

Colorado Legislative Council Staff Fiscal Note
REVISED NO FISCAL IMPACT

(replaces fiscal note dated February 19, 2014)

Drafting Number: LLS 14-0371	Date: March 19, 2014
Prime Sponsor(s): Rep. Schafer Sen. Aguilar	Bill Status: Senate Health and Human Services
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SHORT TITLE: RELEASE MEDICAL RECORDS TO THIRD PARTIES AND COSTS

Summary of Legislation

Under the **reengrossed** 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, court order, or compliant authorization. If requested and no additional cost is involved, medical records must be provided to the authorized person in electronic format. The new bill also defines what reasonable maximum fees may be charged to provide medical records. Health care facilities may not charge fees for the inspection of medical records. For certain patient records requested, the third party will receive one free copy of the record. The bill does not permit access to patient psychotherapy notes, as defined in existing statute. 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).

Assessment

The bill is not anticipated to affect state revenue or expenditures. This bill applies to patient medical records accessed by private parties. Medical records accessed by the Department of Public Health and Environment 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	Corrections
Health Care Policy and Financing	Higher Education
Judicial	Counties