

Effective 5/3/2023

26B-8-514 Standard health record access form.

- (1) As used in this section:
 - (a) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.
 - (b) "Patient" means the individual whose information is being requested.
 - (c) "Personal representative" means an individual described in 45 C.F.R. Sec. 164.502(g).
- (2) Before December 31, 2022, the department shall create a standard form that:
 - (a) is compliant with HIPAA and 42 C.F.R. Part 2; and
 - (b) a patient or a patient's personal representative may use to request that a copy of the patient's health records be sent to any of the following:
 - (i) the patient;
 - (ii) the patient's personal representative;
 - (iii) the patient's attorney; or
 - (iv) a third party authorized by the patient.
- (3) The form described in Subsection (2) shall include fields for:
 - (a) the patient's name;
 - (b) the patient's date of birth;
 - (c) the patient's phone number;
 - (d) the patient's address;
 - (e)
 - (i) the patient's signature and date of signature, which may not require notarization; or
 - (ii) the signature of the patient's personal representative and date of signature, which may not require notarization;
 - (f) the name, address, and phone number of the person to which the information will be disclosed;
 - (g) the records requested, including whether the patient is requesting paper or electronic records;
 - (h) the duration of time the authorization is valid; and
 - (i) the dates of service requested.
- (4) The form described in Subsection (2) shall include the following options for the field described in Subsection (3)(g):
 - (a) history and physical examination records;
 - (b) treatment plans;
 - (c) emergency room records;
 - (d) radiology and lab reports;
 - (e) operative reports;
 - (f) pathology reports;
 - (g) consultations;
 - (h) discharge summary;
 - (i) outpatient clinic records and progress notes;
 - (j) behavioral health evaluation;
 - (k) behavioral health discharge summary;
 - (l) mental health therapy records;
 - (m) financial information including an itemized billing statement;
 - (n) health insurance claim form;
 - (o) billing form; and
 - (p) other.

Renumbered and Amended by Chapter 306, 2023 General Session