

Representative Francis D. Gibson proposes the following substitute bill:

**CHARGES BY HEALTH PROVIDERS FOR MEDICAL
RECORDS**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill modifies provisions of the Judicial Code relating to patient access to medical records.

Highlighted Provisions:

This bill:

- ▶ requires a health care provider to provide medical records to a patient, a patient's personal representative, or a third party within 30 days after requested; and
- ▶ establishes charges that a health care provider may charge when copying a patient's medical records; and
- ▶ provides a repeal date.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-278, as last amended by Laws of Utah 2008, Chapter 3 and renumbered and



26 amended by Laws of Utah 2008, Chapter 382

27 **78B-5-618**, as renumbered and amended by Laws of Utah 2008, Chapter 3

28

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

30 Section 11. Section **63I-2-278** is amended to read:

31 **63I-2-278. Repeal dates, Title 78A and Title 78B.**

32 (1) Section 78A-9-103, Practicing law without a license, is repealed May 3, 2012.

33 (2) Subsections 78B-12-301(1) and 78B-12-302(1) are repealed January 1, 2010.

34 (3) Subsection 78B-5-618(4) is repealed January 1, 2016.

35 Section 22. Section **78B-5-618** is amended to read:

36 **78B-5-618. Patient access to medical records.**

37 (1) Pursuant to 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually
38 Identifiable Health Information, a patient or a patient's personal representative may inspect or
39 receive a copy of the patient's records from a health care provider as defined in Section
40 78B-3-403, when that health care provider is governed by the provisions of 45 C.F.R., Parts
41 160 and 164.

42 (2) When a health care provider as defined in Section 78B-3-403 is not governed by 45
43 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health
44 Information, a patient or a patient's personal representative may inspect or receive a copy of the
45 patient's records unless access to the records is restricted by law or judicial order.

46 (3) A health care provider who provides a copy of a patient's records to the patient or
47 the patient's personal representative;

48 (a) shall provide the copy within 30 days after the request; and

49 (b) may charge a reasonable cost-based fee [~~to cover the health care provider's costs.~~]

50 provided that the fee includes only the cost of:

51 (i) copying, including the cost of supplies for and labor of copying; and

52 (ii) postage, when the patient or patient representative has requested the copy be
53 mailed.

54 (4) ~~H~~ **→ Except for records provided by a health care provider under Sections 26-1-37,**

54a **a** ~~A~~ **←H** health care provider who provides a copy of a patient's records to a third party
55 authorized to receive records:

56 (a) shall provide the copy within thirty days after the request; and

57 (b) may charge a reasonable fee to cover the health care provider's cost, but may not
58 exceed the following rates:

59 (i) \$15 for locating a patient's records, per request;

60 (ii) copying charges may not exceed 50 cents per page; and

61 (iii) \$25 for the retrieval and duplication of a patient's electronic records, per request.

FISCAL NOTE

H.B. 212 1st Sub. (Buff)

SHORT TITLE: **Charges by Health Providers for Medical Records**

SPONSOR: **Gibson, F.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

To the extent that businesses currently charge more to provide medical records than is specified in this bill, those businesses may experience a revenue loss. Individuals currently paying more for medical records than specified in this bill may experience a cost savings. The magnitude of this impact cannot be measured at this time.