

**CHARGES BY HEALTH PROVIDERS FOR MEDICAL RECORDS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Francis D. Gibson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Judicial Code relating to patient access to medical records.

**Highlighted Provisions:**

This bill:

- ▶ requires a health care provider to provide medical records to a patient or a patient's personal representative within a reasonable period of time after requested; and
- ▶ provides maximum charges that a health care provider may charge when copying a patient's medical records.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**78B-5-618**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

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



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

29           (1) Pursuant to 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually  
30 Identifiable Health Information, 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 45  
35 C.F.R., Parts 160 and 164, Standards for Privacy of Individually Identifiable Health  
36 Information, 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 copy of a patient's records to the patient or  
39 the patient's personal representative;

40           (a) shall provide the copy within a reasonable period of time after the request; and

41           (b) may charge a reasonable fee to cover the health care provider's costs[-], but may not  
42 exceed the following rates:

43           (i) \$15 for locating a patient's records, per request;

44           (ii) copying charges may not exceed 50 cents per page; and

45           (iii) \$25 for the retrieval and duplication of a patient's electronic records, per request.

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**Legislative Review Note**  
**as of 1-17-11 6:49 AM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 212

SHORT TITLE: **Charges by Health Providers for Medical Records**

SPONSOR: **Gibson, F.**

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

To the extent that businesses currently charge more to provide medical records than is specified in this bill, those businesses may experience a revenue loss. Individuals currently paying more for medical records than specified in this bill may experience a cost savings. The magnitude of this impact cannot be measured at this time.