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H.185

Introduced by Representatives Morrissey of Bennington, Bancroft of
Westford, Baser of Bristol, Batchelor of Derby, Beck of
St. Johnsbury, Beyor of Highgate, Branagan of Georgia,
Brennan of Colchester, Browning of Arlington, Burditt of West
Rutland, Canfield of Fair Haven, Corcoran of Bennington,
Cupoli of Rutland City, Dame of Essex, Devereux of Mount
Holly, Dickinson of St. Albans Town, Donahue of Northfield,
Eastman of Orwell, Fagan of Rutland City, Fiske of Enosburgh,
Gage of Rutland City, Gamache of Swanton, Graham of
Williamstown, Hebert of Vernon, Helm of Fair Haven, Higley
of Lowell, Hubert of Milton, Juskiewicz of Cambridge, LaClair
of Barre Town, Lawrence of Lyndon, Lefebvre of Newark,
Lewis of Berlin, Martel of Waterford, McFaun of Barre Town,
Myers of Essex, Pearce of Richford, Purvis of Colchester,
Quimby of Concord, Savage of Swanton, Shaw of Pittsford,
Shaw of Derby, Smith of New Haven, Strong of Albany, Tate
of Mendon, Terenzini of Rutland Town, Van Wyck of
Ferrisburgh, Viens of Newport City, and Willhoit of
St. Johnsbury

1 Referred to Committee on

2 Date:

3 Subject: Health; protected health information; restricted disclosure

4 Statement of purpose of bill as introduced: This bill proposes to require health
5 care providers to notify patients of the patient's right to restrict the disclosure
6 of protected health information in certain circumstances.

7 An act relating to restricted disclosure of protected health information

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 Sec. 1. 18 V.S.A. chapter 42B is added to read:

10 CHAPTER 42B. HEALTH CARE PRIVACY

11 § 1881. RESTRICTED DISCLOSURE OF PROTECTED HEALTH

12 INFORMATION

13 (a) A health care provider shall deliver or cause to be delivered to each
14 patient a notice on a single sheet of otherwise uninscribed paper that informs
15 the patient of his or her right to restrict disclosure of the patient's protected
16 health information to his or her health plan pursuant to 42 C.F.R.

17 § 164.522(a)(vi) (rights to request privacy protection for protected health
18 information) when:

19 (1) the disclosure is for the purpose of carrying out payment or health
20 care operations and is not otherwise required by law; and

1 (2) the protected health information pertains solely to a health care item
2 or service for which the individual, or person other than the health plan of the
3 individual, has paid the health care provider in full.

4 (b) As used in this section, “health care provider” means a person,
5 partnership, corporation, facility, or institution licensed, certified, or authorized
6 by law to provide professional health care service in this State to an individual
7 during that individual’s medical care, treatment, or confinement.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2015.