



General Assembly

Amendment

February Session, 2024

LCO No. 5833



Offered by:
SEN. GORDON, 35th Dist.

To: Subst. House Bill No. 5411 File No. 514 Cal. No. 447

(As Amended)

**"AN ACT CONCERNING REQUESTS FOR HEALTH RECORDS AND
THE FEES CHARGED FOR ACCESS TO SUCH RECORDS."**

1 Strike subsection (b) of section 2 in its entirety and substitute the
2 following in lieu thereof:

3 "(b) No institution licensed pursuant to this chapter shall charge for
4 furnishing a health record or part thereof to a patient, his attorney or
5 conservator if the record or part thereof is necessary for the purpose of
6 supporting a workers' compensation claim under chapter 568, a claim
7 or appeal under any provision of the Social Security Act or a claim or
8 appeal for veterans' benefits under any provision of Title 38 of the
9 United States Code or chapter 506 and the request for the records is
10 accompanied by documentation of the claim or appeal. An institution
11 shall furnish the requested record within thirty days of the request,
12 unless the request was received in less than thirty days subsequent to
13 the date the patient was discharged, in which case the institution shall
14 furnish the requested record upon its completion. If such provider, or

15 an entity acting on behalf of a provider, fails to furnish the health record
16 requested to the requestor not later than thirty days after the date of
17 receipt of request, the fee charged to furnish such health record shall be
18 reduced by fifty per cent. If such provider, or an entity acting on behalf
19 of a provider, fails to furnish the health record requested to the
20 requestor not later than sixty days after the date of receipt of the request,
21 the fee charged to furnish such health record shall be reduced by
22 seventy-five per cent. If such provider, or an entity acting on behalf of a
23 provider, fails to furnish the health record requested to the requestor not
24 later than ninety days after the date of receipt of the request, the fee
25 charged to furnish such health record shall be reduced by ninety per
26 cent. Subject to the provisions of subparagraph (A) of subdivision (2) of
27 subsection (a) of this section, nothing in this subsection shall be
28 construed to require a provider, or an entity acting on behalf of a
29 provider, to furnish a requested health record until such time as a
30 medical authorization form that is compliant with the provisions of the
31 Health Insurance Portability and Accountability Act of 1996, P.L. 104-
32 191, as amended from time to time, has been submitted to the provider,
33 or an entity acting on behalf of a provider. No provider or entity acting
34 on behalf of a provider shall be penalized for any delay in providing
35 records if good cause is shown for the delay. If a patient, a patient's
36 attorney or authorized representative requests that the provider, or an
37 entity acting on behalf of a provider, furnish a health record not later
38 than fifteen days following the receipt of such request, the provider, or
39 entity acting on behalf of the provider, may charge not more than an
40 additional fee of one hundred dollars to expedite the furnishing of the
41 health record. If an expedited copy is requested, it must be accompanied
42 by a statement that a statute of limitation or repose may expire within
43 one hundred twenty days of the date of the request, or other good cause
44 necessitating an expedited copy. If the expedited record is not provided
45 within fifteen days of the request, the record shall be provided free of
46 charge."

47 Strike subsection (d) of section 3 in its entirety and substitute the
48 following in lieu thereof:

49 "(d) Upon a written request of a patient, the patient's personal
50 representative or a patient's attorney, [or authorized representative,] or
51 pursuant to a written authorization, a provider, except as provided in
52 section 4-194, shall furnish to the person making such request a copy of
53 the patient's health record, including but not limited to, bills, x-rays and
54 copies of laboratory reports, contact lens specifications based on
55 examinations and final contact lens fittings given within the preceding
56 three months or such longer period of time as determined by the
57 provider but no longer than six months, records of prescriptions and
58 other technical information used in assessing the patient's health
59 condition. No provider shall refuse to return to a patient original records
60 or copies of records that the patient has brought to the provider from
61 another provider. When returning records to a patient, a provider may
62 retain copies of such records for the provider's file, provided such
63 provider does not charge the patient for the costs incurred in copying
64 such records. [No provider shall charge more than sixty-five cents per
65 page, including any research fees, handling fees or related costs, and the
66 cost of first class postage, if applicable, for furnishing a health record
67 pursuant to this subsection, except such] A provider may charge a
68 patient the amount necessary to cover the cost of materials for
69 furnishing a copy of an x-ray, provided no such charge shall be made
70 for furnishing a health record in paper or electronic form or part thereof
71 to a patient, a patient's personal representative or a patient's attorney [or
72 authorized representative] pursuant to a written authorization if the
73 record or part thereof is necessary for the purpose of supporting a
74 workers' compensation claim under chapter 568, a claim or appeal
75 under any provision of the Social Security Act or a claim or appeal for
76 veterans' benefits under any provision of Title 38 of the United States
77 Code or chapter 506 and the request is accompanied by documentation
78 of the claim or appeal. A provider shall furnish a health record
79 requested of the initial health care provider pursuant to this section
80 within thirty days of the request. If such provider, or an entity acting on
81 behalf of a provider, fails to furnish the health record requested to the
82 requestor not later than thirty days after the date of receipt of request,
83 the fee charged to furnish such health record shall be reduced by fifty

84 per cent. If such provider, or an entity acting on behalf of a provider,
85 fails to furnish the health record requested to the requestor not later than
86 sixty days after the date of receipt of the request, the fee charged to
87 furnish such health record shall be reduced by seventy-five per cent. If
88 such provider, or an entity acting on behalf of a provider, fails to furnish
89 the health record requested to the requestor not later than ninety days
90 after the date of receipt of the request, the fee charged to furnish such
91 health record shall be reduced by ninety per cent. Subject to the
92 provisions this subsection, nothing in this subsection shall be construed
93 to require a provider, or an entity acting on behalf of a provider, to
94 furnish a requested health record until such time as a medical
95 authorization form that is compliant with the provisions of the Health
96 Insurance Portability and Accountability Act of 1996, P.L. 104-191, as
97 amended from time to time, has been submitted to the provider, or an
98 entity acting on behalf of a provider. No provider or entity acting on
99 behalf of a provider shall be penalized for any delay in providing
100 records if good cause is shown for the delay. If a patient, a patient's
101 attorney or authorized representative requests that the provider, or an
102 entity acting on behalf of a provider, furnish a health record not later
103 than fifteen days following the receipt of such request, the provider, or
104 entity acting on behalf of the provider, may charge not more than an
105 additional fee of one hundred dollars to expedite the furnishing of the
106 health record. If an expedited copy is requested, it must be accompanied
107 by a statement that a statute of limitation or repose may expire within
108 one hundred twenty days of the date of the request, or other good cause
109 necessitating an expedited copy. If the expedited record is not provided
110 within fifteen days of the request, the record shall be provided free of
111 charge. No health care provider, who has purchased or assumed the
112 practice of a provider who is retiring or deceased, may refuse to return
113 original records or copied records to a patient who decides not to seek
114 care from the successor provider. When returning records to a patient
115 who has decided not to seek care from a successor provider, such
116 provider may not charge a patient for costs incurred in copying the
117 records of the retired or deceased provider. A provider may charge fees
118 for a health record that is furnished pursuant to this subsection as

119 follows:

120 (1) If the written request is made directly by the patient or patient's
121 personal representative, the maximum fees a provider may charge shall
122 be the same as allowed by federal law 45 CFR 164.524(c)(4). Permitted
123 fees shall include any amount necessary to cover the cost of materials
124 for furnishing a copy of a health record.

125 (2) If the written request came from someone other than the patient
126 or the patient's personal representative, the maximum fees a provider
127 may charge shall be:

128 (A) For paper copies: One dollar per page for pages one to fifty,
129 inclusive; plus fifty cents per page for pages fifty-one and above; plus
130 the actual cost of postage;

131 (B) For electronic copies: One dollar per page for pages one to fifty,
132 inclusive; plus fifty cents per page for pages fifty-one and above, but in
133 no event more than two hundred fifteen dollars; plus the actual cost of
134 postage, if required; and

135 (C) On January 1, 2026, and annually thereafter, the Department of
136 Public Health shall adjust the per page fees prescribed in this
137 subparagraph based upon the consumer price index for all urban
138 consumers as determined by the United States Department of Labor,
139 Bureau of Labor Statistics. The Department of Public Health shall
140 annually publish the adjusted rates on the department's Internet web
141 site."