

**FORTY-EIGHTH LEGISLATURE
SECOND SPECIAL SESSION**

August 19, 2008

Mr. Speaker:

Your **CONFERENCE COMMITTEE**, to whom has been referred

**HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 5, as amended**

has had it under consideration and reports same with the following recommendation:

1. Senate Floor Amendment 2 be APPROVED.
2. The following senate floor amendments be DISAPPROVED:
Nos. 1, 3, 4, 5 and 6.
3. The following house floor amendments be DISAPPROVED:
Nos. 1 and 2.

and that the bill be amended further as follows:

4. On page 3, strike line 25.
5. On page 4, strike lines 1 through 3 and insert in lieu thereof:

"arrangement among persons participating in a defined secure electronic network service, such as a regional health information organization, that allows the sharing of health care information about individual patients among different health care institutions or unaffiliated providers. The use of an electronic medical record system by a health care provider or by an

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organized health care arrangement as defined by the federal Health Insurance Portability and Accountability Act of 1996 does not constitute a health information exchange;".

6. On page 4, line 16, after "means", strike the remainder of the line, strike lines 17 and 18 and on line 19, strike "individual" and insert in lieu thereof:

"an information service that contains demographic information and the location of health care information of a specified individual across different health care institutions or unaffiliated providers that participate in the service. The use of an electronic medical record system by a health care provider or by an organized health care arrangement as defined by the federal Health Insurance Portability and Accountability Act of 1996 does not constitute a record locator service".

7. On page 6, line 6, after "law", insert "and without the consent of the individual".

8. On page 8, line 2, after "service.", insert:

"An individual's request for exclusion of information shall be in writing and shall include a waiver of liability for any harm caused by the exclusion of the individual's information.".

9. On page 9, between lines 7 and 8, insert the following new section:

"Section 7. LIABILITY.--If an individual requests to exclude all of the individual's information from the record locator service pursuant to Subsection E of Section 6 of the Electronic Medical Records Act, the record locator service, health information exchange, health care institution or provider

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shall not be liable for any harm to the individual caused by the exclusion of the individual's information."

10. Renumber the succeeding sections accordingly.

11. On page 9, line 18, strike "PROHIBITION OF", strike "Except" and strike lines 19 through 22 in their entirety and insert in lieu thereof:

"An agency or political subdivision may only promulgate rules for the disclosure and protection of electronic medical records."

Respectfully submitted,

Al Park

Peter Wirth

Eric A. Youngberg

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____