

1                                   **FEDERAL HEALTH INSURANCE**  
2                                   **PORTABILITY AND ACCOUNTABILITY ACT**  
3                                   **COMPLIANCE AMENDMENTS**

4                                   2003 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Sponsor: Peter C. Knudson**

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

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

13 ENACTS:

14           **63-2-107**, Utah Code Annotated 1953

15 REPEALS AND REENACTS:

16           **78-25-25**, as enacted by Chapter 213, Laws of Utah 1971

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

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

19           **63-2-107. Disclosure of records subject to federal law.**

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

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

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

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 Section **78-25-25** is repealed and reenacted to read:

27           **78-25-25. Patient access to medical records.**



28           (1) Pursuant to 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually  
29 Identifiable Health Information, a patient or a patient's personal representative may inspect or  
30 receive a copy of the patient's records from a health care provider as defined in Section  
31 78-14-3, when that health care provider is governed by the provisions of 45 C.F.R., Parts 160  
32 and 164.

33           (2) When a health care provider as defined in Section 78-14-3 is not governed by 45  
34 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health  
35 Information, a patient or a patient's personal representative may inspect or receive a copy of the  
36 patient's records unless access to the records is restricted by law or judicial order.

37           (3) A health care provider who provides a copy of a patient's records to the patient or  
38 the patient's personal representative may charge a reasonable fee to cover the health care  
39 provider's costs.

40           Section 3. **Effective date.**

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

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**Legislative Review Note**

**as of 1-21-03 11:52 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0121**

**Federal Health Insurance Portability and Accountability Act  
Compliance Amendments**

*28-Jan-03*  
*4:03 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**