

HCS SS SCS SB 1041 -- PERSONAL HEALTH INFORMATION

SPONSOR: Gibbons (Weter)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 13 to 0.

This substitute creates the crime of knowingly obtaining, receiving, or selling personal health information without consent if the person:

(1) Solicits, procures, attempts to procure, or conspires to procure personal health information with the knowledge that the person to whom the information pertains has not given consent to do so; or

(2) Sells, attempts to sell, or receives personal health information by fraudulent, deceptive, or false means and without the consent of the person to whom the information pertains.

Any insurance company, workers' compensation carrier, third-party administrator, or employer administering or investigating a workers' compensation claim will not be guilty of this crime if they obtain, use, disclose, or permit access to personal health information as permitted by state laws.

The crime will be a class D felony if committed against less than five persons and a class C felony if committed against more than five persons.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2007, FY 2008, and FY 2009. No impact on Other State Funds in FY 2007, FY 2008, and FY 2009.

PROPONENTS: Supporters say that the misuse of handling medical records is a serious action which must be criminalized.

Testifying for the bill was Senator Gibbons.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that although the bill will permit insurance companies to continue their practices as permitted by state law, the practices should also be permitted under federal laws.

Others testifying on the bill was Blue Cross Blue Shield of Missouri.

Kristina Jenkins, Legislative Analyst