

REFERENCE TITLE: health information organizations; research; disclosures

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2155

Introduced by
Representative Cobb

AN ACT

AMENDING SECTION 36-3805, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 38, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-3807; RELATING TO HEALTH INFORMATION ORGANIZATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-3805, Arizona Revised Statutes, is amended to
3 read:

4 36-3805. Disclosure of individually identifiable health
5 information; transfer; consent; definition

6 A. Except as otherwise provided in state or federal law, disclosure
7 of an individual's individually identifiable health information through a
8 health information organization is allowed only if:

9 1. The individual has not opted out of having the individual's
10 individually identifiable health information accessible through the health
11 information organization.

12 2. The purpose of the disclosure is explained in the health
13 information organization's current notice of health information practices.

14 3. The disclosure complies with the health insurance portability
15 and accountability act privacy ~~standard~~ STANDARDS (45 Code of Federal
16 Regulations part 164, subpart E).

17 B. A health information organization may not sell or otherwise make
18 commercial use of an individual's individually identifiable health
19 information without the written consent of the individual.

20 C. A health information organization may not transfer individually
21 identifiable health information or de-identified health information that
22 is accessible through the health information exchange to any person or
23 entity for the purpose of research ~~or using the information as part of a~~
24 ~~set of data for an application for grant or other research funding, unless~~
25 ~~the health care provider obtains consent from the individual for the~~
26 ~~transfer. A health care provider must document that it has provided a~~
27 ~~notice of transfer to the individual and that the individual has received~~
28 ~~and read and understands the notice. Documentation must be in the form of~~
29 ~~a signature by the individual indicating the individual has received and~~
30 ~~read and understands the notice and that the individual gives consent to~~
31 ~~the transfer of information. For the purposes of this subsection,~~
32 ~~"consent" means that a health care provider participating in a health~~
33 ~~information organization has provided a notice to the individual that is~~
34 ~~in at least twelve-point type and that describes the purposes of the~~
35 ~~transfer~~ UNLESS THE TRANSFER COMPLIES WITH APPLICABLE FEDERAL AND STATE
36 LAWS THAT REGULATE THE DISCLOSURE OF INDIVIDUALLY IDENTIFIABLE HEALTH
37 INFORMATION OR DE-IDENTIFIED HEALTH INFORMATION FOR RESEARCH. IF AN
38 INDIVIDUAL HAS OPTED OUT PURSUANT TO SECTION 36-3803, THE INDIVIDUAL'S
39 IDENTIFIABLE HEALTH INFORMATION MAY NOT BE TRANSFERRED FOR RESEARCH.

40 D. This chapter does not:

41 1. Interfere with any other federal or state laws or regulations
42 that provide more extensive protection of individually identifiable health
43 information than provided in this chapter.

1 2. Limit, change or otherwise affect a health information
2 organization's right or duty to exchange information, including
3 individually identifiable health information and de-identified health
4 information, in accordance with applicable law and by means other than
5 through the health information organization.

6 E. FOR THE PURPOSES OF THIS SECTION, "RESEARCH" HAS THE SAME
7 MEANING PRESCRIBED IN THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY
8 ACT PRIVACY STANDARDS (45 CODE OF FEDERAL REGULATIONS PART 164, SUBPART
9 E).

10 Sec. 2. Title 36, chapter 38, article 1, Arizona Revised Statutes,
11 is amended by adding section 36-3807, to read:

12 36-3807. Use of de-identified health information; prohibition

13 A PERSON WHO RECEIVES AN INDIVIDUAL'S DE-IDENTIFIED HEALTH
14 INFORMATION FROM A HEALTH INFORMATION ORGANIZATION MAY NOT USE THAT
15 DE-IDENTIFIED HEALTH INFORMATION, EITHER ALONE OR IN COMBINATION WITH
16 OTHER INFORMATION, TO IDENTIFY THE INDIVIDUAL.