



General Assembly

February Session, 2004

Raised Bill No. 567

LCO No. 2289

02289_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING ACCESS TO LABORATORY RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-7c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) For purposes of this section, "provider" has the same meaning as
4 provided in section 20-7b, and "clinical laboratory" has the same
5 meaning as provided in section 19a-30.

6 [(a)] (b) (1) A provider, except as provided in section 4-194, shall
7 supply to a patient upon request complete and current information
8 possessed by that provider concerning any diagnosis, treatment and
9 prognosis of the patient. [; and] (2) [a] A provider shall notify a patient
10 of any test results in the provider's possession that indicate a need for
11 further treatment or diagnosis. (3) In the case when a provider denies
12 or cannot grant access to a patient's laboratory results, a clinical
13 laboratory, except as provided in section 4-194, shall supply to a
14 patient complete and current information possessed by such clinical
15 laboratory concerning any diagnosis, treatment or prognosis of the
16 patient.

17 [(b)] (c) Upon a written request of a patient, [his] a patient's attorney
18 or authorized representative, or pursuant to a written authorization, a
19 provider or a clinical laboratory, except as provided in section 4-194,
20 shall furnish to the person making such request a copy of the patient's
21 health record, including but not limited to, bills, x-rays and copies of
22 laboratory reports, contact lens specifications based on examinations
23 and final contact lens fittings given within the preceding three months
24 or such longer period of time as determined by the provider or clinical
25 laboratory, but no longer than six months, records of prescriptions and
26 other technical information used in assessing the patient's health
27 condition. No provider or clinical laboratory shall charge more than
28 forty-five cents per page, including any research fees, handling fees or
29 related costs, and the cost of first class postage, if applicable, for
30 furnishing a health record pursuant to this subsection, except such
31 provider or clinical laboratory may charge a patient the amount
32 necessary to cover the cost of materials for furnishing a copy of an x-
33 ray, provided no such charge shall be made for furnishing a health
34 record or part thereof to a patient, [his] a patient's attorney or
35 authorized representative if the record or part thereof is necessary for
36 the purpose of supporting a claim or appeal under any provision of the
37 Social Security Act and the request is accompanied by documentation
38 of the claim or appeal. A provider or clinical laboratory shall furnish a
39 health record requested pursuant to this section within thirty days of
40 the request.

41 [(c)] (d) If a provider [, as defined in section 20-7b,] or clinical
42 laboratory reasonably determines that the information is detrimental
43 to the physical or mental health of the patient, or is likely to cause the
44 patient to harm himself or another, [he] the provider or clinical
45 laboratory may withhold the information from the patient. The
46 information may be supplied to an appropriate third party or to
47 another provider who may release the information to the patient. If
48 disclosure of information is refused by a provider or clinical laboratory
49 under this subsection, any person aggrieved thereby may, within
50 thirty days of such refusal, petition the superior court for the judicial

51 district in which [he] such person resides for an order requiring the
52 provider or clinical laboratory to disclose the information. Such a
53 proceeding shall be privileged with respect to assignment for trial. The
54 court, after hearing and an in camera review of the information in
55 question, shall issue the order requested unless it determines that such
56 disclosure would be detrimental to the physical or mental health of the
57 person or is likely to cause the person to harm himself or another.

58 [(d)] (e) The provisions of this section shall not apply to any
59 information relative to any psychiatric or psychological problems or
60 conditions.

61 Sec. 2. (NEW) (*Effective October 1, 2004*) When a court orders a test
62 pursuant to section 54-102a or 54-102b of the general statutes, the court
63 shall provide the victim with (1) the educational materials about
64 human immunodeficiency virus and acquired immune deficiency
65 syndrome developed by the Department of Public Health pursuant to
66 section 19a-112c of the general statutes, (2) information about and
67 referral to HIV testing and counseling for victims of sexual acts
68 provided through sites funded by such department pursuant to section
69 19a-112b of the general statutes, and (3) referrals and information
70 regarding rape crisis centers. The court shall also inform the victim
71 that the victim may designate a health care provider chosen by the
72 victim or an HIV testing and counseling site funded by the department
73 to receive the results of such test on behalf of the victim. The test
74 results shall be disclosed to the victim by the designated health care
75 provider or by a professional trained to provide counseling about HIV
76 and acquired immune deficiency syndrome at the department-funded
77 site designated by the victim.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

Statement of Purpose:

To allow persons to request their health records from a laboratory without prior written authorization from a physician.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]