MODEL STATE LEGISLATION

Non-Coercive Patient Consent Required

Patient consent to release of records.

(a) A provider, or a person who receives health records from a provider, may not release a patient’s health records to a person without:
   (1) a signed and dated consent from the patient or the patient’s legally authorized representative authorizing the release;
   (2) specific authorization in law; or
   (3) a representation from a provider that holds a signed and dated consent from the patient authorizing the release.

(b) A provider or health care facility shall not withhold services or treatment or refuse to provide services or treatment to a patient solely because the patient or the patient's legally authorized representative refuses to authorize or alters in any way the provider’s or health care facility’s consent form.