

26 Section 1. Section 78B-5-618 is amended to read:

27 **78B-5-618. Patient access to medical records -- Third party access to medical**
28 **records.**

29 (1) Pursuant to Standards for Privacy of Individually Identifiable Health Information,
30 45 C.F.R., Parts 160 and 164, a patient or a patient's personal representative may inspect or
31 receive a copy of the patient's records from a health care provider as defined in Section
32 78B-3-403, when that health care provider is governed by the provisions of 45 C.F.R., Parts
33 160 and 164.

34 (2) When a health care provider as defined in Section 78B-3-403 is not governed by
35 Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R., Parts 160 and
36 164, a patient or a patient's personal representative may inspect or receive a copy of the
37 patient's records unless access to the records is restricted by law or judicial order.

38 (3) A health care provider who provides a paper or electronic copy of a patient's
39 records to the patient or the patient's personal representative:

40 (a) shall provide the copy within the deadlines required by the Health Insurance
41 Portability and Accountability Act of 1996, Administrative Simplification rule, 45 C.F.R. Sec.
42 164.524(b); and

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

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

46 (ii) postage, when the patient or ~~[patient]~~ patient's personal representative has
47 requested the copy be mailed.

48 (4) Except for records provided by a health care provider under Section 26-1-37, a
49 health care provider who provides a copy of a patient's records to a patient's attorney, legal
50 representative, or other third party authorized to receive records:

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

52 (b) may charge a reasonable fee for paper or electronic copies, but may not exceed the
53 following rates:

54 (i) [~~\$21.16~~] \$30 ~~-\$~~ **per request** ~~-\$~~ for locating a patient's records [~~, per request~~];

55 (ii) reproduction charges may not exceed 53 cents per page for the first 40 pages and 32
56 cents per page for each additional page;

57 (iii) the cost of postage when the ~~[third party]~~ requester has requested the copy be
58 mailed; ~~[and]~~

59 (iv) if requested, the health care provider will certify the record as a duplicate of the
60 original for a fee of \$20; and

61 ~~[(iv)]~~ (v) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.

62 (5) Except for records provided under Section 26-1-37, a contracted third party service
63 which provides medical records, other than a health care provider under Subsections (3) and
64 (4), who provides a copy of a patient's records to a patient's attorney, legal representative, or
65 other third party authorized to receive records:

66 (a) shall provide the copy within 30 days after the request; and

67 (b) may charge a reasonable fee for paper or electronic copies, but may not exceed the
68 following rates:

69 (i) ~~[\$21.16]~~ \$30 per request for locating a patient's records;

70 (ii) reproduction charges may not exceed 53 cents per page for the first 40 pages and 32
71 cents per page for each additional page;

72 (iii) the cost of postage when the ~~[third party]~~ requester has requested the copy be
73 mailed; ~~[and]~~

74 (iv) if requested, the health care provider ~~§→~~ or the health care provider's contracted
74a third party service ~~←§~~ will certify the record as a duplicate of the
75 original for a fee of \$20; and

76 ~~[(iv)]~~ (v) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act.

77 (6) A health care provider or ~~[its]~~ ~~§→~~ [a] the ~~←§~~ health care provider's contracted third
77a party service

78 shall deliver the medical records in the ~~[digital or]~~ electronic medium customarily used by the

79 health care provider or ~~[its]~~ ~~§→~~ [a] the ~~←§~~ health care provider's contracted third party service or
79a in a

80 universally readable image such as portable document format:

81 (a) if the patient, patient's personal representative, or a third party authorized to receive
82 the records requests the records be delivered in ~~[a digital or]~~ an electronic medium; and

83 (b) the original medical record is readily producible in ~~[a digital or]~~ an electronic
84 medium.

85 (7) (a) ~~[The]~~ Except as provided in Subsections (7)(b) and (c), the per page fee in
86 Subsections (3), (4), and (5) applies to medical records reproduced electronically or on paper.

87 ~~[(b) For record requests made on or before June 30, 2018, the per page fee for~~

119 (7)(c)(ii)(B).

119a **§→ (c) On or before January 30, 2022, and on or before January 30 of each year thereafter,**
 119b **the state treasurer shall:**

119c **(i) certify the inflation-adjusted fees and maximum amounts calculated under this section; and**

119d **(ii) notify the Administrative Office of the Courts of the information described in Subsection**

119e **(8)(c)(i) for posting on the court's website. ←§**

120 (9) (a) As used in this Subsection (9), "qualified claim or appeal" means a claim or
 121 appeal under any:

122 (i) provision of the Social Security Act as defined in Section [67-11-2](#); or

123 (ii) federal or state financial needs-based benefit program.

124 (b) Notwithstanding Subsections (3) through (5), if a request for a medical record is
 125 accompanied by documentation of a qualified claim or appeal, a health care provider or the
 126 health care provider's contracted third party service:

127 (i) may not charge a fee for the first copy of the record for each date of service that is
 128 necessary to support the qualified claim or appeal in each calendar year;

129 (ii) for a second or subsequent copy in a calendar year of a date of service that is
 130 necessary to support the qualified claim or appeal, may charge a reasonable fee that may not:

131 (A) exceed 60 cents per page for paper photocopies;

132 (B) exceed a reasonable cost for copies of X-ray photographs and other health care
 133 records produced by similar processes;

134 (C) include an administrative fee or additional service fee related to the production of
 135 the medical record; or

136 (D) exceed the fee provisions for an electronic copy under Subsection (7)(c); and

137 (iii) shall provide the health record within 30 days after the day on which the request is
 138 received by the health care provider.

139 (10) (a) As used in this Subsection (10), "indigent individual" means an individual
 140 whose household income is at or below 100% of the federal poverty level as defined in Section
 141 [26-18-3.9](#).

142 (b) Except as otherwise provided in Subsections (3) through (5), a health care provider
 143 or the health care provider's contracted third party service shall waive all fees under this section
 144 for an indigent individual.

145 (c) A health care provider or the health care provider's contracted third party service
 146 may require the indigent individual or the indigent individual's authorized representative to
 147 provide proof that the individual is an indigent individual by executing an affidavit.

148 (d) (i) An indigent individual that receives copies of a medical record at no charge
 149 under this Subsection (10) is limited to one copy for each date of service for each health care