

**Superseded 5/12/2015**

**78B-5-618 Patient access to medical records -- Third party access to medical records.**

- (1) Pursuant to 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information, a patient or a patient's personal representative may inspect or receive a copy of the patient's records from a health care provider as defined in Section 78B-3-403, when that health care provider is governed by the provisions of 45 C.F.R., Parts 160 and 164.
- (2) When a health care provider as defined in Section 78B-3-403 is not governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information, a patient or a patient's personal representative may inspect or receive a copy of the patient's records unless access to the records is restricted by law or judicial order.
- (3) A health care provider who provides a copy of a patient's records to the patient or the patient's personal representative:
  - (a) shall provide the copy within the deadlines required by the Health Insurance Portability and Accountability Act of 1996, Administrative Simplification rule, 45 C.F.R. Sec. 164.524(b); and
  - (b) may charge a reasonable cost-based fee provided that the fee includes only the cost of:
    - (i) copying, including the cost of supplies for and labor of copying; and
    - (ii) postage, when the patient or patient representative has requested the copy be mailed.
- (4) Except for records provided by a health care provider under Section 26-1-37, a health care provider who provides a copy of a patient's records to a third party authorized to receive records:
  - (a) shall provide the copy within 30 days after receipt of notice; and
  - (b) may charge a reasonable fee to cover the health care provider's cost, but may not exceed the following rates:
    - (i) \$20 for locating a patient's records, per request;
    - (ii) copying charges may not exceed 50 cents per page for the first 40 pages and 30 cents per page for each additional page;
    - (iii) the cost of postage when the third party has requested the copy be mailed; and
    - (iv) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.
- (5) Except for records provided under Section 26-1-37, a person authorized to provide medical records, other than a health care provider under Subsections (3) and (4), who provides a copy of a patient's records to a third party authorized to receive records:
  - (a) shall provide the copy within 30 days after the request; and
  - (b) may charge a reasonable fee to cover the health care provider's cost, but may not exceed the following rates:
    - (i) \$20 for locating a patient's records, per request;
    - (ii) copying charges may not exceed 50 cents per page for the first 40 pages and 30 cents per page for each additional page;
    - (iii) the cost of postage when the third party has requested the copy be mailed; and
    - (iv) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.