

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.

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