

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 667 Session of  
1997

INTRODUCED BY DeLUCA, MIHALICH, STABACK, BELARDI, KIRKLAND,  
THOMAS, YOUNGBLOOD, HERSHEY, FLICK, CLARK AND GEIST,  
MARCH 3, 1997

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
MARCH 3, 1997

AN ACT

1 Regulating the release of information regarding patients of  
2 health care practitioners.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Definitions.

6 The following words and phrases when used in this act shall  
7 have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 "Health care practitioner." A physician as defined in the  
10 act of October 5, 1978 (P.L.1109, No.261), known as the  
11 Osteopathic Medical Practice Act, or a medical doctor as defined  
12 by the act of December 20, 1985 (P.L.457, No.112), known as the  
13 Medical Practice Act of 1985.

14 Section 2. Termination of practice.

15 (a) General rule.--A health care practitioner shall give  
16 written notice to each patient not later than 60 days prior to  
17 leaving practice.

(b) Content of notice.--The notice required under subsection (a) shall include a statement that the patient's records are confidential and will not be sold or otherwise made available to another health care practitioner if the patient objects. The notice shall also include such additional information as the health care practitioner deems appropriate or as the health care practitioner's licensing board directs.

(c) Publication.--In addition to the notice required under subsection (a), a health care practitioner shall cause a similar notice to be published not later than 60 days prior to leaving practice in the same manner as notices of disciplinary action are published in accordance with section 810(a)(10) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

#### Section 3. Estates.

(a) General rule.--The estate of a health care practitioner shall give written notice to each patient not later than 60 days prior to selling the patient's records or otherwise making them available.

(b) Content of notice.--The notice required under subsection (a) shall include a statement that the patient's records are confidential and will not be sold or otherwise made available to another health care practitioner if the patient objects. The notice shall also include such additional information as the estate deems appropriate or as the deceased health care practitioner's licensing board directs.

(c) Publication.--In addition to the notice required under subsection (a), the estate shall cause a similar notice to be published not later than 60 days prior to selling the patient's records or otherwise making them available to another health

1 care practitioner in the same manner as notices of disciplinary  
2 action are published in accordance with section 810(a)(10) of  
3 the act of April 9, 1929 (P.L.177, No.175), known as The  
4 Administrative Code of 1929.

5 Section 4. Restrictions on transfer.

6 (a) Objection to practitioner.--A written notice from a  
7 patient to a health care practitioner objecting to having the  
8 patient's records sold or otherwise made available to another  
9 health care practitioner shall be sufficient to impose a duty on  
10 the patient's health care practitioner not to sell or otherwise  
11 make the records available to another health care practitioner  
12 if the written notice is received by the health care  
13 practitioner prior to the date on which the health care  
14 practitioner leaves practice or, if later, prior to the date on  
15 which the health care practitioner sells the records or  
16 otherwise makes them available to another health care  
17 practitioner.

18 (b) Objection to estate.--A written notice from a patient to  
19 the estate of a health care practitioner objecting to having the  
20 patient's records sold or otherwise made available to another  
21 health care practitioner shall be sufficient to impose a duty on  
22 the estate not to sell or otherwise make the records available  
23 to another health care practitioner if the written notice is  
24 received by the estate within 60 days after notice is given  
25 under section 3(a), within 60 days after publication under  
26 section 3(c) or prior to the date on which the estate sells the  
27 records or otherwise makes them available to another health care  
28 practitioner, whichever is later.

29 (c) Consent required for practitioner.--Unless the patient  
30 consents in writing, a health care practitioner, in conjunction

1 with leaving practice or otherwise, shall not sell a patient's  
2 records to a health care practitioner of another discipline or  
3 sell a patient's records other than in the course of a  
4 professional business transaction.

5 (d) Consent required for estate.--Unless the patient  
6 consents in writing, the estate of a health care practitioner  
7 shall not sell a patient's records to a health care practitioner  
8 of another discipline or sell a patient's records other than in  
9 the course of a professional business transaction.

10 Section 5. Penalty.

11 (a) Practitioner.--Any health care practitioner who  
12 knowingly sells or makes a patient's records available in  
13 violation of this act shall be subject to disciplinary action by  
14 the appropriate licensing board and shall be liable for any loss  
15 or damage suffered by the patient because of the violation.

16 (b) Estate.--The estate of a health care practitioner which  
17 knowingly sells or makes a patient's records available in  
18 violation of this act shall be liable for any loss or damage  
19 suffered by the patient because of the violation.

20 Section 6. Effective date.

21 This act shall take effect in 60 days.