

ASSEMBLY BILL

No. 2703

Introduced by Assembly Member Linder

February 19, 2016

An act to amend Section 56.11 of the Civil Code, relating to medical confidentiality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2703, as introduced, Linder. Medical confidentiality: authorizations.

Existing law requires a person or entity that wishes to obtain medical information from a provider of health care, health care service plan, or contractor regarding a patient of the provider of health care, or an enrollee or subscriber of a health care service plan, to obtain a valid authorization for the release of the information, as specified.

This bill would make technical, nonsubstantive changes to those provisions. This bill would also delete obsolete cross-references.

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. Section 56.11 of the Civil Code is amended to
2 read:

3 56.11. ~~Any~~A person or entity that wishes to obtain medical
4 information pursuant to subdivision (a) of Section 56.10, other
5 than a person or entity authorized to receive medical information
6 pursuant to subdivision (b) or (c) of Section 56.10, except as

1 provided in paragraph (21) of subdivision (c) of Section 56.10,
 2 shall obtain a valid authorization for the release of this information.
 3 An authorization for the release of medical information by a
 4 provider of health care, health care service plan, pharmaceutical
 5 company, or contractor shall be valid if it:
 6 (a) Is handwritten by the person who signs it or is in a typeface
 7 no smaller than 14-point type.
 8 (b) Is clearly separate from any other language present on the
 9 same page and is executed by a signature ~~which~~ *that* serves no
 10 other purpose than to execute the authorization.
 11 (c) Is signed and dated by one of the following:
 12 (1) The patient. A patient who is a minor may only sign an
 13 authorization for the release of medical information obtained by
 14 a provider of health care, health care service plan, pharmaceutical
 15 company, or contractor in the course of furnishing services to
 16 which the minor could lawfully have ~~consented under Part 1~~
 17 ~~(commencing with Section 25) or Part 2.7 (commencing with~~
 18 ~~Section 60)~~. *consented.*
 19 (2) The legal representative of the patient, if the patient is a
 20 minor or an incompetent. However, authorization may not be given
 21 under this subdivision for the disclosure of medical information
 22 obtained by the provider of health care, health care service plan,
 23 pharmaceutical company, or contractor in the course of furnishing
 24 services to which a minor patient could lawfully have ~~consented~~
 25 ~~under Part 1 (commencing with Section 25) or Part 2.7~~
 26 ~~(commencing with Section 60)~~. *consented.*
 27 (3) The spouse of the patient or the person financially
 28 responsible for the patient, where the medical information is being
 29 sought for the sole purpose of processing an application for health
 30 insurance or for enrollment in a nonprofit hospital plan, a health
 31 care service plan, or an employee benefit plan, and where the
 32 patient is to be an enrolled spouse or dependent under the policy
 33 or plan.
 34 (4) The beneficiary or personal representative of a deceased
 35 patient.
 36 (d) States the specific uses and limitations on the types of
 37 medical information to be disclosed.
 38 (e) States the name or functions of the provider of health care,
 39 health care service plan, pharmaceutical company, or contractor
 40 that may disclose the medical information.

1 (f) States the name or functions of the persons or entities
2 authorized to receive the medical information.

3 (g) States the specific uses and limitations on the use of the
4 medical information by the persons or entities authorized to receive
5 the medical information.

6 (h) States a specific date after which the provider of health care,
7 health care service plan, pharmaceutical company, or contractor
8 is no longer authorized to disclose the medical information.

9 (i) Advises the person signing the authorization of the right to
10 receive a copy of the authorization.

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