

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public & Behavioral Health & Human Services.

HB22-1354 be amended as follows:

1 Amend printed bill, page 3, strike lines 5 through 8 and substitute "MEANS
2 THE FOLLOWING RECORDS PERTAINING TO THE CLAIMANT:
3 (a) PSYCHOLOGICAL OR PSYCHIATRIC TESTS, INCLUDING
4 NEUROPSYCHOLOGICAL TESTING;
5 (b) OTHER RECORDS PREPARED BY OR FOR A MENTAL HEALTH
6 PROVIDER;
7 (c) INDEPENDENT MEDICAL EXAMINATION RECORDS AND REPORTS
8 THAT ADDRESS PSYCHOLOGICAL OR PSYCHIATRIC ISSUES;
9 (d) DIVISION INDEPENDENT MEDICAL EVALUATION RECORDS AND
10 REPORTS THAT ADDRESS PSYCHOLOGICAL OR PSYCHIATRIC ISSUES; AND
11 (e) RECORDS RELATING TO THE EVALUATION, DIAGNOSIS, OR
12 TREATMENT OF A SUBSTANCE USE OR ABUSE DISORDER."

13 Page 3, strike lines 16 through 27 and substitute:

14 "(3) (a) MENTAL HEALTH RECORDS PROVIDED PURSUANT TO
15 SUBSECTION (2) OF THIS SECTION SHALL NOT BE DISCLOSED TO ANY
16 PERSON WHO IS NOT REASONABLY NECESSARY FOR THE MEDICAL
17 EVALUATION, ADJUSTMENT, OR ADJUDICATION OF CLAIMS INVOLVING
18 PSYCHOLOGICAL OR PSYCHIATRIC ISSUES UNLESS DISCLOSURE IS
19 OTHERWISE DIRECTED BY ORDER OF THE DIRECTOR OR AN
20 ADMINISTRATIVE LAW JUDGE.

21 (b) (I) AN INSURER MAY RELEASE INFORMATION FROM A
22 CLAIMANT'S MENTAL HEALTH RECORDS CONCERNING ANY WORK
23 RESTRICTIONS PLACED ON THE CLAIMANT TO THE CLAIMANT'S EMPLOYER,
24 SUPERVISOR, OR MANAGER, AND INFORMATION AS NECESSARY FOR THE
25 ADJUSTMENT AND ADJUDICATION OF A CLAIM, BUT SHALL NOT DISCLOSE
26 THE CLAIMANT'S ACTUAL MENTAL HEALTH RECORDS TO ANY THIRD PARTY
27 WHO IS NOT DIRECTLY INVOLVED IN MEDICALLY EVALUATING, ADJUSTING,
28 OR ADJUDICATING CLAIMS INVOLVING PSYCHOLOGICAL OR PSYCHIATRIC
29 ISSUES WITHOUT THE CONSENT OF THE CLAIMANT UNLESS DISCLOSURE IS
30 OTHERWISE ORDERED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW
31 JUDGE.

32 (II) NOTWITHSTANDING SUBSECTION (3)(b)(I) OF THIS SECTION, IF
33 THE CLAIMANT'S MENTAL HEALTH PROVIDER OR PHYSICIAN OBJECTS TO
34 THE RELEASE OF MENTAL HEALTH RECORDS, THE INSURER SHALL NOT
35 DISCLOSE THE MENTAL HEALTH RECORDS TO A THIRD PARTY UNLESS
36 OTHERWISE ORDERED BY THE DIRECTOR OR AN ADMINISTRATIVE LAW
37 JUDGE."

38 Page 4, strike lines 1 and 2.

** ** ** *