



General Assembly

February Session, 2004

Amendment

LCO No. 4331

SB0056704331SD0

Offered by:

SEN. SULLIVAN, 5th Dist.

SEN. MURPHY, 16th Dist.

To: Subst. Senate Bill No. 567

File No. 422

Cal. No. 299

"AN ACT CONCERNING ACCESS TO LABORATORY RECORDS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 20-7c of the general statutes is repealed and the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

5 (a) For purposes of this section, "provider" has the same meaning as
6 provided in section 20-7b.

7 [(a)] (b) (1) A provider, except as provided in section 4-194, shall
8 supply to a patient upon request complete and current information
9 possessed by that provider concerning any diagnosis, treatment and
10 prognosis of the patient. [; and (2) a] (2) A provider shall notify a
11 patient of any test results in the provider's possession [that indicate a
12 need for further treatment or diagnosis] or requested by the provider
13 for the purposes of diagnosis, treatment or prognosis of such patient.

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

36 [(c)] (d) If a provider [, as defined in section 20-7b,] reasonably
37 determines that the information is detrimental to the physical or
38 mental health of the patient, or is likely to cause the patient to harm
39 himself or another, [he] the provider may withhold the information
40 from the patient. The information may be supplied to an appropriate
41 third party or to another provider who may release the information to
42 the patient. If disclosure of information is refused by a provider under
43 this subsection, any person aggrieved thereby may, within thirty days
44 of such refusal, petition the superior court for the judicial district in
45 which [he] such person resides for an order requiring the provider to
46 disclose the information. Such a proceeding shall be privileged with
47 respect to assignment for trial. The court, after hearing and an in

48 camera review of the information in question, shall issue the order
 49 requested unless it determines that such disclosure would be
 50 detrimental to the physical or mental health of the person or is likely to
 51 cause the person to harm himself or another.

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

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