

**STATE
FISCAL IMPACT**

Drafting Number: LLS 14-0371	Date: February 19, 2014
Prime Sponsor(s): Rep. Schafer Sen. Aguilar	Bill Status: House Health, Insurance, & Environment Fiscal Analyst: Lauren Schreier (303-866-3523)

SHORT TITLE: RELEASE MEDICAL RECORDS TO THIRD PARTIES AND COSTS

Fiscal Impact Summary*	FY 2018-2019	FY 2019-2020
State Revenue		
State Expenditures	Minimal workload increase	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

Under the bill, medical records in the custody of a health care facility or an individual health care provider may be released to a third party with a valid subpoena or other valid authorization. If requested and no additional cost is involved, medical records must be provided to the authorized person in electronic format. The bill also defines what reasonable fees may be charged to provide medical records. Beginning in 2019 and every five years there after, the Executive Director of the Department of Public Health and Environment (DPHE) will be responsible for adjusting fees for inflation. The bill only applies to third parties as the fees paid by patients and the personal representatives of patients are established by the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

State Expenditures

In 2019, the DPHE will examine the fee structure established by the bill, propose inflation and fee adjustments, and post adjusted fees on the DPHE website. This minimal workload increase will reoccur every five years, and is consistent with the scope of the DPHE's budgeted duties and does not require new appropriations.

Assumptions. This bill applies to patient medical records accessed by private parties. Medical records accessed by the DPHE for its purposes are provided according to the regulatory powers of the state and are not subject to these fees. The proposed fees comply with HIPAA, and any future adjustment in fees must comply with HIPAA and Federal regulations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Public Health and Environment
Health Care Policy and Financing
Judicial

Corrections
Higher Education
Counties