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## DIGEST

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Hines

HB No. 1073

**Abstract:** Recognizes the individual's ownership of his personal health information and his right to privacy in the content of such information and establishes safeguards to protect such information.

Proposed law establishes procedures for access to personal health care information that is in the possession of health care providers. Proposed law specifies the rights of the individual who is the subject of the personal health care information.

Proposed law defines personal health information and describes the privacy of personal health information as well as how its privacy and confidentiality provisions apply.

Proposed law defines other terms: audit trail, business associate, de-identified health information, health care provider, essential health care operation, disclosure, health information exchange, and informed authorization.

Proposed law describes an individual's rights in regards to his personal health information to which a health care provider has access. Proposed law specifies that an individual has the right to inspect or copy, upon request to the provider, his medical records at a reasonable cost to be incurred by the individual.

Proposed law further specifies that an individual may request the provider to supplement, amend, or correct his information at which time the health care provider must comply or provide written notice of denial with reason which shall be made part of the individual's medical record.

Proposed law establishes that all personal health information is the property of the individual which shall not be disclosed without informed and written authorization, unless otherwise authorized by law or necessary for the individual's treatment.

Proposed law prohibits a health care provider from disclosing personal health information for marketing purposes without the individual's express written authorization which shall be limited to products or services directly related to the individual's health and conditioned upon the marketer's agreement to not re-disclose such information and to disclose that the provider and marketer have a financial arrangement.

Proposed law provides that a health information exchange must adhere to the same requirements of a health care provider as it relates to individual's personal health information and must

maintain an audit log identifying the providers who access said information.

Proposed law institutes procedure for complaints brought against a health care provider in violation of proposed law, including filing a written complaint with the attorney general who will review and investigate. Provides that if a provider is found to be in violation, then the attorney general may use any right or remedy set forth in the Unfair Trade Practices and Consumer Protection Act.

(Adds R.S. 22:250.71-250.77)