

HB 601-FN - AS INTRODUCED

2021 SESSION

21-0724
04/05

HOUSE BILL

601-FN

AN ACT relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

SPONSORS: Rep. Ammon, Hills. 40; Rep. Sylvia, Belk. 6; Rep. Notter, Hills. 21; Sen. Daniels, Dist 11

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill requires that the privacy of personal information retained by a health or social service agency be protected and prohibits the sharing of such information between such agencies.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

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

1 1 New Subdivision; Health or Social Service Agency Personal Information Privacy. Amend RSA
2 126-A by inserting after section 88 the following new subdivision:

3 Health or Social Service Agency Personal Information Privacy

4 126-A:89 Health or Social Service Agency; Personal Information Privacy.

5 I. When an individual consents to receive assistance from any health or social service agency
6 in the state of New Hampshire, the consent given to the initial health or social service agency to use
7 the individual's personal information shall not be transferred to or retained by any other health or
8 social service agency, network, or entity.

9 II. No health or social service agency in the state of New Hampshire shall require a
10 individual's consent to share personal information with another health or social service agency in
11 this state or another state as a prerequisite for such individual to receive services from such health
12 or social service agency, including consent to share details regarding which health or social service
13 agency the individual has received help from in the past and associated information related to that
14 interaction. A health or social service agency shall explicitly and in writing inform any individual
15 seeking such assistance that lack of consent shall not affect the individual's ability to receive health
16 or social services from the agency and that the individual shall not be otherwise penalized.

17 III. The consent to the release of personal information to any health or social service agency
18 in the state shall not include consent to release personal information to other health or social service
19 agency, or a network of such agencies, to which the initial agency may belong, unless the individual
20 grants additional informed consent to the release of his or her personal information. Consent to the
21 release of personal information to a specific health or social service agency shall not include consent
22 to participate in a network of health or social service agency, unless the individual explicitly grants
23 such consent.

24 IV. Consent to the release of personal information to any health or social service agency in
25 the state shall not include the release of such information to a health or social service agency, or a
26 network of such agencies that merged after the individual consented to the initial release of personal
27 information.

28 V. No health or social service agency in this state shall develop or implement a searchable
29 database of an individual's personal information relating to the individual's interactions with

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another health or social service agency in this or another state, other than the personal information stored within the database of the health or social service agency providing the services to the individual. No searchable database shall be accessible by any health or social service agency or network of such agencies, or other individual, unless the individual who is the subject of the personal information provides explicit informed consent to such release.

VI. In this subdivision:

(a) "Consent" and "informed consent" shall mean the signature of the individual, and the date on which the signature was placed, on a piece of paper that states verbatim, in 14-point type or larger, the following:

CONSENT TO SHARE PERSONAL INFORMATION

Please choose what you want to happen to any personal information you provide to [here insert the name of a health or social service agency]? Choose one of options listed below. You will get the same services regardless of your choice

I give my consent to [here insert the name of a health or social service agency] to share my personal information with another health social service agency in this or any other state BUT NOT to have it included in a searchable database that may be accessed by another health or social service agency.

Signature _____ Date _____

OR

I give my consent to [here insert the name of a health or social service agency] to share my personal information with another health or social service agency in this or any other state and to have it INCLUDED IN A SEARCHABLE DATABASE that may be accessed by another health or social service agency.

Signature _____ Date _____

OR

I DO NOT GIVE MY CONSENT to [here insert the name of a health or social service agency] to share my personal information with another social service agency or to have it included in any searchable database.

Signature _____ Date _____

(b) "Health or social service agency" means an agency that offers a range of social services, funded by the government, or a private, for profit, or nonprofit organization, that promotes the well-being of individuals, families, and communities.

(c) "Personal information" shall include an individual's image, location, name, address, or telephone number; social security, health insurance policy, bank account, credit card or any other identification number; finger prints, voice prints, DNA and any other unique biological identification information; and any other data that would, alone or in combination with other data, enable the individual to be identified.

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1 2 Effective Date. This act shall take effect 60 days after its passage.

HB 601-FN- FISCAL NOTE
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AN ACT relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	☒ General	☐ Education	☐ Highway	☐ Other

METHODOLOGY:

The proposed legislation prohibits health or social service agencies from:

- sharing private health information unless consent, as defined in the legislation, is provided by individuals who received relevant services;
- requiring an individual to provide consent as a prerequisite to receive services;
- allowing any other "health or service agency" or individuals from accessing databases that contain personal health information; and
- storing personal information about an individual in a searchable database unless the individual provides consent, as defined in the legislation.

The Department of Health and Human Services anticipates the proposed legislation will lead to an indeterminable increase in costs to amend rules and forms, redesign Department databases, and track consenting and non-consenting individuals. The Department states that database redesign, in particular, may be costly. Federal funds may also be lost or paid back in the event of any violations of federal law.

It is assumed any fiscal impact from this bill will not occur until FY 2022.

AGENCIES CONTACTED:

Department of Health and Human Services