

SENATE CS FOR HOUSE BILL NO. 114(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE

Offered: 4/25/97

Referred: Today's Calendar

**Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY
REQUEST**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to health care data and registration of births."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 09.65 is amended by adding a new section to read:

4 Sec. 09.65.161. Immunity for disclosure of required health care data. A
5 person who reports health care data required to be reported under AS 18.05 and
6 regulations adopted under that chapter for conditions or diseases of public health
7 significance may not be held liable for the disclosure to the Department of Health and
8 Social Services or for the use of the data by the department.

9 * Sec. 2. AS 18.05 is amended by adding a new section to read:

10 Sec. 18.05.042. Access to health care records. (a) The department may,
11 during reasonable business hours, inspect health care records maintained by physicians
12 and other health care professionals, hospitals, out-patient clinics, nursing homes, and
13 other facilities or agencies providing health care services to patients that would identify
14 patients or establish characteristics of an identified patient with cancer required to be
15 reported under 42 U.S.C. 280e - 280e-4, or a birth defect or infectious disease required

1 to be reported to protect the public health under this chapter and regulations adopted
 2 under this chapter. Disclosure of these health care records to the department does not
 3 constitute a breach of patient confidentiality.

4 (b) The department may conduct research using health care data reported under
 5 (a) of this section. The department may provide data obtained under (a) of this section
 6 to other persons for clinical, epidemiological, or other public health research.

7 (c) Data obtained or a record inspected under this section that identifies a
 8 particular individual

9 (1) is confidential;

10 (2) may not be further disclosed to other persons except by the
 11 department under (b) of this section; and

12 (3) is not subject to inspection or copying under AS 09.25.110 -
 13 09.25.125.

14 * **Sec. 3.** AS 18.50.160(a) is repealed and reenacted to read:

15 (a) A certificate of birth for each live birth that occurs in the state shall be
 16 filed with the bureau, as provided in this section, within five days after the birth.
 17 When a birth occurs on a moving conveyance within the United States and the child
 18 is first removed from the conveyance in this state, the birth shall be registered in this
 19 state and the place where the child is first removed shall be considered the place of
 20 birth. When a birth occurs on a moving conveyance in international waters,
 21 international air space, a foreign country, or a foreign country's air space and the child
 22 is first removed from the conveyance in this state, the birth shall be registered in this
 23 state but the certificate shall show the actual place of birth if the place can be
 24 determined.

25 * **Sec. 4.** AS 18.50.160(b) is repealed and reenacted to read:

26 (b) When a birth occurs in or en route to an institution, the person in charge
 27 of the institution or a designated representative of the person in charge of the
 28 institution shall obtain the personal data, prepare the certificate, certify that the child
 29 was born alive at the place and time and on the date stated either by signature on the
 30 certificate or another certification process, including an electronic process, approved
 31 by the bureau, and file the certificate as directed in (a) of this section. The physician

- 1 or other person in attendance shall provide the medical information required by the
- 2 certificate within 72 hours after the birth.