

Representative Raymond P. Ward proposes the following substitute bill:

MEDICAL RECORD ACCESS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to a patient's health information contained by hospital systems.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires the Department of Health and Human Services to facilitate discussions

between the hospital systems for improving patient access and data security of medical information.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-70-101, as enacted by Laws of Utah 2022, Chapter 327

63I-2-226, as last amended by Laws of Utah 2022, Chapters 255, 365

ENACTS:



26 **26-70-103**, Utah Code Annotated 1953



27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **26-70-101** is amended to read:

30 **CHAPTER 70. PATIENT HEALTH RECORD ACCESS**

31 **26-70-101. Definitions.**

32 As used in this chapter:

33 (1) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996,
34 Pub. L. No. 104-191, 110 Stat. 1936, as amended.

35 (2) "Hospital" means:

36 (a) a general acute hospital as defined in Section 26-21-2; and

37 (b) a specialty hospital as defined in Section 26-21-2.

38 (3) "Hospital system" means an entity that owns or operates at least five hospitals that
39 are licensed under Chapter 21, Health Care Facility Licensing and Inspection Act.

40 ~~[(2)]~~ (4) "Patient" means the individual whose information is being requested.

41 ~~[(3)]~~ (5) "Personal representative" means an individual described in 45 C.F.R. Sec.
42 164.502(g).

43 Section 2. Section **26-70-103** is enacted to read:

44 **26-70-103. Patient information access by a health care provider.**

45 (1) The department shall facilitate discussions with each hospital system regarding the
46 following:

47 (a) actions necessary to allow a patient's medical records stored by each hospital
48 system to be made available for the care of the patient in a timely fashion when the patient is
49 receiving care in a different hospital system; and

50 (b) how to improve patient data security in any instance in which medical information
51 is shared to any location external to the hospital system.

52 (2) The department shall submit a report to the Health and Human Services Interim
53 Committee before December 1, 2023, regarding the discussions described in Subsection (1).

54 Section 3. Section **63I-2-226** is amended to read:

55 **63I-2-226. Repeal dates: Title 26 through 26B.**

56 ~~[(1) Subsection 26-2-12.6(3), relating to the report for birth certificate fees, is repealed~~

57 ~~December 31, 2022.~~]

58 [~~2~~] (1) Subsection 26-7-8(3) is repealed January 1, 2027.

59 [~~3~~] (2) Section 26-8a-107 is repealed July 1, 2024.

60 [~~4~~] (3) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

61 [~~5~~] (4) Section 26-8a-211 is repealed July 1, 2023.

62 [~~6~~] (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
63 26-8a-602(1)(a) is amended to read:

64 "(a) provide the patient or the patient's representative with the following information
65 before contacting an air medical transport provider:

66 (i) which health insurers in the state the air medical transport provider contracts with;

67 (ii) if sufficient data is available, the average charge for air medical transport services
68 for a patient who is uninsured or out of network; and

69 (iii) whether the air medical transport provider balance bills a patient for any charge not
70 paid by the patient's health insurer; and".

71 [~~7~~] (6) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

72 [~~8~~] (7) Subsection 26-18-411(8), related to reporting on the health coverage
73 improvement program, is repealed January 1, 2023.

74 [~~9~~] (8) Subsection 26-18-420(5), related to reporting on coverage for in vitro
75 fertilization and genetic testing, is repealed July 1, 2030.

76 [~~10~~] (9) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
77 26-21-32(1)(a) is amended to read:

78 "(a) provide the patient or the patient's representative with the following information
79 before contacting an air medical transport provider:

80 (i) which health insurers in the state the air medical transport provider contracts with;

81 (ii) if sufficient data is available, the average charge for air medical transport services
82 for a patient who is uninsured or out of network; and

83 (iii) whether the air medical transport provider balance bills a patient for any charge not
84 paid by the patient's health insurer; and".

85 [~~11~~] (10) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

86 [~~12~~] (11) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
87 Program, is repealed July 1, 2027.

88 [~~(13)~~ Subsection ~~26-61-202~~(4)(b) is repealed January 1, 2022.]

89 [~~(14)~~ Subsection ~~26-61-202~~(5) is repealed January 1, 2022.]

90 (12) Section 26-70-103 is repealed January 1, 2024.

91 [~~(15)~~ (13) Subsection 26B-1-204(2)(f), relating to the Air Ambulance Committee, is

92 repealed July 1, 2024.