

Senator John L. Valentine 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:

- ▶ establishes a time limitation for a health care provider to provide medical records to a patient, a patient's personal representative, or a third party;
- ▶ 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



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

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32 (1) Section 78A-9-103, Practicing law without a license, is repealed May 3, 2012.

33 (2) Subsections 78B-12-301(1) and 78B-12-302(1) are repealed January 1, 2010.

34 (3) Subsection 78B-5-618(4) is repealed January 1, 2016.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 2. 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 the deadlines required by the Health Insurance
49 Portability and Accountability Act of 1996, Administrative Simplification rule, 45 C.F.R. Sec.
50 164.524(b); and

51 (b) may charge a reasonable cost-based fee [to cover the health care provider's costs.]
52 provided that the fee includes only the cost of:

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

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

56 (4) Except for records provided by a health care provider under Sections 26-1-37, a

57 health care provider who provides a copy of a patient's records to a third party authorized to
58 receive records:

59 (a) shall provide the copy within 30 days after receipt of notice; and

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

62 (i) \$20 for locating a patient's records, per request;

63 (ii) copying charges may not exceed 50 cents per page for the first 40 pages and 30
64 cents per page for each additional page;

65 (iii) the cost of postage when the third party has requested the copy be mailed; and

66 (iv) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.

FISCAL NOTE

H.B. 212 2nd Sub. (Gray)

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

SPONSOR: **Valentine, J.**

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 for local governments.

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

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.