

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public & Behavioral Health & Human Services.

HB22-1354 be amended as follows:

1 Amend printed bill, page 3, line 15, after "TREATING" insert "OR
2 EVALUATING".

3 Page 4, line 8, after "PROTECTED;" insert "AND".

4 Page 4, strike lines 9 through 22 and substitute:

5 "(II) (A) MAY DISCLOSE INFORMATION FROM THE CLAIMANT'S
6 MENTAL HEALTH RECORDS CONCERNING ANY WORK RESTRICTIONS PLACED
7 ON THE CLAIMANT TO THE CLAIMANT'S SUPERVISOR OR MANAGER AND
8 INFORMATION AS NECESSARY FOR THE ADJUSTMENT OR ADJUDICATION OF
9 A CLAIM, BUT SHALL NOT DISCLOSE THE CLAIMANT'S ACTUAL MENTAL
10 HEALTH RECORDS TO ANY THIRD PARTY WHO IS NOT DIRECTLY INVOLVED
11 IN MEDICALLY EVALUATING, ADJUSTING, OR ADJUDICATING CLAIMS
12 INVOLVING PSYCHOLOGICAL OR PSYCHIATRIC ISSUES WITHOUT THE
13 CONSENT OF THE CLAIMANT, UNLESS DISCLOSURE IS OTHERWISE ORDERED
14 BY THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

15 (B) NOTWITHSTANDING SUBSECTION (3)(c)(II)(A) OF THIS
16 SECTION, IF THE CLAIMANT'S MENTAL HEALTH PROVIDER OR PHYSICIAN
17 OBJECTS TO THE RELEASE OF MENTAL HEALTH RECORDS, THE
18 SELF-INSURED EMPLOYER SHALL NOT DISCLOSE THE MENTAL HEALTH
19 RECORDS TO ANY THIRD PARTY UNLESS OTHERWISE ORDERED BY THE
20 DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

21 (d) (I) A THIRD PARTY RECEIVING MENTAL HEALTH RECORDS
22 PURSUANT TO THIS SUBSECTION (3) SHALL NOT DISCLOSE THE CLAIMANT'S
23 ACTUAL MENTAL HEALTH RECORDS TO ANY PERSON WHO IS NOT DIRECTLY
24 INVOLVED IN MEDICALLY EVALUATING, ADJUSTING, OR ADJUDICATING
25 CLAIMS INVOLVING PSYCHOLOGICAL OR PSYCHIATRIC ISSUES WITHOUT THE
26 CONSENT OF THE CLAIMANT, UNLESS OTHERWISE ORDERED BY THE
27 DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

28 (II) NOTWITHSTANDING SUBSECTION (3)(d)(I) OF THIS SECTION, IF
29 THE CLAIMANT'S MENTAL HEALTH PROVIDER OR PHYSICIAN OBJECTS TO
30 THE RELEASE OF MENTAL HEALTH RECORDS, THE THIRD PARTY SHALL NOT
31 DISCLOSE THE MENTAL HEALTH RECORDS TO ANY OTHER THIRD PARTY
32 UNLESS OTHERWISE ORDERED BY THE DIRECTOR OR AN ADMINISTRATIVE
33 LAW JUDGE.".

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