

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 435

Introduced by Assembly Member Corbett

February 12, 1999

An act to amend Section 56.30 of the Civil Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 435, as amended, Corbett. Workers' compensation: medical records: disclosure.

(1) Existing law provides that medical information and records that are obtained as a result of a claim for workers' compensation are exempt from the Confidentiality of Medical Information Act.

This bill would limit the exemption to medical information and records that are directly related to an employee's claim for workers' compensation. *The bill would define "directly related" as medical records or information regarding a prior injury relating to an existing claim and necessary for the purpose of resolving that claim.* The bill would provide that medical information and records not directly related to resolving a worker's claim for workers' compensation are subject to the Confidentiality of Medical Information Act.

(2) Existing law makes a violation of the Confidentiality of Medical Information Act which results in economic loss or personal injury to a patient a crime. ~~This~~

This bill, by including medical records and information subject to the Confidentiality of Medical Information Act that previously were excluded, broadens the scope of that crime, thus creating a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 56.30 of the Civil Code is
2 amended to read:

3 56.30. The disclosure and use of the following medical
4 information shall not be subject to the limitations of this
5 part:

6 (a) (Mental health and developmental disabilities)
7 Information and records obtained in the course of
8 providing services under Division 4 (commencing with
9 Section 4001), Division 4.1 (commencing with Section
10 4400), Division 4.5 (commencing with Section 4500),
11 Division 5 (commencing with Section 5000), Division 6
12 (commencing with Section 6000), or Division 7
13 (commencing with Section 7100) of the Welfare and
14 Institutions Code.

15 (b) (Public social services) Information and records
16 that are subject to Sections 10850, 14124.1, and 14124.2 of
17 the Welfare and Institutions Code.

18 (c) (State health services, communicable diseases,
19 developmental disabilities) Information and records
20 maintained pursuant to former Chapter 2 (commencing
21 with Section 200) of Part 1 of Division 1 of the Health and
22 Safety Code and pursuant to the Communicable Disease
23 Prevention and Control Act (subdivision (a) of Section 27
24 of the Health and Safety Code).



1 (d) (Licensing and statistics) Information and records
2 maintained pursuant to Division 2 (commencing with
3 Section 1200) and Part 1 (commencing with Section
4 102100) of the Health and Safety Code; pursuant to
5 Chapter 3 (commencing with Section 1200) of Division
6 2 of the Business and Professions Code; and pursuant to
7 Section 8608, 8706, 8817, or 8909 of the Family Code.

8 (e) (Medical survey, workers' safety) Information and
9 records acquired and maintained or disclosed pursuant to
10 Sections 1380 and 1382 of the Health and Safety Code and
11 pursuant to Division 5 (commencing with Section 6300)
12 of the Labor Code.

13 (f) (Industrial accidents) Information and records
14 acquired, maintained, or disclosed pursuant to Division 1
15 (commencing with Section 50), Division 4 (commencing
16 with Section 3201), Division 4.5 (commencing with
17 Section 6100), and Division 4.7 (commencing with
18 Section 6200) of the Labor Code, that are directly related
19 to an employee's claim for workers' compensation.
20 Medical information and records not directly related to
21 resolving a worker's claim for workers' compensation are
22 subject to the limitations of this part. *For purposes of this*
23 *subdivision, the term "directly related" includes any*
24 *medical records or information regarding a prior injury*
25 *that is directly related to an existing claim and necessary*
26 *for the purpose of resolving that claim.*

27 (g) (Law enforcement) Information and records
28 maintained by a health facility which are sought by a law
29 enforcement agency under Chapter 3.5 (commencing
30 with Section 1543) of Title 12 of Part 2 of the Penal Code.

31 (h) (Investigations of employment accident or illness)
32 Information and records sought as part of an investigation
33 of an on-the-job accident or illness pursuant to Division 5
34 (commencing with Section 6300) of the Labor Code or
35 pursuant to Section 105200 of the Health and Safety Code.

36 (i) (Alcohol or drug abuse) Information and records
37 subject to the federal alcohol and drug abuse regulations
38 (Part 2 (commencing with Section 2.1) of subchapter A
39 of Chapter 1 of Title 42 of the Code of Federal



1 Regulations) or to Section 11977 of the Health and Safety
2 Code dealing with narcotic and drug abuse.

3 (j) (Patient discharge data) Nothing in this part shall
4 be construed to limit, expand, or otherwise affect the
5 authority of the California Health Facilities Commission
6 to collect patient discharge information from health
7 facilities pursuant to Section 441.18 of the Health and
8 Safety Code.

9 (k) Medical information and records disclosed to, and
10 their use by, the Insurance Commissioner, the
11 Commissioner of Corporations, the Division of Industrial
12 Accidents, the Workers' Compensation Appeals Board,
13 the Department of Insurance, or the Department of
14 Corporations.

15 SEC. 2. No reimbursement is required by this act
16 pursuant to Section 6 of Article XIII B of the California
17 Constitution because the only costs that may be incurred
18 by a local agency or school district will be incurred
19 because this act creates a new crime or infraction,
20 eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition
23 of a crime within the meaning of Section 6 of Article
24 XIII B of the California Constitution.

