

April 1, 2003

**S 661. HEALTH CARE INFORMATION PRIVACY. TO PROTECT HEALTH INFORMATION PRIVACY BY PROHIBITING USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR PURPOSES OF MARKETING WITHOUT WRITTEN AUTHORIZATION OF THE INDIVIDUAL, AND BY LIMITING THE USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION WITHOUT WRITTEN AUTHORIZATION OF THE INDIVIDUAL, AND BY LIMITING THE USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION WITHOUT INDIVIDUAL AUTHORIZATION FOR CERTAIN PUBLIC HEALTH-RELATED ACTIVITIES.** Creates new Ch. 132A entitled "Privacy of Health Information" as title indicates. Prohibits covered entities from disclosing health information to marketing companies, except authorizes disclosure of such information to pharmaceutical companies upon consent of individual whose information is disclosed. Prohibits use or disclosure of health information without individual's written consent, except permits disclosure without consent for certain public health purposes. Establishes civil penalties to a maximum of \$3,000 per violation and \$250,000 where a pattern of violations occurs, and provides for suspension of applicable licenses for violations. Effective Jan. 1, 2004.

**Intro. by Reeves.**

Ref. to Commerce	GS 132A
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May 1, 2003

**S 661. HEALTH CARE INFORMATION PRIVACY.** Intro. 4/1/03. Senate committee substitute makes the following changes to 1st edition. Deletes provision restricting disclosure of protected health information to persons subject to jurisdiction of Food and Drug Administration. Rewrites definition of "marketing" with respect to provisions limiting use of such information for marketing. Rewrites prohibition on marketing, as follows: (1) prohibits covered entity, in marketing of its products and services, from disclosing protected health information or from using protected health information to market products or services of another entity; and (2) allows covered entity to use protected health information to market nonhealth-related products and services only if individual consents and entity provides clear notice of disclosure practices to that individual. Increases maximum civil penalty for violation of act from \$3,000 to \$5,000.

July 19, 2003

**S 661. PRISONER HEALTH INFORMATION/EMS CHANGES (NEW).** Intro. 4/1/03. House committee substitute adopted 7/18/03 makes the following changes to 2nd edition. Replaces existing bill with completely new bill entitled **AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN.** Adds new GS 153-225 (b1) as title indicates. Adds new 14-69.3 as title indicates, new sec. substantially identical to sec. 1 of S 867 introduced 4/3/03, except provides that injury to emergency medical technician shall be included in offense and adds definition of "emergency medical technician." Sec. 3.(b) of act provides that if sec. 1 of S 867 is enacted, that sec. shall be repealed upon enactment. Amends GS 131E-155 to add definition of "emergency medical services instructor" and "emergency medical services peer review committee" and to delete definition of "emergency medical technician defibrillation." Further amends sec. to provide that upon completion of an approved orientation program, emergency medical services-nurse practitioners and physicians assistants, and mobile intensive care nurses are authorized to issue instructions to EMS personnel. Amends GS 131E-162 to require that the NC Medical Care Comm'n establish guidelines for the establishment of regional trauma peer review committees and to specify the responsibilities of those committees. Adds new GS 143-508(13) to require that Comm'n establish occupational standards for EMS systems, educational institutions, and specialty care transport programs. Amends GS 143-519(b) to increase membership of Emergency Medical Services Disciplinary Comm. to seven members (was, five members). Makes technical and conforming changes.

July 19, 2003

**S 661. PRISONER HEALTH INFORMATION/EMS CHANGES.** Intro. 4/1/03. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy. Adds new GS 14-49(b2) to make it a Class E felony to willfully and maliciously damage, by any explosive or incendiary device or material, the State Capitol, Legislative Building, Justice Building, or any building owned or occupied by the state or any of its agencies or by any county, municipality, or other governmental entity.

August 20, 2003

**SL 2003-392 (S 661). PRISONER HEALTH INFORMATION/EMS CHANGES.** AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, TO INCREASE THE CRIMINAL PENALTY FOR DAMAGING A PUBLIC BUILDING WITH AN EXPLOSIVE OR INCENDIARY DEVICE OR MATERIAL, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN. Summarized in *Daily Bulletin* 7/19/03. Enacted August 7, 2003. Section 3 is effective December 1, 2003. The remainder of this act is effective August 7, 2003.