

## HB0212S02 compared with HB0212S01

~~{deleted text}~~ shows text that was in HB0212S01 but was deleted in HB0212S02.

inserted text shows text that was not in HB0212S01 but was inserted into HB0212S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

~~{Representative Francis D. Gibson}~~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

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ ~~{requires}~~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 ~~{ within 30 days after requested}~~; ~~{ and}~~
- ▶ establishes charges that a health care provider may charge when copying a patient's

## HB0212S02 compared with HB0212S01

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 amended by Laws of Utah 2008, Chapter 382

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

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

Section ~~{11}~~1. Section **63I-2-278** is amended to read:

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

- (1) Section 78A-9-103, Practicing law without a license, is repealed May 3, 2012.
- (2) Subsections 78B-12-301(1) and 78B-12-302(1) are repealed January 1, 2010.
- (3) Subsection 78B-5-618(4) is repealed January 1, 2016.

Section ~~{22}~~2. Section **78B-5-618** is amended to read:

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

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

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

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

## HB0212S02 compared with HB0212S01

(a) shall provide the copy within ~~{30 days after the request}~~ the deadlines required by the Health Insurance Portability and Accountability Act of 1996, Administrative Simplification rule, 45 C.F.R. Sec. 164.524(b); and

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

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

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

(4) ~~{A}~~ Except for records provided by a health care provider under Sections 26-1-37, a health care provider who provides a copy of a patient's records to a third party authorized to receive records:

(a) shall provide the copy within ~~{thirty}~~ 30 days after ~~{the request}~~ receipt of notice; and

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

(i) ~~{\$15}~~ \$20 for locating a patient's records, per request;

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

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

~~{(iii) \$25 for the retrieval and duplication of a patient's electronic records, per request.}~~  
(iv) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.