

REFERENCE TITLE: health care businesses; consumer information

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2578

Introduced by
Representatives Thrasher, Kirkpatrick, Lujan, Pancrazi, Schapira: Campbell
CH, Campbell CL, Clark, Farley, Lopes, McGuire, Meza, Rios P

AN ACT

AMENDING TITLE 44, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
22; 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 22, to read:

4 ARTICLE 22. HEALTH CARE BUSINESSES

5 44-1799.61. 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 44-1799.62. Regulations

15 A. A PERSON OR ENTITY THAT HAS CONTRACTED OR SUBCONTRACTED WITH A
16 HEALTH CARE BUSINESS TO RECEIVE INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION
17 SHALL 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 HAS CONTRACTED OR
20 SUBCONTRACTED 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 ADMISSION
25 OR AS SOON AS PRACTICAL AFTER ADMISSION, THAT THE INDIVIDUAL'S INDIVIDUALLY
26 IDENTIFIABLE HEALTH INFORMATION MAY BE TRANSMITTED TO A SITE OUTSIDE THE
27 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 44-1799.63. 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 44-1799.64. 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.