HB 406-FN - AS INTRODUCED

2023 SESSION

23-0629
06/10

HOUSE BILL ***406-FN***

AN ACT relative to parental access to children's medical records.

SPONSORS: Rep. Kofalt, Hills. 32; Rep. McMahon, Rock. 17; Rep. Stapleton, Sull. 6; Rep. Simon, Graf. 1; Rep. M. Pearson, Rock. 34; Rep. Notter, Hills. 12; Rep. Testerman, Merr. 3; Rep. Plett, Hills. 29; Rep. Moffett, Merr. 4; Rep. Potucek, Rock. 13; Rep. Terry, Belk. 7; Sen. Avard, Dist 12; Sen. Gannon, Dist 23

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill expands parents access to their 13 to 18-year-old children's medical records without their children providing a release to each medical provider.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to parental access to children's medical records.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Release of a Minor's Medical Records to a Parent or Guardian. Amend RSA 332-I by inserting after section 4 the following new section:

332-I:4-a Release of a Minor's Medical Records to a Parent or Guardian. A minor's parent or legal guardian shall have access to a minor's medical record unless:

I. Consent from the parent or legal guardian is not required for the minor to receive the medical care or treatment, as directed by federal or specific state law. In such cases, the minor may provide specific, written consent for release of the medical records to the parent or legal guardian.

II. The health care provider reasonably believes, in his or her professional judgment, that the child has been or may be subjected to domestic violence, abuse or neglect, and that release of the medical records to the parent or guardian could endanger the child.

III. The parent or legal guardian agrees to a confidential communication between the minor and a health care provider, as described by HIPAA, 45 C.F.R. 164.502(g)(3).

2 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0629
12/22/22

HB 406-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to parental access to children's medical records.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill expands parents access to their children's medical records unless certain exceptions apply. The Judicial Branch states there may be an indeterminable impact on General fund expenditures to the extent additional ligation arises to enforce the provisions of this bill. The Judicial Branch is unable to determine how many additional cases may be filed, if any.

It is assumed any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Judicial Branch