

CHAPTER 392  
FORMERLY  
HOUSE BILL NO. 440

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO  
INFORMED CONSENT AND CONFIDENTIALITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1232(d)(2), Title 16 of the Delaware Code by adding the following after the word “law” and before the semicolon “;” at the end of the paragraph:

“and for law enforcement purposes in accordance with 45 C.F.R. Parts 160, 162, and 164”.

Section 2. Amend §1232(d)(5), Title 16 of the Delaware Code by striking said paragraph in its entirety and substituting the following in lieu thereof:

“In the course of any judicial or administrative proceeding in accordance with 45 C.F.R. Parts 160, 162, and 164, or pursuant to a court order to avert a clear danger to the individual or the public health;”.

Section 3. Amend § 1232(d)(7) of Title 16 of the Delaware Code by deleting the word "or" where it appears after the words and punctuation "delivery system or providers;" at the end of the paragraph.

Section 4. Amend §1232(d), Title 16 of the Delaware Code by adding new paragraphs “(9)” and “(10)” thereto as follows:

“(9) For patient treatment and care coordination, defined as the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another; or

(10) To a health plan, health care clearinghouse, business associate, or health care provider, as each is defined by 45 C.F.R. Part 160, to use only in accordance with federal law for transactions that transmit information between two parties to carry out financial or administrative activities related to health care, health care operations, and health insurance, as set forth in 45 C.F.R Parts 160, 162, and 164.”.

Approved July 15, 2010