

**FEDERAL HEALTH INSURANCE
PORTABILITY AND ACCOUNTABILITY ACT
COMPLIANCE AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Peter C. Knudson

This act modifies the Government Records Access and Management Act and the Judicial Code. The act amends provisions relating to the right to access and copy patient medical records. The act amends state laws to bring them into compliance with federal patient privacy laws enacted in the Health Insurance Portability and Accountability Act. The act has an immediate effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

63-2-107, Utah Code Annotated 1953

REPEALS AND REENACTS:

78-25-25, as enacted by Chapter 213, Laws of Utah 1971

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63-2-107** is enacted to read:

63-2-107. Disclosure of records subject to federal law.

Notwithstanding the provisions of Subsections 63-2-201(6)(a) and (b), this chapter does not apply to a record containing protected health information as defined in 45 C.F.R., Part 164, Standards for Privacy of Individually Identifiable Health Information, if the record is:

(1) controlled or maintained by a governmental entity; and

(2) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information.

Section 2. Section **78-25-25** is repealed and reenacted to read:

78-25-25. Patient 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 78-14-3, 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 78-14-3 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 may charge a reasonable fee to cover the health care provider's costs.

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.