AN ACT CONCERNING PATIENT ACCESS AND CONTROL OVER MEDICAL TEST RESULTS.

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

Section 1. Section 20-7c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2011):

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

[(b)] (a) (1) A provider, except as provided in section 4-194, shall supply to a patient upon request complete and current information possessed by that provider concerning any diagnosis, treatment and prognosis of the patient. (2) A provider shall notify a patient of any test results in the provider's possession or requested by the provider for the purposes of diagnosis, treatment or prognosis of such patient. In addition, upon request of the patient, a provider shall notify any other provider specified by the patient of any test results in the provider's possession or requested by the provider for the purposes of diagnosis, treatment or prognosis of such patient. (3) A provider, who requests that his or her patient submit to medical testing for purposes of
ascertaining a diagnosis, prognosis or recommended course of
treatment for such patient, shall authorize the entity that conducts
such medical testing, including, but not limited to, a clinical
laboratory, as defined in section 19a-30, to directly communicate the
results of such testing to the patient, unless the provider reasonably
determines that the information that may be directly communicated to
the patient would be detrimental to the physical or mental health of
the patient or may result in the patient causing harm to himself, herself
or another. In any case where a provider has determined that direct
access by the patient to the results of a medical test would not be in the
best interests of the patient, the provider shall communicate the
reasons for such determination to the patient.

(b) In accordance with the provisions of subsection (a) of this
section, a provider, who requests that his or her patient submit to
repeated medical testing at regular intervals, over a specified period of
time, for purposes of ascertaining a diagnosis, prognosis or
recommended course of treatment for such patient, may issue a single
authorization that allows the entity that conducts such medical testing,
including, but not limited to, a clinical laboratory, as defined in section
19a-30, to directly communicate the results of such testing to the
patient for the period of time that such testing is requested by the
provider.

(c) Upon a written request of a patient, a patient’s attorney or
authorized representative, or pursuant to a written authorization, a
provider, except as provided in section 4-194, shall furnish to the
person making such request a copy of the patient's health record,
including but not limited to, bills, x-rays and copies of laboratory
reports, contact lens specifications based on examinations and final
contact lens fittings given within the preceding three months or such
longer period of time as determined by the provider but no longer
than six months, records of prescriptions and other technical
information used in assessing the patient's health condition. No
provider shall refuse to return to a patient original records or copies of
records that the patient has brought to the provider from another
provider. When returning records to a patient, a provider may retain
copies of such records for the provider's file, provided such provider
does not charge the patient for the costs incurred in copying such
records. No provider shall charge more than sixty-five cents per page,
including any research fees, handling fees or related costs, and the cost
of first class postage, if applicable, for furnishing a health record
pursuant to this subsection, except such provider may charge a patient
the amount necessary to cover the cost of materials for furnishing a
copy of an x-ray, provided no such charge shall be made for furnishing
a health record or part thereof to a patient, a patient's attorney or
authorized representative if the record or part thereof is necessary for
the purpose of supporting a claim or appeal under any provision of the
Social Security Act and the request is accompanied by documentation
of the claim or appeal. A provider shall furnish a health record
requested pursuant to this section within thirty days of the request. No
health care provider, who has purchased or assumed the practice of a
provider who is retiring or deceased, may refuse to return original
records or copied records to a patient who decides not to seek care
from the successor provider. When returning records to a patient who
has decided not to seek care from a successor provider, such provider
may not charge a patient for costs incurred in copying the records of
the retired or deceased provider.

(d) If a provider reasonably determines that the information is
detrimental to the physical or mental health of the patient, or is likely
to cause the patient to harm himself, herself or another, the provider
may withhold the information from the patient. The information may
be supplied to an appropriate third party or to another provider who
may release the information to the patient. If disclosure of information
is refused by a provider under this subsection, any person aggrieved
thereby may, within thirty days of such refusal, petition the superior
court for the judicial district in which such person resides for an order
requiring the provider to disclose the information. Such a proceeding
shall be privileged with respect to assignment for trial. The court, after
hearing and an in camera review of the information in question, shall issue the order requested unless it determines that such disclosure would be detrimental to the physical or mental health of the person or is likely to cause the person to harm himself, herself or another.

(e) The provisions of this section shall not apply to any information relative to any psychiatric or psychological problems or conditions.

(f) In the event that a provider abandons his or her practice, the Commissioner of Public Health may appoint a licensed health care provider to be the keeper of the records, who shall be responsible for disbursing the original records to the provider's patients, upon the request of any such patient.

(g) The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the provisions of this section.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | October 1, 2011 | 20-7c |

Statement of Purpose:
To facilitate improved patient access to medical test results and provide patients with greater ability to direct the sharing of medical tests results with all health care providers involved in the patient's care.

[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.]