in section 3 of this chapter may

not transmit individually identifiable health information to a location outside the United States unless all the following apply:

(1) The covered entity discloses to the individual:

(A) at the time of enrollment;

(B) at the time of admission to care; or

(C) if the covered entity does not enroll or admit the individual, at the time the covered entity receives the individual's individually identifiable health information;

and annually thereafter, that the individual's individually identifiable health information may be transmitted to a location outside the United States.

(2) The covered entity obtains an annual, written consent from the individual for the individually identifiable health information to be transmitted to a location outside the United States.

(3) The covered entity annually notifies the individual that the individual may revoke the individual's consent in writing at any time.

(4) The requirements of this section are undertaken by the covered entity itself and not a physician employed by or under contract with the covered entity.

(b) This section does not apply to a transmission of individually identifiable health information to a location outside the United States that is requested by the individual because the individual seeks health care services at the location outside the United States.

Sec. 5. (a) A covered entity shall use a consent form to obtain the consent required under section 4 of this chapter.

(b) The consent form required under subsection (a) must clearly and conspicuously disclose all the following:

(1) That by signing the form, the individual consents to the transmission of the individual's individually identifiable health information to a location outside the United States.

(2) That, unless renewed by the individual, the consent is considered to have been revoked one (1) year after the consent is signed.

(3) That the individual may revoke the consent in writing at any time.

(4) The procedure by which the consent may be revoked.

(c) A consent form that meets the requirements specified in subsection (b) is valid upon an individual's signing and dating the consent form.

Sec. 6. A covered entity shall not discriminate against an individual or deny an individual services due to the refusal of the individual to provide a consent under this chapter.