

2 SSB 5587 - S AMD - 132
3 By Senators Winsley and Thibaudeau

4 ADOPTED 3/11/99

5 On page 2, line 1, after "PRIVACY." Strike all material through
6 "organizations." on line 18, and insert "(1) Each health carrier must
7 develop and implement policies and procedures governing the collection,
8 use, and disclosure of health information. These policies and
9 procedures must include methods for enrollees to access information and
10 amend incorrect information, for enrollees to restrict the disclosure
11 of sensitive information, and for enrollees to obtain information about
12 the carrier's health information policies. In addition, these policies
13 and procedures must include methods for carrier oversight and
14 enforcement of information policies, for carrier storage and disposal
15 of health information, and for carrier conformance to state and federal
16 laws governing the collection, use, and disclosure of personally
17 identifiable health information. Each carrier must provide a summary
18 notice of its health information policies to enrollees, including the
19 enrollee's right to restrict the collection, use, and disclosure of
20 health information.

21 (2) Except as otherwise required by statute or rule, a health
22 carrier is, and all persons acting at the direction of or on behalf of
23 a carrier or in receipt of an enrollee's personally identifiable health
24 information are, prohibited from collecting, using, or disclosing
25 personally identifiable health information unless authorized in writing
26 by the person who is the subject of the information. At a minimum,
27 such authorization must be valid for a limited time and purpose; be
28 specific as to purpose and types of information to be collected, used,
29 or disclosed; and identify the persons who will be receiving the
30 information.

31 (3) The commissioner shall adopt rules to implement this section
32 and shall take into consideration health information privacy standards
33 recommended by the national association of insurance commissioners and
34 other related professional organizations.

35 (4) Nothing in this section shall be construed to prevent the
36 creation, use, or release of anonymized data for which there is no

1 reasonable basis to believe that the information could be used to
2 identify an individual."

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EFFECT: Rewords section on patient privacy and allows an exception for anonymized data.