

# HB0239S03 compared with HB0239

~~{deleted text}~~ shows text that was in HB0239 but was deleted in HB0239S03.

inserted text shows text that was not in HB0239 but was inserted into HB0239S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: \_\_\_\_\_

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### 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 certain hospital systems to collectively select a method that allows a health care provider to access patient information for the patient the health care provider is treating;

‡ ▶ requires the Department of Health and Human Services ~~{ (department) }~~ to facilitate discussions between the hospital systems ~~{; and~~

→ allows the department to designate a health information exchange that hospital

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~~systems must adopt if the hospital systems are unable to collectively make a decision}~~ 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

**631-2-226**, as last amended by Laws of Utah 2022, Chapters 255, 365

#### ENACTS:

~~{~~ ~~26-21-36~~, Utah Code Annotated 1953

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

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

Section 1. Section ~~{26-21-36}~~ **26-70-101** is ~~{enacted}~~ amended to read:

~~{26-21-36. Health care facilities within a hospital system.~~

~~{1} As used in this section:~~

~~{a} "Hospital system" means the same as that term is defined in Section 26-70-101.~~

~~{b} "Medical information" means the same as that term is defined in Section 26-70-101.~~

~~{2} Beginning July 1, 2025, a health care facility that is owned or operated by a hospital system shall ensure that medical information collected by the health care facility is accessible in accordance with Section 26-70-103.~~

~~Section 2. Section **26-70-101** is amended to read:~~

~~{~~ **CHAPTER 70. PATIENT HEALTH RECORD ACCESS**

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

As used in this chapter:

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

(2) "Hospital" means:

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

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

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

~~{ (4) "Medical information" means one or more of the following regarding a patient:~~

~~— (a) for each time the patient is hospitalized:~~

~~— (i) an admission history and physical exam; or~~

~~— (ii) a discharge summary;~~

~~— (b) the health care provider's notes regarding:~~

~~— (i) an emergency room visit;~~

~~— (ii) an urgent care visit;~~

~~— (iii) a primary care outpatient care visit; or~~

~~— (iv) a consultation office visit;~~

~~— (c) a radiology report;~~

~~— (d) a lab report; or~~

~~— (e) a pathology report.~~

~~†~~ [(2)] ~~{5}~~4 "Patient" means the individual whose information is being requested.

[(3)] ~~{6}~~5 "Personal representative" means an individual described in 45 C.F.R. Sec. 164.502(g).

Section ~~{3}~~2. Section **26-70-103** is enacted to read:

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

(1) ~~{Subject to Subsection (4), beginning July 1, 2025, each hospital system, collectively, shall ensure that a patient's medical information housed by each hospital system is accessible to the patient or a physician designated by the patient:~~

~~— (a) when the patient or the physician treating the patient at a hospital system needs the medical information; and~~

~~— (b) through the use of single login.~~

~~(2) †~~ The department shall facilitate discussions with each hospital system ~~{~~ individually and collectively, ~~†~~ regarding the following:

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

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(b) how to improve patient data security in any instance in which medical information is shared to any location external to the hospital ~~{systems to determine how the hospital systems will comply with Subsection (1):~~

~~—— (3) On or before November 1, 2024, the~~ system.

(2) The department shall ~~{notify}~~ submit a report to the Health and Human Services Interim Committee ~~{indicating how the hospital systems intend to comply with Subsection (1):~~

~~—— (4) (a) If the hospital systems are unable to reach a unanimous decision regarding how to comply with Subsection (1) on or before October 31, 2024, the department shall:~~

~~—— (i) indicate that the hospital systems could not come to a unanimous decision in the notification}~~ before December 1, 2023, regarding the discussions described in Subsection ~~(3)1}~~ }; and

~~—— (ii) designate a single health information exchange for the hospital systems to provide medical information that will comply with Subsection (1):~~

~~—— (b) If the department indicates that a unanimous decision could not be reached under Subsection (4)(a)(i), a hospital system shall provide all medical information to the health information exchange described in Subsection (4)(a)(ii) beginning July 1, 2025:~~

~~};~~

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

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

[(1) Subsection 26-2-12.6(3), relating to the report for birth certificate fees, is repealed December 31, 2022.]

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

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

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

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

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

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

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

(ii) if sufficient data is available, the average charge for air medical transport services

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for a patient who is uninsured or out of network; and

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

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

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

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

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

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

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

(ii) if sufficient data is available, the average charge for air medical transport services

for a patient who is uninsured or out of network; and

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

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

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

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

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

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

[~~15~~] (13) Subsection 26B-1-204(2)(f), relating to the Air Ambulance Committee, is repealed July 1, 2024.