REFERENCE TITLE: medical information; rights

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1597

Introduced by
Senator Barto

AN ACT

AMENDING TITLE 12, CHAPTER 13, ARTICLE 7.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-2298; RELATING TO MEDICAL RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 12, chapter 13, article 7.1, Arizona Revised Statutes, is amended by adding section 12-2298, to read:

12-2298. Medical information; rights

A. A PERSON HAS THE FOLLOWING RIGHTS REGARDING THE PERSON'S MEDICAL RECORDS:

1. THE RIGHT TO ACCESS AND OBTAIN MEDICAL INFORMATION FREE OF CHARGE ONCE EACH YEAR AND TO OBTAIN ADDITIONAL COPIES OF THIS MEDICAL INFORMATION AT A REASONABLE CHARGE.

2. THE RIGHT TO ACCESS MEDICAL INFORMATION DURING THE COURSE OF TREATMENT.

3. THE RIGHT TO EXPECT THE PERSON'S MEDICAL INFORMATION TO BE ACCURATE AND AS COMPLETE AS POSSIBLE.

4. THE RIGHT FOR THE PERSON OR THE PERSON'S PERSONAL REPRESENTATIVE TO KNOW WHO PROVIDES, ACCESSES AND UPDATES THE PERSON'S HEALTH INFORMATION, EXCEPT AS PRESCRIBED BY FEDERAL LAW.

5. THE RIGHT TO EXPECT HEALTH CARE PROFESSIONALS AND OTHERS WHO HAVE LAWFUL ACCESS TO THE PERSON'S HEALTH INFORMATION TO BE HELD ACCOUNTABLE FOR VIOLATIONS OF ALL PRIVACY AND SECURITY LAWS, POLICIES AND PROCEDURES, INCLUDING THE SHARING OF USER IDENTIFICATION AND PASSWORDS.

6. THE RIGHT TO EXPECT EQUIVALENT MEDICAL INFORMATION PRIVACY AND SECURITY PROTECTIONS TO BE AVAILABLE TO ALL HEALTH CARE CONSUMERS REGARDLESS OF STATE OR GEOGRAPHIC BOUNDARIES OR THE LOCATION WHERE TREATMENT OCCURS.

7. THE RIGHT FOR THE OPPORTUNITY FOR PRIVATE LEGAL RECOURSE IF THERE IS A BREACH OF THE PERSON'S MEDICAL INFORMATION THAT CAUSES HARM.

B. THIS SECTION DOES NOT ESTABLISH ANY NEW LEGALLY ENFORCEABLE RIGHT OR CAUSE OF ACTION ON BEHALF OF ANY PERSON.