

ASSEMBLY BILL

No. 439

Introduced by Assembly Member Skinner

February 14, 2011

An act relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 439, as introduced, Skinner. Health care information.

Existing law, the Confidentiality of Medical Information Act (CMIA), prohibits a health care provider, a contractor, or a health care service plan from disclosing medical information, as defined, regarding a patient of the provider or an enrollee or subscriber of the health care service plan without first obtaining an authorization, except as specified.

This bill would declare the intent of the Legislature to enact legislation that would continue to protect patient privacy, remove barriers to the necessary exchange of health information, and encourage the appropriate exchange of health care information between providers, plans, and other business associates.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Quality and affordable health care is hugely dependent on
- 4 the appropriate exchange of health care information. This includes
- 5 the exchange of protected health information between providers,
- 6 plans, and other business associates.

- 1 (b) Federal and state laws, including the Confidentiality of
2 Medical Information Act (CMIA), provided for in Part 2.6
3 (commencing with Section 56) of Division 1 of the Civil Code,
4 regulate the flow of confidential medical information through the
5 spectrum of care delivery and payment. The CMIA established
6 the framework in this state for protecting personal medical
7 information.
- 8 (c) Ensuring the quality and efficacy of health care delivery
9 requires continued modernization; moving toward the electronic
10 exchange of health information.
- 11 (d) It is the intent of the Legislature to enact legislation that
12 would do all of the following:
- 13 (1) Continue to protect patient privacy.
- 14 (2) Remove barriers to the necessary exchange of health
15 information.
- 16 (3) Encourage the appropriate exchange of health care
17 information between providers, plans, and other business
18 associates.