

# HOUSE BILL No. 1127

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-39-11.

**Synopsis:** Transmission of health information. Specifies requirements that must be met for certain health related entities to transfer certain health information to a location outside the United States.

**Effective:** July 1, 2007.

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**Stilwell, Oxley**

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January 8, 2007, read first time and referred to Committee on Insurance.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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# HOUSE BILL No. 1127



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-88.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2007]: **Sec. 88.5. "Covered entity", for**  
4 **purposes of IC 16-39-11, has the meaning set forth in**  
5 **IC 16-39-11-1.**

6 SECTION 2. IC 16-18-2-188.1 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2007]: **Sec. 188.1. "Individually identifiable**  
9 **health information", for purposes of IC 16-39-11, has the meaning**  
10 **set forth in IC 16-39-11-2.**

11 SECTION 3. IC 16-39-11 IS ADDED TO THE INDIANA CODE  
12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2007]:

**Chapter 11. Transfers of Health Information**

15 **Sec. 1. As used in this chapter, "covered entity" has the meaning**  
16 **set forth in 45 CFR 160.103.**

17 **Sec. 2. As used in this chapter, "individually identifiable health**



information" has the meaning set forth in 45 CFR 160.103.

Sec. 3. Before a covered entity enters into or renews a contract with a person for the person to receive individually identifiable health information from the covered entity, the covered entity shall obtain a disclosure from the person concerning whether the individually identifiable health information will be transmitted to a location outside the United States.

Sec. 4. (a) A covered entity and a person described in section 3 of this chapter may not transmit an individual's individually identifiable health information to a location outside the United States unless all the following apply:

- (1) The covered entity discloses to the individual:
  - (A) at the time of enrollment;
  - (B) at the time of admission to care; or
  - (C) if the covered entity does not enroll or admit the individual, at the time the covered entity receives the individual's individually identifiable health information; and annually thereafter, that the individual's individually identifiable health information may be transmitted to a location outside the United States.
- (2) The covered entity obtains an annual, written consent from the individual for the individually identifiable health information to be transmitted to a location outside the United States.
- (3) The covered entity annually notifies the individual that the individual may revoke the individual's consent in writing at any time.
- (4) The requirements of this section are undertaken by the covered entity itself and not a physician employed by or under contract with the covered entity.

(b) This section does not apply to a transmission of individually identifiable health information to a location outside the United States that is requested by the individual because the individual seeks health care services at the location outside the United States.

Sec. 5. (a) A covered entity shall use a consent form to obtain the consent required under section 4 of this chapter.

(b) The consent form required under subsection (a) must clearly and conspicuously disclose all the following:

- (1) That by signing the form, the individual consents to the transmission of the individual's individually identifiable health information to a location outside the United States.
- (2) That, unless renewed by the individual, the consent is

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1           **considered to have been revoked one (1) year after the consent**  
2           **is signed.**  
3           **(3) That the individual may revoke the consent in writing at**  
4           **any time.**  
5           **(4) The procedure by which the consent may be revoked.**  
6           **(c) A consent form that meets the requirements of subsection (b)**  
7           **is valid upon an individual's signing and dating the consent form.**  
8           **Sec. 6. A covered entity shall not discriminate against an**  
9           **individual or deny an individual services due to the refusal of the**  
10           **individual to provide a consent under this chapter.**

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