

AMENDED IN ASSEMBLY APRIL 22, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 658**

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**Introduced by Assembly Member Ian Calderon**

February 21, 2013

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An act to amend Section 56.06 of the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

AB 658, as amended, Ian Calderon. Personal information: disclosure.

(1) The Confidentiality of Medical Information Act prohibits a provider of health care, a health care service plan, contractor, or corporation and its subsidiaries and affiliates from intentionally sharing, selling, using for marketing, or otherwise using any medical information, as defined, for any purpose not necessary to provide health care services to a patient, except as expressly authorized by the patient, enrollee, or subscriber, as specified, or as otherwise required or authorized by law. The act includes within the definition of "provider of health care," any business organized for the purpose of maintaining medical information to allow an individual to manage his or her information, or for the treatment or diagnosis of the individual.

Violations of those provisions are subject to a civil action for compensatory and punitive damages, and, if a violation results in economic loss or personal injury to a patient, it is punishable as a misdemeanor.

This bill would apply the prohibitions of the Confidentiality of Medical Information Act to any business that offers ~~application~~ software or hardware, including a mobile application or other related device that is designed to maintain medical information to allow an individual

to manage his or her information, or for the diagnosis, treatment, or management of a medical condition of the individual. By expanding an existing crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 56.06 of the Civil Code is amended to  
2 read:

3 56.06. (a) Any business organized for the purpose of  
4 maintaining medical information, *as defined in subdivision (g) of*  
5 *Section 56.05*, in order to make the information available to an  
6 individual or to a provider of health care at the request of the  
7 individual or a provider of health care, for purposes of allowing  
8 the individual to manage his or her information, or for the diagnosis  
9 and treatment of the individual, shall be deemed to be a provider  
10 of health care subject to the requirements of this part. However,  
11 nothing in this section shall be construed to make a business  
12 specified in this subdivision a provider of health care for purposes  
13 of any law other than this part, including laws that specifically  
14 incorporate by reference the definitions of this part.

15 (b) Any business that offers ~~application~~ software *or hardware,*  
16 *including a mobile application or other related device* that is  
17 designed to maintain medical information, *as defined in subdivision*  
18 *(g) of Section 56.05*, in order to make the information available to  
19 an individual or a provider of health care at the request of the  
20 individual or a provider of health care, for purposes of allowing  
21 the individual to manage his or her information, or for the  
22 diagnosis, treatment, or management of a medical condition of the  
23 individual, shall be deemed to be a provider of health care subject  
24 to the requirements of this part. However, nothing in this section  
25 shall be construed to make a business specified in this subdivision  
26 a provider of health care for purposes of any law other than this

1 part, including laws that specifically incorporate by reference the  
2 definitions of this part.

3 (c) Any business described in subdivision (a) or (b) shall  
4 maintain the same standards of confidentiality required of a  
5 provider of health care with respect to medical information  
6 disclosed to the business.

7 (d) Any business described in subdivision (a) or (b) shall be  
8 subject to the penalties for improper use and disclosure of medical  
9 information prescribed in this part.

10 ~~SEC. 2. If the Commission on State Mandates determines that~~  
11 ~~this act contains costs mandated by the state, reimbursement to~~  
12 ~~local agencies and school districts for those costs shall be made~~  
13 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
14 ~~4 of Title 2 of the Government Code.~~

15 *SEC. 2. No reimbursement is required by this act pursuant to*  
16 *Section 6 of Article XIII B of the California Constitution because*  
17 *the only costs that may be incurred by a local agency or school*  
18 *district will be incurred because this act creates a new crime or*  
19 *infraction, eliminates a crime or infraction, or changes the penalty*  
20 *for a crime or infraction, within the meaning of Section 17556 of*  
21 *the Government Code, or changes the definition of a crime within*  
22 *the meaning of Section 6 of Article XIII B of the California*  
23 *Constitution.*