



General Assembly

Amendment

January Session, 2015

LCO No. 8319



Offered by:

SEN. GERRATANA, 6th Dist.

REP. RITTER M., 1st Dist.

SEN. MARKLEY, 16th Dist.

To: Senate Bill No. 73

File No. 540

Cal. No. 330

"AN ACT CONCERNING MEDICAL 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 Section 20-7c of the general statutes is repealed and the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, 2015*):

5 (a) For purposes of this section, "clinical laboratory" has the same
6 meaning as provided in section 19a-30. "Clinical laboratory" does not
7 include any state laboratory established by the Department of Public
8 Health pursuant to section 19a-26 or 19a-29.

9 (b) Except as provided for in subsection [(e)] (i) of this section, a
10 provider shall (1) supply to a patient upon request complete and
11 current information possessed by that provider concerning any
12 diagnosis, treatment and prognosis of the patient, and (2) notify a
13 patient of any test results in the provider's possession or requested by

14 the provider for the purposes of diagnosis, treatment or prognosis of
15 such patient. In addition, upon the request of a patient or a provider
16 who orders medical tests on behalf of a patient, a clinical laboratory
17 shall provide medical test results relating to the patient to (A) the
18 patient, or (B) any other provider who is treating the patient for the
19 purposes of diagnosis, treatment or prognosis of such patient.

20 (c) A provider, who requests that his or her patient submit to
21 repeated medical testing at regular intervals, over a specified period of
22 time, for purposes of ascertaining a diagnosis, prognosis or
23 recommended course of treatment for such patient, may issue a single
24 authorization that allows the entity that conducts such medical testing,
25 including, but not limited to, a clinical laboratory, to directly
26 communicate the results of such testing to the patient for the period of
27 time that such testing is requested by the provider.

28 (d) [Upon] Except as provided in subsection (i) of this section, upon
29 a written request of a patient, a patient's attorney or authorized
30 representative, or pursuant to a written authorization, a provider,
31 except as provided in section 4-194, shall furnish to the person making
32 such request a copy of the patient's health record, including but not
33 limited to, bills, x-rays and copies of laboratory reports, contact lens
34 specifications based on examinations and final contact lens fittings
35 given within the preceding [three months] three-month period or such
36 longer period of time as determined by the provider but no longer
37 than [six months] a six-month period, records of prescriptions and
38 other technical information used in assessing the patient's health
39 condition.

40 (e) No provider shall refuse to return to a patient original records or
41 copies of records that the patient has brought to the provider from
42 another provider. When returning records to a patient, a provider may
43 retain copies of such records for the provider's file, provided such
44 provider does not charge the patient for the costs incurred in copying
45 such records.

46 (f) No provider shall charge more than (1) sixty-five cents per page,
47 [including any research fees, handling fees or related costs, and the
48 cost of first class postage, if applicable, for furnishing a health record
49 pursuant to this subsection, except such provider may charge a
50 patient] and (2) twenty dollars for research and handling fees for
51 furnishing a paper or electronic copy of a health record, or any part
52 thereof, pursuant to this section, except no research and handling fee
53 shall be charged for furnishing a paper or electronic copy of a health
54 record to (A) a patient, or (B) an attorney for a patient who has
55 previously made a request for the patient's health record, from the
56 same provider for health records that are maintained in the same
57 health records system and such attorney requests only such health
58 records that have been generated since the date of the initial request,
59 were not included in the submission of health records furnished in
60 response to the initial request and the request is made not more than
61 twelve months after the date the submission furnished in response to
62 the initial request was sent or delivered to the attorney.
63 Notwithstanding the provisions of this subsection, no provider shall
64 charge more than one hundred fifty-five dollars for furnishing an
65 electronic copy of a health record, or any part thereof, pursuant to this
66 subsection. Except as otherwise provided in this section, a provider
67 may charge a patient or other person (i) for the cost of first class
68 postage for furnishing a copy of a health record pursuant to this
69 section, (ii) the amount necessary to cover the cost of materials for
70 furnishing a copy of an x-ray, [provided no such charge shall be made]
71 and (iii) a certification fee of not more than ten dollars, if certification
72 of the health record is requested. No provider shall charge for
73 furnishing a paper or electronic copy of a health record, or part thereof,
74 to a patient, a patient's attorney or authorized representative if the
75 health record [or part thereof] is necessary for the purpose of
76 supporting a claim or appeal under any provision of the Social
77 Security Act and the request for the health record is accompanied by
78 documentation of the claim or appeal.

79 (g) A provider shall furnish a health record requested pursuant to

80 this section [within] not later than thirty days [of] after the request.

81 (h) No health care provider, who has purchased or assumed the
82 practice of a provider who is retiring or deceased, may refuse to return
83 original records or copied records to a patient who decides not to seek
84 care from the successor provider. When returning records to a patient
85 who has decided not to seek care from a successor provider, such
86 successor provider may not charge a patient for costs incurred in
87 copying the records of the retired or deceased provider.

88 [(e)] (i) If a provider reasonably determines that the information is
89 detrimental to the physical or mental health of the patient, or is likely
90 to cause the patient to harm himself, herself or another, the provider
91 may withhold the information from the patient. The information may
92 be supplied to an appropriate third party or to another provider who
93 may release the information to the patient. If disclosure of information
94 is refused by a provider under this subsection, any person aggrieved
95 thereby may, [within] not later than thirty days [of] after such refusal,
96 petition the superior court for the judicial district in which such person
97 resides for an order requiring the provider to disclose the information.
98 Such a proceeding shall be privileged with respect to assignment for
99 trial. The court, after hearing and an in camera review of the
100 information in question, shall issue the order requested unless it
101 determines that such disclosure would be detrimental to the physical
102 or mental health of the person or is likely to cause the person to harm
103 himself, herself or another.

104 [(f)] (j) The provisions of this section shall not apply to any
105 information relative to any psychiatric or psychological [problems or
106 conditions] illness or condition.

107 [(g)] (k) In the event that a provider abandons his or her practice,
108 the Commissioner of Public Health may appoint a licensed health care
109 provider to be the keeper of the records. [, who] The keeper of the
110 records shall be responsible for disbursing the original health records
111 to the provider's patients, upon the request of any such patient.

112 [(h)] (l) The Commissioner of Public Health shall adopt regulations,
113 in accordance with the provisions of chapter 54, to carry out the
114 provisions of this section.

115 Sec. 2. Section 19a-490b of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective October 1, 2015*):

117 (a) Upon the written request of a patient or the patient's attorney or
118 authorized representative, or pursuant to a written authorization, an
119 institution licensed pursuant to this chapter shall furnish to the person
120 making such request a copy of the patient's health record, including
121 but not limited to, copies of bills, laboratory reports, prescriptions and
122 other technical information used in assessing the patient's health
123 condition. In addition, an institution shall provide the patient or the
124 patient's designated health care provider with a reasonable
125 opportunity to examine retained tissue slides and retained pathology
126 tissue blocks. Upon the written request of the patient, the patient's
127 attorney or the patient's designated health care provider, an institution
128 shall send the original retained tissue slide or original retained tissue
129 block directly to the patient's designated licensed institution,
130 laboratory or physician. If the original slide or block is not available or
131 if a new section cut of the original slide or block is a fair representation
132 of the original slide or block, then the institution may send the new
133 section cut, [which] that is clearly labeled as a new section cut, to the
134 patient's designated health care provider. Any patient or [the] a
135 patient's attorney or authorized representative who is provided with
136 an original retained slide, tissue block or a new section under the
137 provisions of this subsection shall be solely responsible for
138 safeguarding and returning the slide, block or new section to the
139 institution. Any institution [or laboratory] that has released an original
140 slide, an original tissue block or new section pursuant to the provisions
141 of this subsection shall not be subject to any liability arising out of
142 releasing or not retaining the slide, block or new section and no cause
143 of action for damages shall arise against any such institution for
144 releasing or not retaining the slide, block or new section. [No such

145 institution shall charge more than sixty-five cents per page, including
146 any research fees, clerical fees, handling fees or related costs, and the
147 cost of first class postage, if applicable, for furnishing or providing
148 access to a health record pursuant to this subsection, except such an
149 institution may charge the amount necessary to cover its cost of
150 materials for furnishing a copy of an x-ray or for furnishing an original
151 retained slide, an original tissue block or a new section cut from a
152 retained pathology tissue block.] An institution shall furnish a copy of
153 a patient's health record to the patient or the patient's attorney or
154 authorized representative making a written request for such health
155 record not later than thirty days after the date of the request, except
156 when such request is made less than thirty days after the date of the
157 patient's discharge from the institution, in which case the institution
158 shall furnish the requested health record upon its completion. For
159 purposes of this subsection, "health care provider" means an institution
160 or laboratory licensed under this chapter or licensed in the state where
161 located or a physician licensed under chapter 370 or licensed in the
162 state where located.

163 (b) No institution shall charge more than (1) sixty-five cents per
164 page, and (2) twenty dollars for research and handling fees for
165 furnishing a paper or electronic copy of a health record, or any part
166 thereof, pursuant to this section, except no research and handling fee
167 shall be charged for furnishing a paper or electronic copy of a health
168 record to (A) a patient, or (B) an attorney for a patient who has
169 previously made a request for the patient's health record, from the
170 same institution for health records that are maintained in the same
171 health records system and such attorney requests only such health
172 records that have been generated since the date of the initial request,
173 were not included in the submission of health records furnished in
174 response to the initial request and the request is made not more than
175 twelve months after the date the submission furnished in response to
176 the initial request was sent or delivered to the attorney.
177 Notwithstanding the provisions of this subsection, no institution shall
178 charge more than one hundred fifty-five dollars for furnishing an

179 electronic copy of a health record, or any part thereof, pursuant to this
180 section. Except as otherwise provided in this section, an institution
181 may charge a patient or other person (i) for the cost of first class
182 postage for furnishing a copy of a health record pursuant to this
183 section, (ii) the amount necessary to cover the cost of materials for
184 furnishing a copy of an x-ray or for furnishing an original retained
185 slide, an original tissue block or a new section cut from a retained
186 pathology tissue block, and (iii) a certification fee of not more than ten
187 dollars, if certification of the health record is requested.

188 [(b)] (c) No institution [licensed pursuant to this chapter] shall
189 charge for furnishing a paper or electronic copy of a health record, or
190 part thereof, to a patient, [his] a patient's attorney or [conservator]
191 authorized representative if the health record [or part thereof] is
192 necessary for the purpose of supporting a claim or appeal under any
193 provision of the Social Security Act and the request for the [records]
194 health record is accompanied by documentation of the claim or appeal.
195 [An institution shall furnish the requested record within thirty days of
196 the request, unless the request was received in less than thirty days
197 subsequent to the date the patient was discharged, in which case the
198 institution shall furnish the requested record upon its completion.]

199 [(c) Each] (d) An institution [licensed pursuant to this chapter] shall
200 maintain information regarding each patient's status as a veteran, as
201 defined in subsection (a) of section 27-103. Said information shall be
202 made available, upon request, to any duly authorized representative of
203 the Department of Veterans' Affairs.

204 [(d)] (e) No institution may deny a person the records available
205 under subsection (a) of this section because of the person's inability to
206 pay the required fees. An affidavit from such person attesting to an
207 inability to pay such fees shall be presumptive evidence thereof.

208 [(e) Each institution licensed pursuant to this chapter] (f) An
209 institution that ceases to operate shall, at the time it relinquishes its
210 license to the department, provide to the department a certified

211 document specifying: (1) The location at which patient health records
212 will be stored; (2) the procedure that has been established for patients,
213 former patients or their authorized representatives to secure access to
214 such health records; (3) provisions for storage, should the storage
215 location cease to operate or change ownership; and (4) that the
216 department is authorized to enforce the certified document should the
217 storage location cease to operate or change ownership. An institution
218 that fails to comply with the terms of a certified document provided to
219 the department in accordance with this subsection shall be assessed a
220 civil penalty not to exceed one hundred dollars per day for each day of
221 noncompliance with the terms of the certified agreement."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	20-7c
Sec. 2	<i>October 1, 2015</i>	19a-490b