

1 **RESPONSE TO ~~SB~~ [HPPA] HIPAA ~~SB~~ CHANGES**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Peter C. Knudson**

5 House Sponsor: Scott L Wyatt

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions in the Judicial Code related to a surviving spouse's access
10 to medical records of a deceased spouse.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ allows a physician or health care worker with medical records of a deceased person
14 to recognize the deceased person's surviving spouse or adult child as a personal
15 representative of the deceased person for purposes of access to medical records
16 under state records laws and federal HIPAA laws.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **78-25-25.5**, Utah Code Annotated 1953

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

26 Section 1. Section **78-25-25.5** is enacted to read:

27 **78-25-25.5**. Access to medical records of deceased patient.



28 For purposes of Section 78-25-25, and 45 C.F.R., Parts 160 and 164, Standards for
29 Privacy of Individually Identifiable Health Information, a health care provider with medical
30 records of a deceased person may recognize the deceased person's surviving spouse or an adult
31 child as a personal representative.

Legislative Review Note
as of 1-11-06 3:57 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0141

Response to Hipa Changes

23-Jan-06

7:24 AM

State Impact

No Fiscal Impact.

Individual and Business Impact

No Fiscal Impact.

Office of the Legislative Fiscal Analyst