

Senator Todd Weiler proposes the following substitute bill:

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:



26 **63I-2-278. Repeal dates, Title 78A and Title 78B.**

27 [(+) Title 78B, Chapter 3, Part 9, Expedited Jury Trial Act, is repealed January 1,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29 [~~(2) Subsections 78B-5-618(4) and (5) are repealed January 1, 2016.~~]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 the digital or electronic medium customarily used by the health care provider or its
78 contracted third party service or in a portable document format:

79 (a) if the patient, patient's personal representative, or a third party authorized to receive
80 the records requests the records be delivered in a digital or electronic medium; and

81 (b) the original medical record is readily producible in a digital or electronic medium.

82 (7) (a) The per page fee in Subsections (3), (4), and (5) applies to medical records
83 reproduced on paper.

84 (b) For record requests made on or before June 30, 2018, the per page fee for
85 producing a copy of records on a digital or electronic medium shall be 60% of the per page fee
86 otherwise provided in this section, regardless of whether the original medical records are stored
87 in electronic format.

88 (c) For record requests made after on or after July 1, 2018, the per page fee for
89 producing a copy of records on a digital or electronic medium shall be 50% of the per page fee
90 otherwise provided in this section, regardless of whether the original medical records are stored
91 in electronic format.

92 (8) Beginning January 1, 2016, the fee for providing patient's records shall be adjusted
93 annually as specified in this section based on the most recent changes to the Consumer Price
94 Index, as published by the Bureau of Labor Statistics of the United States Department of Labor,
95 that measures the average changes in prices of goods and services purchased by urban wage
96 earners, clerical workers' families, and single workers living alone.