

**STATE OF RHODE ISLAND**

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF HEALTH  
CARE COMMUNICATIONS AND INFORMATION ACT

Introduced By: Senators McCaffrey, Goodwin, and Ruggerio

Date Introduced: March 26, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 5-37.3-3 of the General Laws in Chapter 5-37.3 entitled  
2 "Confidentiality of Health Care Communications and Information Act" is hereby amended to read  
3 as follows:

4           **5-37.3-3. Definitions.**

5           As used in this chapter:

6           (1) "Authorized representative" means:

7           (i) A person empowered by the patient/client to assert or to waive the confidentiality, or to  
8 disclose or consent to the disclosure of confidential information, as established by this chapter. That  
9 person is not, except by explicit authorization, empowered to waive confidentiality or to disclose  
10 or consent to the disclosure of confidential information;

11           (ii) A guardian or conservator, if the person whose right to confidentiality is protected  
12 under this chapter is incompetent to assert or waive that right;

13           (iii) If the patient/client is deceased, his or her personal representative or, in the absence of  
14 that representative, any heir-at-law ~~his or her heirs-at-law~~; or

15           (iv) A patient's attorney.

16           (2) "Board of medical licensure and discipline" means the board created under chapter 37  
17 of this title.

18           (3)(i) "Confidential healthcare communication" means a communication of healthcare

1 information by an individual to a healthcare provider, including a transcription of any information,  
2 not intended to be disclosed to third persons except if those persons are:

3 (A) Present to further the interest of the patient in the consultation, examination, or  
4 interview;

5 (B) Reasonably necessary for the transmission of the communication; or

6 (C) Participating in the diagnosis and treatment under the direction of the healthcare  
7 provider, including members of the patient's family.

8 (ii) "Confidential healthcare information" means all information relating to a patient's  
9 healthcare history, diagnosis, condition, treatment, or evaluation obtained from a healthcare  
10 provider who has treated the patient.

11 (4) "Healthcare provider" means any person licensed by this state to provide or lawfully  
12 providing healthcare services, including, but not limited to, a physician, hospital, intermediate-care  
13 facility or other healthcare facility, dentist, nurse, optometrist, podiatrist, physical therapist,  
14 psychiatric social worker, pharmacist, or psychologist, and any officer, employee, or agent of that  
15 provider acting in the course and scope of his or her employment or agency related to or supportive  
16 of health services.

17 (5) "Healthcare services" means acts of diagnosis, treatment, medical evaluation, or  
18 counseling or any other acts that may be permissible under the healthcare licensing statutes of this  
19 state.

20 (6) "Managed-care contractor" means a person that:

21 (i) Establishes, operates, or maintains a network of participating providers;

22 (ii) Conducts or arranges for utilization review activities; and

23 (iii) Contracts with an insurance company, a hospital or medical-service plan, an employer,  
24 an employee organization, or any other entity providing coverage for healthcare services to operate  
25 a managed-care plan.

26 (7) "Managed-care entity" includes a licensed insurance company, hospital, or medical-  
27 service plan, health-maintenance organization, an employer or employee organization, or a  
28 managed-care contractor as described in subsection (6) of this section, that operates a managed-  
29 care plan.

30 (8) "Managed-care plan" means a plan operated by a managed-care entity as described in  
31 subsection (7), that provides for the financing and delivery of healthcare services to persons  
32 enrolled in the plan through:

33 (i) Arrangements with selected providers to furnish healthcare services;

34 (ii) Explicit standards for the selection of participating providers;

1 (iii) Organizational arrangements for ongoing quality assurance, utilization-review  
2 programs, and dispute resolution; and

3 (iv) Financial incentives for persons enrolled in the plan to use the participating providers  
4 and procedures provided for by the plan.

5 (9) "Medical peer-review board" means a peer-review board under chapter 37 of this title.

6 (10) "Nurse" means a registered nurse or licensed practical nurse licensed to practice  
7 nursing in the state.

8 (11) "Participating provider" means a physician, hospital, pharmacy, laboratory, dentist, or  
9 other state-licensed or other state-recognized provider of healthcare services or supplies, that has  
10 entered into an agreement with a managed-care entity to provide any services or supplies to a patient  
11 enrolled in a managed-care plan.

12 (12) "Patient" means a person who receives healthcare services from a healthcare provider.

13 (13) "Personally identifiable confidential healthcare information" means confidential  
14 healthcare information, which explicitly or by implication identifies a particular patient.

15 (14) "Physician" means a person registered or licensed to practice allopathic or osteopathic  
16 medicine in this state under Rhode Island general laws.

17 (15) "Psychiatric social worker" means a person holding a master's or further-advanced  
18 degree from a school of social work accredited by the council of social work education.

19 (16) "Psychologist" means a certified psychologist under chapter 44 of this title.

20 (17) "Qualified personnel" means persons whose training and experience are appropriate  
21 to the nature and level of the work in which they are engaged and who, when working as part of an  
22 organization, are performing that work with published and adequate administrative safeguards  
23 against disclosure unauthorized under this chapter.

24 (18) "Third party" means a person other than the patient to whom the confidential  
25 healthcare information relates and other than a healthcare provider.

26 (19) "Third-party requestor" means any person or entity presenting a patient-signed Health  
27 Insurance Portability and Accountability Act (HIPAA)-compliant authorization allowing them to  
28 obtain a copy of the patient's medical records or reports.

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF HEALTH  
CARE COMMUNICATIONS AND INFORMATION ACT

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1           This act would amend the definition of "authorized representative" in the confidentiality of  
2 health care communications and information act to provide that an authorized representative may  
3 include any heir-at-law when the patient is deceased and the personal representative is absent.

4           This act would take effect upon passage.

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