

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB26-1414 be amended as follows:

1 Amend printed bill, page 2, line 2, after "25-1-801," insert "**amend**
2 (1)(b)(I)(A); and".

3 Page 2, line 3, after "(1)(b)(III)," insert "(1)(b)(IV),".

4 Page 2, line 4, strike "**facility.**" and substitute "**facility - definitions.**".

5 Page 2, after line 4 insert:

6 "(1) (b) (I) (A) A health facility licensed or certified pursuant to
7 section 25-1.5-103 (1) or article 3 of this ~~title, or both,~~ TITLE 25 or an
8 entity regulated under title 10, ~~C.R.S.,~~ providing health-care services, as
9 defined in section 10-16-102, ~~(33), C.R.S.,~~ directly or indirectly through
10 a managed care plan, as defined in section 10-16-102 ~~(43), C.R.S.,~~ or
11 otherwise, must provide copies of a patient's medical records, including
12 X rays, to the patient or the patient's personal representative upon request
13 and payment of the fee a covered entity may impose in accordance with
14 the "Health Insurance Portability and Accountability Act of 1996", Pub.L.
15 104-191, as amended, and any rules promulgated pursuant to the act, or
16 to a third person who requests the records upon submission of a
17 HIPAA-compliant authorization, valid subpoena, or court order and upon
18 the payment of the reasonable fees. FOR A REQUEST NOT EXCEEDING SIX
19 HUNDRED SIXTY-FOUR PAGES, THE FEES CHARGED TO A THIRD PERSON
20 SHALL NOT EXCEED THE REASONABLE FEES."

21 Page 2, line 5, strike "(1)(b)(III)" and substitute "(III)".

22 Page 2, after line 12 insert:

23 "(IV) ON JANUARY 1, 2028, AND EVERY JANUARY 1 EVERY
24 EVEN-NUMBERED YEAR THEREAFTER, THE FOUR-HUNDRED-DOLLAR LIMIT
25 SET FORTH IN SUBSECTION (1)(b)(III) OF THIS SECTION MUST BE ADJUSTED
26 FOR INFLATION. THE ADJUSTED LIMIT MUST BE ROUNDED TO THE NEAREST
27 WHOLE DOLLAR. THE SECRETARY OF STATE SHALL PUBLISH THE ADJUSTED
28 LIMIT ON ITS WEBSITE NO LATER THAN OCTOBER 1 OF EVERY YEAR THE
29 LIMIT IS SUBJECT TO AN ADJUSTMENT. THE ADJUSTED LIMIT MUST NOT BE
30 DECREASED BELOW FOUR HUNDRED DOLLARS. AS USED IN THIS
31 SUBSECTION (1)(b)(IV), "INFLATION" MEANS THE ANNUAL PERCENTAGE
32 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF
33 LABOR STATISTICS CONSUMER PRICE INDEX FOR
34 DENVER-AURORA-LAKWOOD FOR ALL ITEMS PAID BY ALL URBAN
35 CONSUMERS, OR ITS SUCCESSOR INDEX."

- 1 Page 3, strike lines 7 through 12 and substitute:
2 "(II) AN INVOICE FOR ALL RECORDS PROVIDED IN RESPONSE TO A
3 REQUEST FOR MEDICAL RECORDS MUST BE PROVIDED TO THE REQUESTOR
4 WITHIN THIRTY DAYS OF RECEIVING A VALID REQUEST, AND THE RECORDS
5 MUST BE PROVIDED UPON PAYMENT OF THE INVOICE."
- 6 Page 3, line 17, strike "PATIENT" and substitute "REQUESTOR".
- 7 Page 3, line 18, strike "NO LATER THAN SEVEN DAYS BEFORE" and
8 substitute "WITHIN".
- 9 Page 3, line 19, strike "PERIOD EXPIRES." and substitute "PERIOD."
- 10 Page 3, line 20, after "DAYS" insert "OR WITHOUT WRITTEN NOTIFICATION
11 OF A THIRTY-DAY EXTENSION".
- 12 Page 3, strike lines 24 through 27.
- 13 Page 4, strike lines 1 through 5, and substitute:
14 "REQUIRED TIME FRAME. AS USED IN THIS SUBSECTION (1)(f)(IV),
15 "FORCE MAJEURE" MEANS A FACTOR OUTSIDE THE PARTIES' CONTROL THAT
16 MEANS PERFORMANCE OF THE TASK IS IMPOSSIBLE OR IMPRACTICABLE AS
17 A RESULT OF AN EVENT OR EFFECT THAT THE PARTIES COULD NOT HAVE
18 ANTICIPATED OR CONTROLLED."
- 19 Page 4, line 11, after "25-1-802," insert "**amend** (1)(b)(I)(A); and".
- 20 Page 4, line 12, after "(1)(b)(III)," insert "(1)(b)(IV),".
- 21 Page 4, strike line 14 and substitute "**providers - definitions.**".
- 22 Page 4, after line 14 insert:
23 "(1) (b) (I) (A) A health facility licensed or certified pursuant to
24 section 25-1.5-103 (1) or article 3 of this ~~title, or both,~~ TITLE 25, or an
25 entity regulated under title 10, ~~C.R.S.~~, providing health-care services, as
26 defined in section 10-16-102, ~~(33), C.R.S.~~, directly or indirectly through
27 a managed care plan, as defined in section 10-16-102 ~~(43), C.R.S.~~, or
28 otherwise, must provide copies of a patient's medical records, including
29 X rays, to the patient or the patient's personal representative upon request
30 and payment of the fee a covered entity may impose in accordance with
31 the "Health Insurance Portability and Accountability Act of 1996", Pub.L.
32 104-191, as amended, and any rules promulgated pursuant to the act, or
33 to a third person who requests the records upon submission of a

1 HIPAA-compliant authorization, valid subpoena, or court order and upon
2 the payment of the reasonable fees. FOR A REQUEST NOT EXCEEDING SIX
3 HUNDRED SIXTY-FOUR PAGES, THE FEES CHARGED TO A THIRD PERSON
4 SHALL NOT EXCEED THE REASONABLE FEES."

5 Page 4, line 15, strike "(1) (b) (III)" and substitute "(III)".

6 Page 4, after line 22 insert:

7 "(IV) ON JANUARY 1, 2028, AND EVERY JANUARY 1 EVERY EVEN-
8 NUMBERED YEAR THEREAFTER, THE FOUR-HUNDRED-DOLLAR LIMIT SET
9 FORTH IN SUBSECTION (1)(b)(III) OF THIS SECTION MUST BE ADJUSTED FOR
10 INFLATION. THE ADJUSTED LIMIT MUST BE ROUNDED TO THE NEAREST
11 WHOLE DOLLAR. THE SECRETARY OF STATE SHALL PUBLISH THE ADJUSTED
12 LIMIT ON ITS WEBSITE NO LATER THAN OCTOBER 1 OF EVERY YEAR THE
13 LIMIT IS SUBJECT TO AN ADJUSTMENT. THE ADJUSTED LIMIT MUST NOT BE
14 DECREASED BELOW FOUR HUNDRED DOLLARS. AS USED IN THIS
15 SUBSECTION (1)(b)(IV), "INFLATION" MEANS THE ANNUAL PERCENTAGE
16 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF
17 LABOR STATISTICS CONSUMER PRICE INDEX FOR
18 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
19 CONSUMERS, OR ITS SUCCESSOR INDEX."

20 Page 5, strike lines 9 through 14 and substitute:

21 "(II) AN INVOICE FOR ALL RECORDS PROVIDED IN RESPONSE TO A
22 REQUEST FOR MEDICAL RECORDS MUST BE PROVIDED TO THE REQUESTOR
23 WITHIN THIRTY DAYS OF RECEIVING A VALID REQUEST, AND THE RECORDS
24 MUST BE PROVIDED UPON PAYMENT OF THE INVOICE."

25 Page 5, line 19, strike "PATIENT" and substitute "REQUESTOR".

26 Page 5, line 20, strike "NO LATER THAN SEVEN DAYS BEFORE" and
27 substitute "WITHIN".

28 Page 5, line 21, strike "PERIOD EXPIRES." and substitute "PERIOD."

29 Page 5, line 22, after "DAYS" insert "OR WITHOUT WRITTEN NOTIFICATION
30 OF A THIRTY-DAY EXTENSION".

31 Page 5, strike lines 26 and 27.

32 Page 6, strike lines 1 through 7, and substitute:

33 "REQUIRED TIME FRAME. AS USED IN THIS SUBSECTION (1)(f)(IV),
34 "FORCE MAJEURE" MEANS A FACTOR OUTSIDE THE PARTIES' CONTROL THAT

1 MEANS PERFORMANCE OF THE TASK IS IMPOSSIBLE OR IMPRACTICABLE AS
2 A RESULT OF AN EVENT OR EFFECT THAT THE PARTIES COULD NOT HAVE
3 ANTICIPATED OR CONTROLLED."

** *** ** *** **