

Amendment - 1st Reading/2nd House-blue - Requested by: Greg Oblander - (S) Business, Labor and Economic Affairs

- 2025

69th Legislature 2025

Drafter: Matthew Weaver,

HB0590.002.001

1 HOUSE BILL NO. 590

2 INTRODUCED BY G. OBLANDER, C. SCHOMER, C. COCHRAN, E. TILLEMANN, N. NICOL, C. SPRUNGER,
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6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ELECTRONIC
7 HEALTH RECORDS; REQUIRING HEALTH CARRIERS TO ESTABLISH AND MAINTAIN CERTAIN
8 APPLICATION PROGRAMMING INTERFACES FOR THE BENEFIT OF THE INSURED; AND PROVIDING
9 ~~EFFECTIVE DATES~~ A DELAYED EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 NEW SECTION. **Section 1. Health carrier and patient access to health information -- exemption.**

14 (1) A health carrier shall establish and maintain the following application programming interfaces for the benefit
15 of the carrier's insureds and contracted providers:

16 (a) a patient access application programming interface, pursuant to 42 CFR 422.119(a) through
17 422.119(e);

18 (b) a provider directory application programming interface, pursuant to 42 CFR 422.120;

19 (c) a provider access application programming interface, pursuant to 42 CFR 422.121(a);

20 (d) a payer-to-payer exchange application programming interface, pursuant to 42 CFR 422.121(b);

21 and

22 (e) a prior authorization application programming interface, pursuant to section 42 CFR 422.122.

23 (2) A health carrier shall establish and maintain each application programming interface provided
24 for in subsection (1) for the health carrier's insured and providers AS OF JULY 1, 2026 at the earliest date
25 ~~required by the centers for medicare and medicaid services for that type of application programming interface.~~

26 (3) An application programming interface must comply with standards published by the centers for
27 medicare and medicaid services, including effective dates, enforcement delays, and suspensions.

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(4) This section does not apply to a health carrier offering a dental only or vision only plan.

NEW SECTION. Section 2. Privacy of electronic health records. (1) Except as provided in

subsection (2) of this section, a health care provider requesting that a medical laboratory test for a patient is performed may not engage in information blocking as that term is defined in 42 U.S.C. 300jj-52.

(2) The following reports or test results and any other related results must be disclosed to a patient as part of the patient's electronic health record 72 hours after the results are finalized or when the patient's health care provider directs the release of the results, whichever occurs first:

(a) pathology reports or radiology reports that have a reasonable likelihood of showing a finding of new or recurring malignancy;

(b) tests that could reveal genetic markers;

(c) a positive HIV diagnostic test, as that term is defined in 50-16-1003; or

(d) the presence of antigens indicating a hepatitis infection.

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 33, and the provisions of Title 33 apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 50, chapter 16, part 8, and the provisions of Title 50, chapter 16, part 8, apply to [section 2].

NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 5. Effective dates. (1) ~~Except as provided in subsection (2), [this act] is effective January 1, 2026.~~

(2) ~~[Section 1] and this section are effective on passage and approval~~ [THIS ACT] IS EFFECTIVE JULY 1, 2026.

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- END -

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