

IDPH Legislative Update
Iowa Department of Public Health
February 13, 2012

The Fifth Week

The following are some highlights from the fifth week of the 2012 Session.

IDPH Legislative Package Update

• **The IHIN Bill Passes out of the House and Senate Human Resources Committees!**

The department's e-Health/Iowa Health Information Network (IHIN) legislation, [Senate Study Bill \(SSB\) 3056](#), was passed out of the Senate Human Resources Standing Committee on Wednesday, February 8 with an amendment that is included in the appendices here. The amendment includes the following changes:

- Amends language where applicable to refer to federal Health Insurance Portability and Accountability Act (HIPAA) definitions.
 - Clarifies that participants of the IHIN are required to use a patient's protected health information only for the purposes intended when it is requested from the IHIN.
 - Adds private health information networks to the Iowa Health Information Network's exemption from state laws that are more restrictive than HIPAA that would prevent the exchange of patient information by the patient's health care professionals.
 - Requires the Iowa State Board of Health to adopt rules within twelve months from the time this legislation passes that provide for the processes that patients may use to decline participation in the IHIN.
 - Directs IDPH to review the potential use, release, or disclosure of protected health information for purposes of research. The department is required to submit a report within twelve months of the passage of the bill.
- [House Study Bill \(HSB\) 561](#), was also passed out of the House Human Resources Standing Committee on Wednesday, February 8 with an amendment that is included in the appendices here. The amendment includes the following changes:
- Amends language where applicable to require that participants in the IHIN abide by state and federal laws relating to the use of protected health information.
 - Clarifies that participants of the IHIN are required to limit the use and disclosure of protected health information for payment or health care operations to the minimum amount required to accomplish the intended purpose of the use of the requested information. In other words, the security of a patient's protected health information should only be used for the purposes intended. This is the same language as bullet number 2 in the Senate amendment summary.
 - Requires the Iowa State Board of Health to adopt rules within twelve months from the time this legislation passes that provide for the processes that patients may use to decline participation in the IHIN.
- **Technical/Omnibus Bill Subcommittees Scheduled in the House and Senate.** In the House, the bill number is [HSB 562](#) and has been assigned to the subcommittee of Representatives [Ron Jorgensen](#) (chair), [Kevin Koester](#), and [Cindy Winckler](#). The meeting that was tentatively scheduled for Tuesday, February 7 at 8:15 a.m. was cancelled.

Instead of working on HSB 562, the House has opted to introduce a new version of the bill, [HSB 622](#). The same subcommittee for HSB 562 has been assigned to this bill as well. A meeting has been tentatively scheduled for Tuesday, February 14 at 12:00 p.m. The following are the differences in HSB 622 compared to HSB 562:

- Strikes Division II of HSB 562 relating to radiological health. We believe that this was done in error. We had asked to have Section 2 of HSB 562 removed and it appears that the entire Division II was removed instead. We will provide an amendment to correct this miscommunication.

- Removes the language that reinstates the Governor's Council on Physical Fitness.
- Adds a new division with a reporting requirement relating to federal grants that the department applies for or renews with a value over \$1,000. This language was in last year's Health and Human Services Appropriations Act and was vetoed by Governor Branstad. His veto message indicated that it is a duplicative requirement since this information is already submitted to the Department of Management (DOM) by state entities. DOM provides a semi-annual report to the legislature with the reported information included.

In the Senate, the bill number is [SSB 3085](#) and the subcommittee of Senators [Joe Bolkcom](#) (chair), [Jack Hatch](#), and [David Johnson](#) held a meeting on Monday, February 6 at 3:00 p.m. It was a positive discussion with several questions asked of IDPH staff who did a wonderful job providing education to the subcommittee members.

- We would like to extend our appreciation and thanks to the members of the subcommittees and committees as they continue to consider our legislative proposals. To understand how a bill moves through the legislative process, click [here](#).
- **Other Committee Work.**
 - To see the agendas and minutes for Senate Human Resources, please click [here](#).
 - To see the agendas and minutes for House Human Resources, please click [here](#).
 - For information on the Joint Health and Human Services Appropriations Subcommittee, please click [here](#).

[Bill Subcommittees Attended](#)

Subcommittees were held on the following bills and attended by IDPH staff:

- [SSB 3092](#) relating to the regulation of occupational therapist services.
- [SSB 3097](#) relating to the human papillomavirus (HPV).
- [SSB 3079](#) relating to the creation of a licensed social worker loan repayment program.
- [SSB 3053](#) relating to the supervision of physician assistants.
- [SSB 3078](#) relating to the establishment of a board of direct care professionals.
- [HF 2219](#) requiring diabetes management care in public and nonpublic schools.

[Other Information](#)

- The IDPH 2011 Annual Report and Budget Summary has been published! This report provides audiences with general information about the many program areas that IDPH is involved in, how that work is funded, and the results that are achieved. To view the report, please click [here](#).
- The Iowa General Assembly website is a great source of legislative information. The address is www.legis.iowa.gov. It's easy to find your legislator, get information on committee members, view photos of legislators and access bills. Please take some time to check it out.
- Did you know you can listen to the chamber floor debates? You can also watch the floor debates in the house chamber. Click [here](#) for more information. To view the daily debate calendars for each chamber click on the home page link in the paragraph above and then click on the "Tentative Senate Debate Calendar" or "Tentative House Debate Calendar" above the senate and house floor action windows.

[Information on the Legislative Update](#)

The Legislative Update is also posted on the IDPH website at www.idph.state.ia.us/newsletters.asp. To subscribe to the IDPH Legislative Update, please send a blank email to join-IDPHLEGUPDATE@lists.ia.gov.

Senate Study Bill 3056

1 Amend Senate Study Bill 3056 as follows:

2 1. Page 1, by striking lines 17 through 25 and
3 inserting:

4 <NEW SUBSECTION. 3A. "Health information"
5 means health information as defined in 45 C.F.R. §
6 160.103 that is created or received by an authorized
7 participant.>

8 2. Page 1, after line 30 by inserting:

9 <NEW SUBSECTION. 4B. "Hospital" means licensed
10 hospital as defined in section 135B.1.

11 NEW SUBSECTION. 4C. "Individually identifiable
12 health information" means individually identifiable
13 health information as defined in 45 C.F.R. §
14 160.103 that is created or received by an authorized
15 participant.>

16 3. Page 2, by striking lines 15 through 27 and
17 inserting:

18 <NEW SUBSECTION. 5F. "Protected health information"
19 means protected health information as defined in 45
20 C.F.R. § 160.103 that is created or received by an
21 authorized participant.>

22 4. Page 11, line 1, after <by> by inserting <state
23 or federal>

24 5. Page 11, line 2, after <information> by
25 inserting <for payment or health care operations>

26 6. Page 11, line 5, after <applicable> by inserting
27 <state or>

28 7. Page 12, by striking lines 21 and 22 and
29 inserting <the Iowa health information network or a
30 private health information network maintained in this
31 state that complies with the privacy and security
32 requirements of this chapter for the purposes of
33 patient treatment, a health care professional or a
34 hospital is exempt from any other>

35 8. Page 12, by striking line 26 and inserting
36 <health care professional or hospital.>

37 9. Page 13, after line 11 by inserting:

38 <Sec. _____. ADOPTION OF RULES. The state board
39 of health shall adopt rules within twelve months
40 of the effective date of this Act, pursuant to the
41 directive in section 135.156E, as enacted in this Act,
42 to provide the means and process by which patients may
43 decline participation in the Iowa health information
44 network, in whole or in part, including but not limited
45 to, in consultation with the patient's health care
46 professional, limiting health information associated
47 with a specific visit from being exchanged through the
48 Iowa health information network.

49 Sec. _____. DETERMINATION OF USE, RELEASE, OR
50 DISCLOSURE OF PROTECTED HEALTH INFORMATION. The

1 department of public health shall review the potential
2 of the use, release, or disclosure of protected
3 health information under this Act for the purposes
4 of research, and shall submit its findings and
5 recommendations to the general assembly within twelve
6 months of the effective date of this Act.>

PROPOSED COMMITTEE AMENDMENT

House Study Bill 561

- 1 Amend House Study Bill 561 as follows:
2 1. Page 2, by striking lines 16 through 20 and
3 inserting <individually identifiable health information
4 which is created, transmitted, or received by a>
5 2. Page 11, line 1, after <by> by inserting <state
6 or federal>
7 3. Page 11, line 2, after <information> by
8 inserting <for payment or health care operations>
9 4. Page 11, line 5, after <applicable> by inserting
10 <state or>
11 5. Page 13, after line 11 by inserting:
12 <Sec. _____. ADOPTION OF RULES. The state board of
13 health shall adopt rules within twelve months of the
14 effective date of this Act, pursuant to the directive
15 in section 135.156E, as enacted in this Act, to provide
16 the means and process by which patients may decline
17 participation in the Iowa health information network.>

PROPOSED COMMITTEE AMENDMENT