

REFERENCE TITLE: health care business; consumer information..

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

## **SB 1243**

Introduced by  
Senators Burton Cahill: Rios

AN ACT

AMENDING TITLE 44, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 23; RELATING TO HEALTH CARE BUSINESSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 11, Arizona Revised Statutes, is amended  
3 by adding article 23, to read:

4 ARTICLE 23. HEALTH CARE BUSINESSES

5 44-1799.71. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "HEALTH CARE BUSINESS" MEANS A PERSON OR ENTITY, WHETHER  
8 ESTABLISHED TO MAKE A PROFIT OR NOT, THAT COLLECTS OR RETAINS INDIVIDUALLY  
9 IDENTIFIABLE HEALTH INFORMATION ABOUT INDIVIDUALS IN RELATION TO MEDICAL  
10 CARE.

11 2. "INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION" HAS THE SAME MEANING  
12 PRESCRIBED IN THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT  
13 OF 1996 (P.L. 104-191; 110 STAT. 1936).

14 44-1799.72. Regulations

15 A. A PERSON OR ENTITY THAT CONTRACTS OR SUBCONTRACTS WITH A HEALTH  
16 CARE BUSINESS TO RECEIVE INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION SHALL  
17 DISCLOSE TO THE HEALTH CARE BUSINESS IF ANY OF THE INFORMATION WILL BE  
18 TRANSFERRED TO A SITE OUTSIDE OF THE UNITED STATES.

19 B. A HEALTH CARE BUSINESS OR PERSON OR ENTITY THAT CONTRACTS OR  
20 SUBCONTRACTS WITH A HEALTH CARE BUSINESS SHALL NOT TRANSMIT INDIVIDUALLY  
21 IDENTIFIABLE HEALTH INFORMATION TO A SITE OUTSIDE THE UNITED STATES UNLESS  
22 ALL OF THE FOLLOWING APPLY:

23 1. THE HEALTH CARE BUSINESS DISCLOSES TO THE INDIVIDUAL AT THE TIME OF  
24 ENROLLMENT AND REENROLLMENT OR, IN THE CASE OF A HEALTH FACILITY, ON  
25 ADMISSION OR AS SOON AS PRACTICAL AFTER ADMISSION, THAT THE INDIVIDUAL'S  
26 INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION MAY BE TRANSMITTED TO A SITE  
27 OUTSIDE THE UNITED STATES.

28 2. THE HEALTH CARE BUSINESS OBTAINS A CONSENT ACKNOWLEDGMENT FROM THE  
29 INDIVIDUAL WHOSE HEALTH INFORMATION IS IDENTIFIABLE THAT THE INDIVIDUALLY  
30 IDENTIFIABLE HEALTH INFORMATION MAY BE TRANSMITTED TO A SITE OUTSIDE THE  
31 UNITED STATES. THIS CONSENT SHALL BE RENEWED ANNUALLY.

32 3. THE INDIVIDUAL MAY REVOKE THE CONSENT IN WRITING TO THE HEALTH CARE  
33 BUSINESS AT ANY TIME.

34 4. THE OBLIGATIONS IMPOSED ON A HEALTH CARE BUSINESS BY THIS SECTION  
35 ARE UNDERTAKEN BY THE BUSINESS ITSELF AND ARE NOT DELEGATED TO A PHYSICIAN  
36 EMPLOYED BY OR CONTRACTED WITH THE HEALTH CARE BUSINESS.

37 44-1799.73. Consent form to transmit information outside  
38 country

39 A HEALTH CARE BUSINESS SHALL USE A FORM TO OBTAIN CONSENT TO TRANSMIT  
40 INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION TO A SITE OUTSIDE THE UNITED  
41 STATES. THIS SECTION DOES NOT APPLY IF AN INDIVIDUAL INITIATES A REQUEST FOR  
42 HEALTH CARE SERVICES, DIAGNOSIS OR TREATMENT OUTSIDE THE UNITED STATES. THE  
43 FORM SHALL:

44 1. BE DATED AND SIGNED BY THE INDIVIDUAL WHOSE HEALTH CARE INFORMATION  
45 IS IDENTIFIABLE.

1           2. CLEARLY AND CONSPICUOUSLY DISCLOSE ALL OF THE FOLLOWING:  
2           (a) THAT BY SIGNING THE FORM, THE INDIVIDUAL IS CONSENTING TO THE  
3 TRANSMISSION OF THE INDIVIDUAL'S INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION  
4 TO A SITE OUTSIDE THE UNITED STATES.  
5           (b) THAT THE CONSENT OF THE INDIVIDUAL MUST BE RENEWED AT LEAST  
6 ANNUALLY.  
7           (c) THAT THE INDIVIDUAL MAY REVOKE THE INDIVIDUAL'S CONSENT AT ANY  
8 TIME.  
9           (d) THE PROCEDURE NECESSARY TO REVOKE THE INDIVIDUAL'S CONSENT.  
10          44-1799.74. Discrimination prohibited  
11          A HEALTH CARE BUSINESS SHALL NOT DISCRIMINATE AGAINST AN INDIVIDUAL OR  
12 DENY AN INDIVIDUAL HEALTH CARE SERVICE BECAUSE THE INDIVIDUAL HAS NOT  
13 PROVIDED THE INDIVIDUAL'S CONSENT PURSUANT TO THIS ARTICLE.