

Representative Francis D. Gibson proposes the following substitute bill:

CHARGES 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 charges for medical records.

Highlighted Provisions:

This bill:

- ▶ requires a person authorized to provide medical records, other than a health care provider, to provide the medical records within 30 days after the request;
- ▶ establishes charges that a person authorized to provide medical records, other than a health care provider, may charge when copying medical records; and
- ▶ provides a repeal date.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 212, Charges by Health Providers for Medical Records, by providing technical amendments.

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 **Utah Code Sections Affected by Coordination Clause:**

29 **63I-2-278**, as last amended by Laws of Utah 2008, Chapter 3 and renumbered and
30 amended by Laws of Utah 2008, Chapter 382

31 **78B-5-618**, as renumbered and amended by Laws of Utah 2008, Chapter 3



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

34 Section 1. Section **63I-2-278** is amended to read:

35 **63I-2-278. Repeal dates, Title 78A and Title 78B.**

36 (1) Section 78A-9-103, Practicing law without a license, is repealed May 3, 2012.

37 [~~(2) Subsections 78B-12-301(1) and 78B-12-302(1) are repealed January 1, 2010.~~]

38 (2) Subsection 78B-5-618(4) is repealed January 1, 2016.

39 Section 2. Section **78B-5-618** is amended to read:

40 **78B-5-618. Patient access to medical records -- Third party access to medical**
41 **records.**

42 (1) Pursuant to 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually
43 Identifiable Health Information, a patient or a patient's personal representative may inspect or
44 receive a copy of the patient's records from a health care provider as defined in Section
45 78B-3-403, when that health care provider is governed by the provisions of 45 C.F.R., Parts
46 160 and 164.

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

51 (3) A health care provider who provides a copy of a patient's records to the patient or
52 the patient's personal representative may charge a reasonable fee to cover the health care
53 provider's costs.

54 (4) Except for records provided under Section 26-1-37, a person authorized to provide
55 medical records, other than a health care provider under Subsection (3), who provides a copy of
56 a patient's records to a third party authorized to receive records:

57 (a) shall provide the copy within 30 days after the request; and
58 (b) may charge a reasonable fee to cover the health care provider's cost, but may not
59 exceed the following rates:

- 60 (i) \$20 for locating a patient's records, per request;
61 (ii) copying charges may not exceed 50 cents per page for the first 40 pages and 30
62 cents per page for each additional page;
63 (iii) the cost of postage when the third party has requested the copy be mailed; and
64 (iv) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.

65 **Section 3. Coordinating H.B. 405 with H.B. 212 -- Technical amendments.**

66 If this H.B. 405 and H.B. 212, Charges by Health Providers for Medical Records, both
67 pass, it is the intent of the Legislature that the Office of Legislative Research and General
68 Counsel in preparing the Utah Code database for publication:

- 69 (1) renumber Subsection 78B-5-618(4) in this H.B. 405 to Subsection 78B-5-618(5);
70 (2) modify the newly renumbered Subsection 78B-5-618(5) to read:

71 "(5) Except for records provided under Section 26-1-37, a person authorized to provide
72 medical records, other than a health care provider under Subsections (3) and (4), who provides
73 a copy of a patient's records to a third party authorized to receive records:

74 (a) shall provide the copy within 30 days after the request; and
75 (b) may charge a reasonable fee to cover the health care provider's cost, but may not
76 exceed the following rates:

- 77 (i) \$20 for locating a patient's records, per request;
78 (ii) copying charges may not exceed 50 cents per page for the first 40 pages and 30
79 cents per page for each additional page;
80 (iii) the cost of postage when the third party has requested the copy be mailed; and
81 (iv) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act."; and
82 (3) modify Section 63I-2-278 to read:

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

84 [(2) Subsections 78B-12-301(1) and 78B-12-302(1) are repealed January 1, 2010:]

85 (2) Subsections 78B-5-618(4) and (5) are repealed January 1, 2016."

REVISED FISCAL NOTE

H.B. 405 1st Sub. (Buff)

SHORT TITLE: **Charges 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 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.