



General Assembly

Amendment

February Session, 2024

LCO No. 5831



Offered by:
SEN. GORDON, 35th Dist.

To: Subst. House Bill No. 5411 File No. 514 Cal. No. 447

(As Amended)

**"AN ACT CONCERNING REQUESTS FOR HEALTH RECORDS AND
THE FEES CHARGED FOR ACCESS TO SUCH RECORDS."**

1 Strike subsection (b) of section 2 in its entirety and substitute the
2 following in lieu thereof:

3 "(b) No institution licensed pursuant to this chapter shall charge for
4 furnishing a health record or part thereof to a patient, his attorney or
5 conservator if the record or part thereof is necessary for the purpose of
6 supporting a workers' compensation claim under chapter 568, a claim
7 or appeal under any provision of the Social Security Act or a claim or
8 appeal for veterans' benefits under any provision of Title 38 of the
9 United States Code or chapter 506 and the request for the records is
10 accompanied by documentation of the claim or appeal. An institution
11 shall furnish the requested record within thirty days of the request,
12 unless the request was received in less than thirty days subsequent to
13 the date the patient was discharged, in which case the institution shall
14 furnish the requested record upon its completion. All requests for

15 records shall be complete and in a form provided by the provider, or an
16 entity acting on behalf of a provider, if such form has been provided to
17 the requestor. If such provider, or an entity acting on behalf of a
18 provider, fails to furnish the health record requested to the requestor not
19 later than thirty days after the date of receipt of request, the fee charged
20 to furnish such health record shall be reduced by fifty per cent. If such
21 provider, or an entity acting on behalf of a provider, fails to furnish the
22 health record requested to the requestor not later than sixty days after
23 the date of receipt of the request, the fee charged to furnish such health
24 record shall be reduced by seventy-five per cent. If such provider, or an
25 entity acting on behalf of a provider, fails to furnish the health record
26 requested to the requestor not later than ninety days after the date of
27 receipt of the request, the fee charged to furnish such health record shall
28 be reduced by ninety per cent. Subject to the provisions of subparagraph
29 (A) of subdivision (2) of subsection (a) of this section, nothing in this
30 subsection shall be construed to require a provider, or an entity acting
31 on behalf of a provider, to furnish a requested health record until such
32 time as a medical authorization form that is compliant with the
33 provisions of the Health Insurance Portability and Accountability Act of
34 1996, P.L. 104-191, as amended from time to time, has been submitted to
35 the provider, or an entity acting on behalf of a provider. No provider or
36 entity acting on behalf of a provider shall be penalized for any delay in
37 providing records if good cause is shown for the delay. If a patient, a
38 patient's attorney or authorized representative requests that the
39 provider, or an entity acting on behalf of a provider, furnish a health
40 record not later than fifteen days following the receipt of such request,
41 the provider, or entity acting on behalf of the provider, may charge not
42 more than an additional fee of one hundred dollars to expedite the
43 furnishing of the health record."

44 Strike subsection (d) of section 3 in its entirety and substitute the
45 following in lieu thereof:

46 "(d) Upon a written request of a patient, the patient's personal
47 representative or a patient's attorney, [or authorized representative,] or
48 pursuant to a written authorization, a provider, except as provided in

49 section 4-194, shall furnish to the person making such request a copy of
50 the patient's health record, including but not limited to, bills, x-rays and
51 copies of laboratory reports, contact lens specifications based on
52 examinations and final contact lens fittings given within the preceding
53 three months or such longer period of time as determined by the
54 provider but no longer than six months, records of prescriptions and
55 other technical information used in assessing the patient's health
56 condition. No provider shall refuse to return to a patient original records
57 or copies of records that the patient has brought to the provider from
58 another provider. When returning records to a patient, a provider may
59 retain copies of such records for the provider's file, provided such
60 provider does not charge the patient for the costs incurred in copying
61 such records. [No provider shall charge more than sixty-five cents per
62 page, including any research fees, handling fees or related costs, and the
63 cost of first class postage, if applicable, for furnishing a health record
64 pursuant to this subsection, except such] A provider may charge a
65 patient the amount necessary to cover the cost of materials for
66 furnishing a copy of an x-ray, provided no such charge shall be made
67 for furnishing a health record in paper or electronic form or part thereof
68 to a patient, a patient's personal representative or a patient's attorney [or
69 authorized representative] pursuant to a written authorization if the
70 record or part thereof is necessary for the purpose of supporting a
71 workers' compensation claim under chapter 568, a claim or appeal
72 under any provision of the Social Security Act or a claim or appeal for
73 veterans' benefits under any provision of Title 38 of the United States
74 Code or chapter 506 and the request is accompanied by documentation
75 of the claim or appeal. A provider shall furnish a health record
76 requested of the initial health care provider pursuant to this section
77 within thirty days of the request. All requests for records shall be
78 complete and in a form provided by the provider, or an entity acting on
79 behalf of a provider, if such form has been provided to the requestor. If
80 such provider, or an entity acting on behalf of a provider, fails to furnish
81 the health record requested to the requestor not later than thirty days
82 after the date of receipt of request, the fee charged to furnish such health
83 record shall be reduced by fifty per cent. If such provider, or an entity

84 acting on behalf of a provider, fails to furnish the health record
85 requested to the requestor not later than sixty days after the date of
86 receipt of the request, the fee charged to furnish such health record shall
87 be reduced by seventy-five per cent. If such provider, or an entity acting
88 on behalf of a provider, fails to furnish the health record requested to
89 the requestor not later than ninety days after the date of receipt of the
90 request, the fee charged to furnish such health record shall be reduced
91 by ninety per cent. Subject to the provisions this subsection, nothing in
92 this subsection shall be construed to require a provider, or an entity
93 acting on behalf of a provider, to furnish a requested health record until
94 such time as a medical authorization form that is compliant with the
95 provisions of the Health Insurance Portability and Accountability Act of
96 1996, P.L. 104-191, as amended from time to time, has been submitted to
97 the provider, or an entity acting on behalf of a provider. No provider or
98 entity acting on behalf of a provider shall be penalized for any delay in
99 providing records if good cause is shown for the delay. If a patient, a
100 patient's attorney or authorized representative requests that the
101 provider, or an entity acting on behalf of a provider, furnish a health
102 record not later than fifteen days following the receipt of such request,
103 the provider, or entity acting on behalf of the provider, may charge not
104 more than an additional fee of one hundred dollars to expedite the
105 furnishing of the health record. No health care provider, who has
106 purchased or assumed the practice of a provider who is retiring or
107 deceased, may refuse to return original records or copied records to a
108 patient who decides not to seek care from the successor provider. When
109 returning records to a patient who has decided not to seek care from a
110 successor provider, such provider may not charge a patient for costs
111 incurred in copying the records of the retired or deceased provider. A
112 provider may charge fees for a health record that is furnished pursuant
113 to this subsection as follows:

114 (1) If the written request is made directly by the patient or patient's
115 personal representative, the maximum fees a provider may charge shall
116 be the same as allowed by federal law 45 CFR 164.524(c)(4). Permitted
117 fees shall include any amount necessary to cover the cost of materials

118 for furnishing a copy of a health record.

119 (2) If the written request came from someone other than the patient
120 or the patient's personal representative, the maximum fees a provider
121 may charge shall be:

122 (A) For paper copies: One dollar per page for pages one to fifty,
123 inclusive; plus fifty cents per page for pages fifty-one and above; plus
124 the actual cost of postage;

125 (B) For electronic copies: One dollar per page for pages one to fifty,
126 inclusive; plus fifty cents per page for pages fifty-one and above, but in
127 no event more than two hundred fifteen dollars; plus the actual cost of
128 postage, if required; and

129 (C) On January 1, 2026, and annually thereafter, the Department of
130 Public Health shall adjust the per page fees prescribed in this
131 subparagraph based upon the consumer price index for all urban
132 consumers as determined by the United States Department of Labor,
133 Bureau of Labor Statistics. The Department of Public Health shall
134 annually publish the adjusted rates on the department's Internet web
135 site."