

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2249**

As Recommended by Senate Committee on
Ways and Means

Brief*

Senate Sub. for Senate Sub. for HB 2249 amends one of the provisions of the Kansas Health Information Technology and Exchange Act. Under the current law, the Act would supersede any state law which is contrary to or inconsistent with or more restrictive than the provisions of the Health Insurance Portability and Accountability Act (HIPAA). Two of the existing exceptions to this provision are peer reviews and risk management statutes. The bill would delete the third exception: any statutory health care provider-patient privilege. The bill also includes a provision stating this act would not limit or restrict the state agency's authority to require the disclosure of health information pursuant to law.

Background

The contents of 2011 Senate Sub. for HB 2249 were enacted in 2011 HB 2182 (originally SB 133, establishing the Kansas Health Information Technology and Exchange Act).

The Senate Ways and Means Committee recommended a substitute bill to incorporate the provisions of SB 469 as amended by the Senate Committee. The Committee adopted amendments to the language of SB 469 to clarify that current HIPPA exceptions were not intended to affect any statutory evidentiary privilege protections.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

SB 469 was heard in Senate Ways and Means. A representative of the Kansas Medical Society (KMS) testified in favor of the bill and noted the Health Information Exchange Act's purpose was to harmonize the state's health care privacy and confidentiality laws with HIPAA. The KMS representative noted an unintended consequence occurred while amending the Act last year: the bill unintentionally left certain mental health treatment facilities privacy provisions as they were—not in uniformity with HIPAA.

There were no opponents to the bill at the time of the Senate Committee hearing. The fiscal note prepared by the Division of the Budget on SB 469, as introduced, states passage of the bill would have no fiscal effect.