

Effective 5/12/2015

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

- (1) Pursuant to Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R., Parts 160 and 164, 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 Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R., Parts 160 and 164, 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, but may not exceed the following rates:
 - (i) \$21.16 for locating a patient's records, per request;
 - (ii) reproduction charges may not exceed 53 cents per page for the first 40 pages and 32 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 contracted third party service which provides medical records, other than a health care provider under Subsections (3) and (4), who provides a copy of a patient's records to a party authorized to receive records:
 - (a) shall provide the copy within 30 days after the request; and
 - (b) may charge a reasonable fee, but may not exceed the following rates:
 - (i) \$21.16 per request for locating a patient's records;
 - (ii) reproduction charges may not exceed 53 cents per page for the first 40 pages and 32 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.
- (6) A health care provider or its contracted third party service shall deliver the medical records in the digital or electronic medium customarily used by the health care provider or its contracted third party service or in a portable document format:
 - (a) if the patient, patient's personal representative, or a third party authorized to receive the records requests the records be delivered in a digital or electronic medium; and
 - (b) the original medical record is readily producible in a digital or electronic medium.
- (7)
 - (a) The per page fee in Subsections (3), (4), and (5) applies to medical records reproduced on paper.
 - (b) For record requests made on or before June 30, 2018, the per page fee for producing a copy of records on a digital or electronic medium shall be 60% of the per page fee otherwise

provided in this section, regardless of whether the original medical records are stored in electronic format.

- (c) For record requests made on or after July 1, 2018, the per page fee for producing a copy of records on a digital or electronic medium shall be 50% of the per page fee otherwise provided in this section, regardless of whether the original medical records are stored in electronic format.
- (8) Beginning January 1, 2016, the fee for providing patient's records shall be adjusted annually as specified in this section based on the most recent changes to the Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, that measures the average changes in prices of goods and services purchased by urban wage earners, clerical workers' families, and single workers living alone.

Amended by Chapter 217, 2015 General Session