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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - OFFICE OF HEALTH AND
HUMAN SERVICES

Introduced By: Representative Patricia A. Serpa

Date Introduced: March 16, 2022

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human
2 Services" is hereby amended by adding thereto the following section:

3 **42-7.2-21. Closed-loop referral system privacy and security.**

4 (a) The secretary of the executive office of health and human services (EOHHS) pursuant
5 to the provisions of § 42-7.2-5, and any agency or department assigned to the secretary shall upon
6 implementation or utilization of a closed-loop referral system ensure that the system includes at a
7 minimum the following privacy and security protections:

8 (1) All individual personally identifiable information to include health care information
9 shall only be included or inputted into the system upon the express consent of the individual; and

10 (2) Any individual's personally identifiable information and health care information may
11 only be accessed as permitted pursuant to § 5-37.3-4 or upon consent of the individual. Express
12 consent shall be obtained prior to accessing any individual's information by a person or entity to
13 provide services related to a referral.

14 (b) Any individual providing consent for inclusion of information into the system may
15 revoke the consent at any time. To the extent permitted under federal and state law, upon revocation
16 of consent, all information relative to the individual's referral for services shall be removed or
17 deleted from the system within seven (7) days of revocation.

18 (c) If any breach of a security system for a closed-loop referral system should occur, then

1 notice of the breach shall be made pursuant to § 11-49.3-4. When practical, notice shall be provided
2 within forty-eight (48) hours of discovery of the breach.

3 (d) For purposes of this section, "closed-loop referral system" or "system" means any
4 system that stores an individual's personal identifiable information in a database that is shared by a
5 network of health care entities, public agencies, and community-based organizations for referral
6 purposes, which includes referrals to entities that are not covered under the Health Insurance
7 Portability and Accountability Act of 1996 (HIPAA). A closed-loop referral system encompasses
8 datasets containing personal referral information captured and stored in a database for use by public
9 and private entities, including community-based organizations, to provide services, update referral
10 activity, and close the loop on referral by updating downstream systems.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - OFFICE OF HEALTH AND
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1 This act would establish that closed-loop referral systems utilized by departments or
2 agencies under the executive office of health and human services shall ensure that an individual
3 would give consent before their personal or health care information is entered into the system. This
4 act would also provide that except for permitted access pursuant to § 5-37.3-4, the individual's
5 information would only be accessed upon consent.

6 This act would take effect upon passage.

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