

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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: a requirement for which is that the authorization is handwritten by the person who signs it or is in typeface no smaller than 14-point type.~~

~~This bill would make technical, nonsubstantive changes to those provisions. This bill would also delete obsolete cross-references. also allow the authorization to be an electronic equivalent of the required type face.~~

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:

1 56.11. A person or entity that wishes to obtain medical
 2 information pursuant to subdivision (a) of Section 56.10, other
 3 than a person or entity authorized to receive medical information
 4 pursuant to subdivision (b) or (c) of Section 56.10, except as
 5 provided in paragraph (21) of subdivision (c) of Section 56.10,
 6 shall obtain a valid authorization for the release of this information.
 7 An authorization for the release of medical information by a
 8 provider of health care, health care service plan, pharmaceutical
 9 company, or contractor shall be valid if it:
 10 (a) Is handwritten by the person who signs it or is in a typeface
 11 no smaller than 14-point ~~type.~~ *type or the electronic equivalent.*
 12 *However, an authorization form provided by a federal government*
 13 *agency need not comply with the font size requirement.*
 14 (b) Is clearly separate from any other language present on the
 15 same page and is executed by a signature that serves no other
 16 purpose than to execute the authorization.
 17 (c) Is signed and dated by one of the following:
 18 (1) The patient. A patient who is a minor may only sign an
 19 authorization for the release of medical information obtained by
 20 a provider of health care, health care service plan, pharmaceutical
 21 company, or contractor in the course of furnishing services to
 22 which the minor could lawfully have consented.
 23 (2) The legal representative of the patient, if the patient is a
 24 minor or an incompetent. However, authorization may not be given
 25 under this subdivision for the disclosure of medical information
 26 obtained by the provider of health care, health care service plan,
 27 pharmaceutical company, or contractor in the course of furnishing
 28 services to which a minor patient could lawfully have consented.
 29 (3) The spouse of the patient or the person financially
 30 responsible for the patient, where the medical information is being
 31 sought for the sole purpose of processing an application for health
 32 insurance or for enrollment in a nonprofit hospital plan, a health
 33 care service plan, or an employee benefit plan, and where the
 34 patient is to be an enrolled spouse or dependent under the policy
 35 or plan.
 36 (4) ~~The beneficiary or beneficiary, personal representative~~
 37 ~~representative, or surviving spouse of a deceased patient.~~ *patient.*
 38 (d) States the specific uses and limitations on the types of
 39 medical information to be disclosed.

1 (e) States the name or functions of the provider of health care,
2 health care service plan, pharmaceutical company, or contractor
3 that may disclose the medical information.

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

6 (g) States the specific uses and limitations on the use of the
7 medical information by the persons or entities authorized to receive
8 the medical information.

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

12 (i) Advises the person signing the authorization of the right to
13 receive a copy of the authorization.

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