

Requested by Representative SCHARF

**PROPOSED AMENDMENTS TO
HOUSE BILL 2440**

1 On page 1 of the printed bill, line 22, after “individual” insert “beyond
2 the authorization necessary to provide the social services or supports”.

3 After line 25, insert:

4 “(f) May not disclose information of an individual obtained by means of
5 the community information exchange to a third party that is not a partic-
6 ipant of the community information exchange unless:

7 “(A) The individual or a personal representative of the individual specif-
8 ically authorizes the entity to disclose the information to the third party;
9 and

10 “(B) The third party agrees to comply, with respect to the information,
11 with the requirements in this subsection and subsections (3) and (4) of this
12 section, except the third party is not required to use the community infor-
13 mation exchange.”.

14 On page 2, line 1, delete “or” and insert a comma and after “disclose”
15 insert “or sell”.

16 In line 2, delete “one year” and insert “ten years”.

17 After line 5, insert:

18 “(c) The use of a checkbox or radio button on a website to obtain au-
19 thorization under subsection (2)(e) of this section is invalid.

20 “(d) An authorization to access, use or disclose information of an indi-
21 vidual under this section shall be limited to and required for each instance

1 of referral for social services or supports.

2 “(4) An entity that is a participant in a community information exchange
3 shall implement policies and controls that:

4 “(a) Define the staff roles necessary to, using the community information
5 exchange:

6 “(A) Carry out a referral;

7 “(B) Provide social services and supports; and

8 “(C) Provide care coordination;

9 “(b) Enable access to information as necessary to ensure an uninterrupted
10 and efficient delivery of social services and supports and care coordination;
11 and

12 “(c) Prohibit or restrict access to information for a staff member, volun-
13 teen or other individual when unnecessary to carry out staff roles.

14 “(5) Notwithstanding subsection (2) of this section, an entity that is a
15 participant in a community information exchange may access, use or disclose
16 information without authorization if the access, use or disclosure is neces-
17 sary solely to comply with:

18 “(a) A legal obligation; or

19 “(b) Reporting requirements for receiving state or federal grant moneys.

20 “(6) Applicable state and federal privacy laws and regulations supersede
21 any inconsistent provision of this section to the extent of the
22 inconsistency.”.

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