

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH CARE  
ADVOCATE

Introduced By: Senator John P. Burke

Date Introduced: March 24, 2022

Referred To: Senate Health & Human Services

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-9.1-5 of the General Laws in Chapter 42-9.1 entitled "Office of  
2 Health Care Advocate" is hereby amended to read as follows:

3 **42-9.1-5. Powers of the attorney general.**

4 (a) The health care advocate shall be entitled to receive confidential health care information  
5 available to the department of health and to law enforcement to the extent authorized by, and in  
6 accordance with the provisions of chapter 37.3 of title 5, the confidentiality of health care  
7 communications and information act. Any such information shall not be disclosed by the health  
8 care advocate except pursuant to judicial process and shall not be used against a patient in any civil  
9 or criminal proceeding or in any other matter where the patient is identified or the identity of the  
10 patient is inferred.

11 (b) ~~Any confidential health care information received pursuant to this chapter shall not~~  
12 ~~include the name, address or social security number of the patient or other such information that~~  
13 ~~specifically identifies a patient.~~ Upon the completion of any investigation, administrative or legal  
14 action, all records obtained by the health care advocate pursuant to this section shall be destroyed.  
15 All costs incurred in providing the health care advocate with any information pursuant to this  
16 section shall be borne by the provider.

1 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 CARE  
ADVOCATE

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1           This act would permit the health care advocate to receive confidential health care  
2 information with individual patient information, but would prohibit the disclosure of the  
3 information, except pursuant to judicial process and would prohibit the use of the information  
4 against the patient in any civil or criminal proceeding or any matter when the patient is identified  
5 or where the identity of the patient is inferred.

6           This act would take effect upon passage.

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