

# 17:48H-30

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                    **CHAPTER:** 112  
**NJSA:** 17:48H-30            (Patient information—confidentiality)  
**BILL NO:** S1292                (Substituted for A2305)

**SPONSOR(S):** Sinagra and Bassano

**DATE INTRODUCED:** May 18, 2000

**COMMITTEE:**                    **ASSEMBLY:** ----

**SENATE:** Health

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** May 10, 2001

**SENATE:** February 15, 2001

**DATE OF APPROVAL:** June 21, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (1st reprint enacted)

(Amendments during passage denoted by superscript numbers)

#### **S1292**

**SPONSORS STATEMENT:** (Begins on page 2 of original bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENTS:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

#### **A2305**

**SPONSORS STATEMENT:** (Begins on page 2 of original bill) Yes

Bill and Sponsors Statement identical to S1292

(Banking)	<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b>	Yes	5-1-00
				10-12-00 (Health)
		<b>SENATE:</b>	No	
	<b>FLOOR AMENDMENT STATEMENTS:</b>		No	
	<b>LEGISLATIVE FISCAL ESTIMATE:</b>		No	
	<b>FINAL VERSION (1<sup>ST</sup> reprint):</b>		Yes	
	<b>VETO MESSAGE:</b>		No	
	<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>		Yes	

**FOLLOWING WERE PRINTED:**

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<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

**SENATE, No. 1292**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED MAY 18, 2000

**Sponsored by:**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Senator C. LOUIS BASSANO**

**District 21 (Essex and Union)**

**Co-Sponsored by:**

**Senator Adler**

**SYNOPSIS**

Permits disclosure of certain patient information by organized delivery systems for research purposes.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/20/2000)**

S1292 SINAGRA, BASSANO

2

1 AN ACT concerning patient information obtained by organized delivery  
2 systems and amending P.L.1999, c.409.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 30 of P.L.1999, c.409 (C.17:48H-30) is amended to  
8 read as follows:

9 30. Any data or information relating to the diagnosis, treatment or  
10 health of an enrollee, prospective enrollee or contract holder obtained  
11 by a certified or licensed organized delivery system from the carrier,  
12 contract holder, enrollee, prospective enrollee or any provider shall be  
13 confidential and shall not be disclosed to any person except:

14 a. To the extent that it may be necessary to carry out the purposes  
15 of this act;

16 b. Upon the express consent of the enrollee, prospective enrollee  
17 or contract holder;

18 c. Pursuant to statute or court order for the production of  
19 evidence or the discovery thereof; [or]

20 d. In the event of a claim or litigation between an enrollee, a  
21 prospective enrollee or a contract holder and the organized delivery  
22 system wherein that data or information is relevant. An organized  
23 delivery system shall be entitled to claim any statutory privilege against  
24 disclosure which the provider who furnished the information to the  
25 system is entitled to claim;

26 e. For epidemiological and outcomes research when the identity of  
27 the enrollee, prospective enrollee or contract holder is protected  
28 through coding or encryption to ensure the anonymity of the  
29 individual, and when information about the individual will not be  
30 released in identifiable form; or

31 f. Upon the informed consent of the enrollee, prospective enrollee  
32 or contract holder that is obtained for research that is subject to  
33 federal requirements for informed consent under 21C.F.R.50 et seq.  
34 and 45C.F.R.46 et seq.

35 (cf:P.L.1999,c.409,s.30)

36

37 2. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 This bill concerns the confidentiality of patient information  
43 obtained by organized delivery systems, which are governed by

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 P.L.1999, c.409 (C.17:48H-1 et seq.). Specifically, the bill amends  
2 N.J.S.A.17:48H-30 to add an additional two exceptions to the law's  
3 prohibition on disclosure of patient information.

4 The bill provides that data or information relating to the diagnosis,  
5 treatment or health of an enrollee, prospective enrollee or contract  
6 holder obtained by an organized delivery system from the carrier,  
7 contract holder, enrollee, prospective enrollee or any provider may be  
8 disclosed:

9 a. for epidemiological and outcomes research when the identity of  
10 the enrollee, prospective enrollee or contract holder is protected  
11 through coding or encryption to ensure the anonymity of the  
12 individual, and when information about the individual will not be  
13 released in identifiable form; or

14 b. upon the informed consent of the enrollee, prospective enrollee  
15 or contract holder that is obtained for research that is subject to  
16 federal requirements for informed consent under 21C.F.R.50 et seq.  
17 and 45C.F.R.46 et seq.

# SENATE HEALTH COMMITTEE

## STATEMENT TO

### SENATE, No. 1292

# STATE OF NEW JERSEY

DATED: JUNE 19, 2000

The Senate Health Committee reports favorably Senate Bill No. 1292.

This bill concerns the confidentiality of patient information obtained by organized delivery systems, which are governed by P.L.1999, c.409 (C.17:48H-1 et seq.). Specifically, the bill amends N.J.S.A.17:48H-30 to add an additional two exceptions to the law's prohibition on disclosure of patient information.

The bill provides that data or information relating to the diagnosis, treatment or health of an enrollee, prospective enrollee or contract holder obtained by an organized delivery system from the carrier, contract holder, enrollee, prospective enrollee or any provider may be disclosed:

a. for epidemiological and outcomes research when the identity of the enrollee, prospective enrollee or contract holder is protected through coding or encryption to ensure the anonymity of the individual, and when information about the individual will not be released in identifiable form; or

b. upon the informed consent of the enrollee, prospective enrollee or contract holder that is obtained for research that is subject to federal requirements for informed consent under 21C.F.R.50 et seq. and 45C.F.R.46 et seq.

This bill is identical to Assembly Bill No. 2305 (Bateman/Biondi), which was reported favorably by the Assembly Banking and Insurance Committee and is pending before the Assembly Health Committee.

STATEMENT TO  
**SENATE, No. 1292**

with Senate Floor Amendments  
(Proposed By Senator SINAGRA)

ADOPTED: OCTOBER 23, 2000

This bill concerns the confidentiality of patient information obtained by organized delivery systems, which are governed by P.L.1999, c.409 (N.J.S.A.17:48H-1 et seq.). Specifically, the bill adds two exceptions to the statutory prohibition on disclosure of patient information by organized delivery systems as provided in N.J.S.A.17:48H-30.

These amendments provide for the use of, and define, the term, "anonymized information" with reference to the disclosure, for epidemiological and outcomes research, of information relating to the diagnosis, treatment or health of an enrollee, prospective enrollee or contract holder obtained by an organized delivery system from an insurance carrier, contract holder, enrollee, prospective enrollee or health care provider.

In addition, these amendments clarify the statutory basis for obtaining informed consent by an enrollee, prospective enrollee or contract holder to disclosure by an organized delivery system which is obtained for research, by stipulating that this research must be approved by an institutional review board in accordance with federal requirements for informed consent under 21C.F.R.50 et seq. or 45C.F.R.46 et seq.

[First Reprint]

**SENATE, No. 1292**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED MAY 18, 2000

**Sponsored by:**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Senator C. LOUIS BASSANO**

**District 21 (Essex and Union)**

**Co-Sponsored by:**

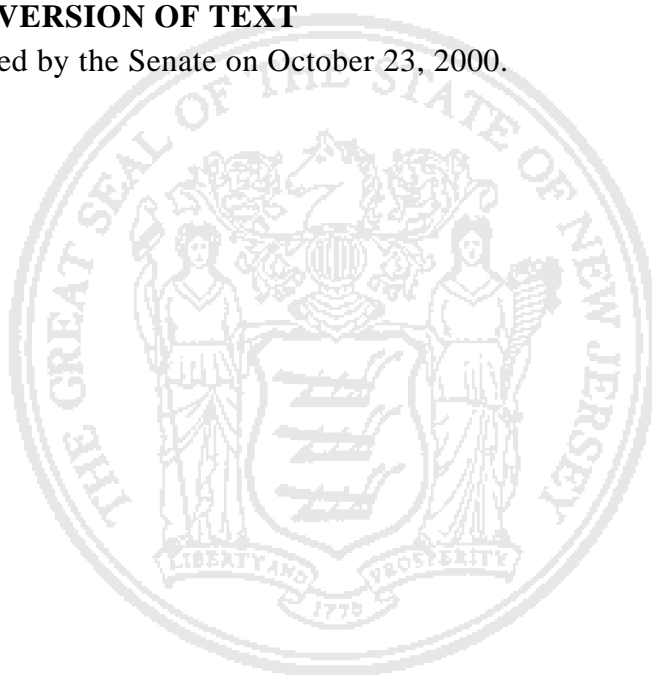
**Senator Adler, Assemblymen Bateman, Biondi, Augustine and Merkt**

**SYNOPSIS**

Permits disclosure of certain patient information by organized delivery systems for research purposes.

**CURRENT VERSION OF TEXT**

As amended by the Senate on October 23, 2000.



**(Sponsorship Updated As Of: 5/11/2001)**



1 AN ACT concerning patient information obtained by organized delivery  
2 systems and amending P.L.1999, c.409.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 30 of P.L.1999, c.409 (C.17:48H-30) is amended to  
8 read as follows:

9 30. Any data or information relating to the diagnosis, treatment or  
10 health of an enrollee, prospective enrollee or contract holder obtained  
11 by a certified or licensed organized delivery system from the carrier,  
12 contract holder, enrollee, prospective enrollee or any provider shall be  
13 confidential and shall not be disclosed to any person except:

14 a. To the extent that it may be necessary to carry out the purposes  
15 of this act;

16 b. Upon the express consent of the enrollee, prospective enrollee  
17 or contract holder;

18 c. Pursuant to statute or court order for the production of  
19 evidence or the discovery thereof; **[or]**

20 d. In the event of a claim or litigation between an enrollee, a  
21 prospective enrollee or a contract holder and the organized delivery  
22 system wherein that data or information is relevant. An organized  
23 delivery system shall be entitled to claim any statutory privilege against  
24 disclosure which the provider who furnished the information to the  
25 system is entitled to claim;

26 e. For epidemiological and outcomes research when the identity of  
27 the enrollee, prospective enrollee or contract holder is protected  
28 through <sup>1</sup>[coding or encryption to ensure the anonymity of the  
29 individual, and when information about the individual will not be  
30 released in identifiable form] the use of anonymized information. For  
31 the purposes of this subsection, "anonymized information" means  
32 information that has been coded or encrypted to protect the identity of  
33 the enrollee, prospective enrollee or contract holder in such a manner  
34 that decoding or unencryption of the information can occur only with  
35 the use of a key that is available only to authorized persons and  
36 utilized only as deemed necessary by those persons, and the  
37 unauthorized use of which is subject to such penalties as are prescribed  
38 by law<sup>1</sup>; or

39 f. Upon the informed consent of the enrollee, prospective enrollee  
40 or contract holder <sup>1</sup>**[that ], which <sup>1</sup> is obtained for research that <sup>1</sup>[is**  
41 **subject to]** has been approved by an institutional review board, in

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted October 23, 2000.

- 1 accordance with<sup>1</sup> federal requirements for informed consent under
- 2 21C.F.R.50 et seq. <sup>1</sup>**[and]** <sup>1</sup>or 45C.F.R.46 et seq.
- 3 (cf: P.L.1999, c.409, s.30)
- 4
- 5 2. This act shall take effect immediately.

# ASSEMBLY, No. 2305

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 1, 2000

**Sponsored by:**

**Assemblyman CHRISTOPHER "KIP" BATEMAN**

**District 16 (Morris and Somerset)**

**Assemblyman PETER J. BIONDI**

**District 16 (Morris and Somerset)**

**Co-Sponsored by:**

**Assemblymen Augustine and Merkt**

**SYNOPSIS**

Permits disclosure of certain patient information by organized delivery systems for research purposes.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/2/2000)**

A2305 BATEMAN, BIONDI

2

1 AN ACT concerning patient information obtained by organized delivery  
2 systems and amending P.L.1999, c.409.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 30 of P.L.1999, c.409 (C.17:48H-30) is amended to  
8 read as follows:

9 30. Any data or information relating to the diagnosis, treatment or  
10 health of an enrollee, prospective enrollee or contract holder obtained  
11 by a certified or licensed organized delivery system from the carrier,  
12 contract holder, enrollee, prospective enrollee or any provider shall be  
13 confidential and shall not be disclosed to any person except:

14 a. To the extent that it may be necessary to carry out the purposes  
15 of this act;

16 b. Upon the express consent of the enrollee, prospective enrollee  
17 or contract holder;

18 c. Pursuant to statute or court order for the production of  
19 evidence or the discovery thereof; [or]

20 d. In the event of a claim or litigation between an enrollee, a  
21 prospective enrollee or a contract holder and the organized delivery  
22 system wherein that data or information is relevant. An organized  
23 delivery system shall be entitled to claim any statutory privilege against  
24 disclosure which the provider who furnished the information to the  
25 system is entitled to claim;

26 e. For epidemiological and outcomes research when the identity of  
27 the enrollee, prospective enrollee or contract holder is protected  
28 through coding or encryption to ensure the anonymity of the  
29 individual, and when information about the individual will not be  
30 released in identifiable form; or

31 f. Upon the informed consent of the enrollee, prospective enrollee  
32 or contract holder that is obtained for research that is subject to  
33 federal requirements for informed consent under 21C.F.R.50 et seq.  
34 and 45C.F.R.46 et seq.

35 (cf: P.L.1999,c.409,s.30)

36

37 2 This act shall take effect immediately.

38

39

40

STATEMENT

41

42 This bill concerns the confidentiality of patient information  
43 obtained by organized delivery systems, which are governed by

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**A2305 BATEMAN, BIONDI**

3

1 P.L.1999, c.409 (C.17:48H-1 et seq.). Specifically, the bill amends  
2 N.J.S.A.17:48H-30 to add an additional two exceptions to the law's  
3 prohibition on disclosure of patient information.

4 The bill provides that data or information relating to the diagnosis,  
5 treatment or health of an enrollee, prospective enrollee or contract  
6 holder obtained by an organized delivery system from the carrier,  
7 contract holder, enrollee, prospective enrollee or any provider may be  
8 disclosed:

9 a. for epidemiological and outcomes research when the identity of  
10 the enrollee, prospective enrollee or contract holder is protected  
11 through coding or encryption to ensure the anonymity of the  
12 individual, and when information about the individual will not be  
13 released in identifiable form; or

14 b. upon the informed consent of the enrollee, prospective enrollee  
15 or contract holder that is obtained for research that is subject to  
16 federal requirements for informed consent under 21C.F.R.50 et seq.  
17 and 45C.F.R.46 et seq.

ASSEMBLY BANKING AND INSURANCE COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2305**

**STATE OF NEW JERSEY**

DATED: MAY 1, 2000

The Assembly Banking and Insurance Committee reports favorably Assembly Bill No. 2305.

The bill amends current law concerning the confidentiality of patient information obtained by an organized delivery system to provide additional exceptions to the general prohibition on disclosure of that information.

Specifically, the bill provides that data or information relating to the diagnosis, treatment or health of an individual or contract holder obtained by an organized delivery system may, in addition to those instances already enumerated in the law, be disclosed for epidemiological and outcomes research when the identity of the individual or contract holder is protected through coding or encryption to ensure anonymity and when information about the individual will not be released in identifiable form, or upon the informed consent that must be obtained from an individual in connection with research which is subject to federal government regulation.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2305**

with committee amendments

# STATE OF NEW JERSEY

DATED: OCTOBER 12, 2000

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 2305.

As amended by the committee, this bill concerns the confidentiality of patient information obtained by organized delivery systems, which are governed by P.L.1999, c.409 (N.J.S.A.17:48H-1 et seq.). Specifically, the bill adds two exceptions to the statutory prohibition on disclosure of patient information by organized delivery systems as provided in N.J.S.A.17:48H-30.

The bill provides that data or information relating to the diagnosis, treatment or health of an enrollee, prospective enrollee or contract holder obtained by an organized delivery system from the carrier, contract holder, enrollee, prospective enrollee or any provider may be disclosed:

- C for epidemiological and outcomes research when the identity of the enrollee, prospective enrollee or contract holder is protected through the use of anonymized information. For the purposes of the bill, "anonymized information" means information that has been coded or encrypted to protect the identity of the enrollee, prospective enrollee or contract holder in such a manner that decoding or unencryption of the information can occur only with the use of a key that is available only to authorized persons and utilized only as deemed necessary by those persons, and the unauthorized use of which is subject to such penalties as are prescribed by law; or
- C upon the informed consent of the enrollee, prospective enrollee or contract holder, which is obtained for research that has been approved by an institutional review board, in accordance with federal requirements for informed consent under 21C.F.R.50 et seq. or 45C.F.R.46 et seq.

The committee amendments:

-- provide for the use of, and define, the term, "anonymized information" with reference to the disclosure of information relating to the diagnosis, treatment or health of an enrollee, prospective enrollee or contract holder for epidemiological and outcomes research; and

-- clarify the statutory basis for informed consent by the enrollee, prospective enrollee or contract holder under federal law.

[First Reprint]

**ASSEMBLY, No. 2305**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

INTRODUCED MAY 1, 2000

**Sponsored by:**

**Assemblyman CHRISTOPHER "KIP" BATEMAN**

**District 16 (Morris and Somerset)**

**Assemblyman PETER J. BIONDI**

**District 16 (Morris and Somerset)**

**Co-Sponsored by:**

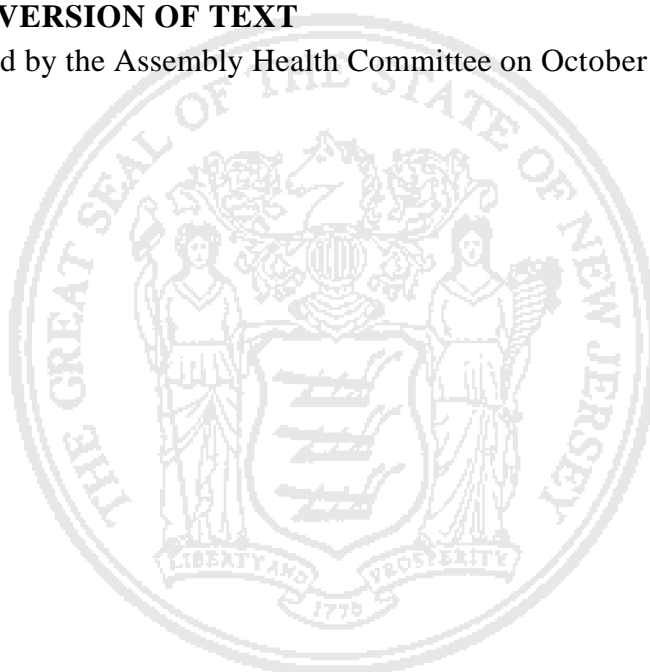
**Assemblymen Augustine and Merkt**

**SYNOPSIS**

Permits disclosure of certain patient information by organized delivery systems for research purposes.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health Committee on October 12, 2000, with amendments.



**(Sponsorship Updated As Of: 5/2/2000)**



1 AN ACT concerning patient information obtained by organized delivery  
2 systems and amending P.L.1999, c.409.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. Section 30 of P.L.1999, c.409 (C.17:48H-30) is amended to  
8 read as follows:

9 30. Any data or information relating to the diagnosis, treatment or  
10 health of an enrollee, prospective enrollee or contract holder obtained  
11 by a certified or licensed organized delivery system from the carrier,  
12 contract holder, enrollee, prospective enrollee or any provider shall be  
13 confidential and shall not be disclosed to any person except:

14 a. To the extent that it may be necessary to carry out the purposes  
15 of this act;

16 b. Upon the express consent of the enrollee, prospective enrollee  
17 or contract holder;

18 c. Pursuant to statute or court order for the production of  
19 evidence or the discovery thereof; **[or]**

20 d. In the event of a claim or litigation between an enrollee, a  
21 prospective enrollee or a contract holder and the organized delivery  
22 system wherein that data or information is relevant. An organized  
23 delivery system shall be entitled to claim any statutory privilege against  
24 disclosure which the provider who furnished the information to the  
25 system is entitled to claim;

26 e. For epidemiological and outcomes research when the identity of  
27 the enrollee, prospective enrollee or contract holder is protected  
28 through <sup>1</sup>[coding or encryption to ensure the anonymity of the  
29 individual, and when information about the individual will not be  
30 released in identifiable form] the use of anonymized information. For  
31 the purposes of this subsection, "anonymized information" means  
32 information that has been coded or encrypted to protect the identity of  
33 the enrollee, prospective enrollee or contract holder in such a manner  
34 that decoding or unencryption of the information can occur only with  
35 the use of a key that is available only to authorized persons and  
36 utilized only as deemed necessary by those persons, and the  
37 unauthorized use of which is subject to such penalties as are prescribed  
38 by law<sup>1</sup>; or

39 f. Upon the informed consent of the enrollee, prospective enrollee  
40 or contract holder <sup>1</sup>[that ], which <sup>1</sup> is obtained for research that <sup>1</sup>[is  
41 subject to] has been approved by an institutional review board, in

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AHL committee amendments adopted October 12, 2000.

1 accordance with<sup>1</sup> federal requirements for informed consent under  
2 21C.F.R.50 et seq. <sup>1</sup>[and] or<sup>1</sup> 45C.F.R.46 et seq.  
3 (cf: P.L.1999, c.409, s.30)

4

5 2. This act shall take effect immediately.

P.L. 2001, CHAPTER 112, *approved June 21, 2001*  
Senate Bill No. 1292 (*First Reprint*)

1 AN ACT concerning patient information obtained by organized delivery  
2 systems and amending P.L.1999, c.409.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 30 of P.L.1999, c.409 (C.17:48H-30) is amended to  
8 read as follows:

9 30. Any data or information relating to the diagnosis, treatment or  
10 health of an enrollee, prospective enrollee or contract holder obtained  
11 by a certified or licensed organized delivery system from the carrier,  
12 contract holder, enrollee, prospective enrollee or any provider shall be  
13 confidential and shall not be disclosed to any person except:

14 a. To the extent that it may be necessary to carry out the purposes  
15 of this act;

16 b. Upon the express consent of the enrollee, prospective enrollee  
17 or contract holder;

18 c. Pursuant to statute or court order for the production of  
19 evidence or the discovery thereof; **[or]**

20 d. In the event of a claim or litigation between an enrollee, a  
21 prospective enrollee or a contract holder and the organized delivery  
22 system wherein that data or information is relevant. An organized  
23 delivery system shall be entitled to claim any statutory privilege against  
24 disclosure which the provider who furnished the information to the  
25 system is entitled to claim;

26 e. For epidemiological and outcomes research when the identity of  
27 the enrollee, prospective enrollee or contract holder is protected  
28 through <sup>1</sup>[coding or encryption to ensure the anonymity of the  
29 individual, and when information about the individual will not be  
30 released in identifiable form] the use of anonymized information. For  
31 the purposes of this subsection, "anonymized information" means  
32 information that has been coded or encrypted to protect the identity of  
33 the enrollee, prospective enrollee or contract holder in such a manner  
34 that decoding or unencryption of the information can occur only with  
35 the use of a key that is available only to authorized persons and  
36 utilized only as deemed necessary by those persons, and the  
37 unauthorized use of which is subject to such penalties as are prescribed  
38 by law<sup>1</sup>; or

39 f. Upon the informed consent of the enrollee, prospective enrollee  
40 or contract holder <sup>1</sup>[that ], which <sup>1</sup> is obtained for research that <sup>1</sup>[is

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted October 23, 2000.

1 subject to] has been approved by an institutional review board, in  
2 accordance with<sup>1</sup> federal requirements for informed consent under  
3 21C.F.R.50 et seq. <sup>1</sup>[and] or<sup>1</sup> 45C.F.R.46 et seq.  
4 (cf: P.L.1999, c.409, s.30)

5

6 2. This act shall take effect immediately.

7

8

9

10

11 Permits disclosure of certain patient information by organized delivery  
12 systems for research purposes.

## CHAPTER 112

AN ACT concerning patient information obtained by organized delivery systems and amending P.L.1999, c.409.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. Section 30 of P.L.1999, c.409 (C.17:48H-30) is amended to read as follows:

C.17:48H-30 Confidentiality of data, information; exceptions.

30. Any data or information relating to the diagnosis, treatment or health of an enrollee, prospective enrollee or contract holder obtained by a certified or licensed organized delivery system from the carrier, contract holder, enrollee, prospective enrollee or any provider shall be confidential and shall not be disclosed to any person except:

- a. To the extent that it may be necessary to carry out the purposes of this act;
- b. Upon the express consent of the enrollee, prospective enrollee or contract holder;
- c. Pursuant to statute or court order for the production of evidence or the discovery thereof;
- d. In the event of a claim or litigation between an enrollee, a prospective enrollee or a contract holder and the organized delivery system wherein that data or information is relevant. An organized delivery system shall be entitled to claim any statutory privilege against disclosure which the provider who furnished the information to the system is entitled to claim;
- e. For epidemiological and outcomes research when the identity of the enrollee, prospective enrollee or contract holder is protected through the use of anonymized information. For the purposes of this subsection, "anonymized information" means information that has been coded or encrypted to protect the identity of the enrollee, prospective enrollee or contract holder in such a manner that decoding or unencryption of the information can occur only with the use of a key that is available only to authorized persons and utilized only as deemed necessary by those persons, and the unauthorized use of which is subject to such penalties as are prescribed by law; or
- f. Upon the informed consent of the enrollee, prospective enrollee or contract holder, which is obtained for research that has been approved by an institutional review board, in accordance with federal requirements for informed consent under 21C.F.R.50 et seq. or 45C.F.R.46 et seq.

2. This act shall take effect immediately.

Approved June 21, 2001.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Tom Wilson  
Rae Hutton  
609-777-2600

RELEASE: June 22 , 2001

**Acting Governor Donald T. DiFrancesco signed the following  
legislation today:**

**S-1250**, sponsored by Senators Joseph Palaia (R-Monmouth) and Joseph Kyrrillos (R-Middlesex/Monmouth), makes two changes to current student transportation law: 1) authorizes a school district to grant an annual extension of a pupil transportation contract without re-bidding if the increase from the original contractual amount as a result of the extension does not exceed the rise in Consumer Price Index (CPI), and 2) establishes a new exemption to allow a school district to increase the original contract amount by more than the CPI if the increase is directly attributable to the addition of a school bus ride.

**S-1292**, sponsored by Senators Jack Sinagra (R-Middlesex) and Louis Bassano (R-Essex/Union) and Assemblymen Kip Bateman (R-Morris/Somerset) and Peter Biondi (R-Morris/Somerset), provides two exceptions to the statutory prohibition on disclosure of patient information concerning the release of confidential information by an organized delivery system for research and other issues related to the use of drugs used by patients. The exceptions are when the identity of the enrollee is protected through coding or encryption and the information will not be released in identifiable form or with the informed consent of the enrollee.