

RESPONSE TO HIPPA CHANGES

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Scott L Wyatt

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78-25-25.5, Utah Code Annotated 1953

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

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

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