

CHARGES FOR MEDICAL RECORDS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill makes changes to amounts to be charged for copies of medical records.

Highlighted Provisions:

This bill:

- ▶ increases amounts a person may be charged for copies of medical records; and
- ▶ provides that the amount shall be adjusted annually based on a formula tied to the

Consumer Price Index.

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 2012, Chapter 128

78B-5-618, as last amended by Laws of Utah 2011, Chapters 33 and 65

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

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

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

[(+)] Title 78B, Chapter 3, Part 9, Expedited Jury Trial Act, is repealed January 1,



28 2017.

29 [~~(2) Subsections 78B-5-618(4) and (5) are repealed January 1, 2016.~~]

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

31 **78B-5-618. Patient access to medical records -- Third party access to medical**
32 **records.**

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

38 (2) When a health care provider as defined in Section 78B-3-403 is not governed by
39 [~~45 C.F.R., Parts 160 and 164,~~] Standards for Privacy of Individually Identifiable Health
40 Information, 45 C.F.R., Parts 160 and 164, a patient or a patient's personal representative may
41 inspect or receive a copy of the patient's records unless access to the records is restricted by law
42 or judicial order.

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

45 (a) shall provide the copy within the deadlines required by the Health Insurance
46 Portability and Accountability Act of 1996, Administrative Simplification rule, 45 C.F.R. Sec.
47 164.524(b); and

48 (b) may charge a reasonable cost-based fee provided that the fee includes only the cost
49 of:

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

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

53 (4) Except for records provided by a health care provider under Section 26-1-37, a
54 health care provider who provides a copy of a patient's records to a third party authorized to
55 receive records:

56 (a) shall provide the copy within 30 days after receipt of notice; 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) ~~[\$20]~~ \$21.16 for locating a patient's records, per request;
- 60 (ii) ~~[copying]~~ reproduction charges may not exceed ~~[50]~~ 53 cents per page for the first
- 61 40 pages and ~~[30]~~ 32 cents per page for each additional page;
- 62 (iii) the cost of postage when the third party has requested the copy be mailed; and
- 63 (iv) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.
- 64 (5) Except for records provided under Section 26-1-37, a ~~[person authorized to~~
- 65 ~~provide]~~ contracted third party service which provides medical records, other than a health care
- 66 provider under Subsections (3) and (4), who provides a copy of a patient's records to a third
- 67 party authorized to receive records:
 - 68 (a) shall provide the copy within 30 days after the request; and
 - 69 (b) may charge a reasonable fee ~~[to cover the health care provider's cost]~~, but may not
 - 70 exceed the following rates:
 - 71 (i) ~~[\$20]~~ \$21.16 per request for locating a patient's records~~[, per request]~~;
 - 72 (ii) ~~[copying]~~ reproduction charges may not exceed ~~[50]~~ 53 cents per page for the first
 - 73 40 pages and ~~[30]~~ 32 cents per page for each additional page;
 - 74 (iii) the cost of postage when the third party has requested the copy be mailed; and
 - 75 (iv) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.
- 76 (6) A health care provider or its contracted third party service shall deliver the medical
- 77 records in electronic format:
 - 78 (a) if the patient, patient's personal representative, or a third party authorized to receive
 - 79 the records requests the records be delivered in electronic format;
 - 80 (b) the original medical records are stored in electronic format; and
 - 81 (c) the medical record is readily producible in electronic format.
- 82 (7) The fees in Subsections (3), (4), and (5) apply to medical records reproduced on
- 83 paper or in electronic format.
- 84 (8) Beginning January 1, 2016, the fee for providing patient's records shall be adjusted
- 85 annually as specified in this section based on the most recent changes to the Consumer Price
- 86 Index, as published by the Bureau of Labor Statistics of the United States Department of Labor,
- 87 that measures the average changes in prices of goods and services purchased by urban wage
- 88 earners, clerical workers' families, and single workers living alone.

Legislative Review Note
as of 2-24-15 10:14 AM

Office of Legislative Research and General Counsel