

HOUSE COMMITTEE OF REFERENCE REPORT

_____ April 20, 2022
Chair of Committee Date

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

HB22-1293 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 25-1-801, **amend**
4 (1)(b) as follows:

5 **25-1-801. Patient records in custody of health-care facility -**
6 **definitions.** (1) (b) (I) ~~(A)~~ A ~~health~~ HEALTH-CARE facility licensed or
7 certified pursuant to section 25-1.5-103 (1) or article 3 of this ~~title~~ TITLE
8 25, or both, or an entity regulated under title 10, ~~C.R.S.~~, providing
9 health-care services, as defined in section 10-16-102 (33), ~~C.R.S.~~, directly
10 or indirectly through a managed care plan, as defined in section
11 10-16-102 (43), ~~C.R.S.~~, or otherwise, must provide copies of a patient's
12 medical records, including X rays, to:

13 (A) The patient or the patient's personal representative upon
14 request and payment of the fee a covered entity may impose in
15 accordance with the "Health Insurance Portability and Accountability Act
16 of 1996", Pub.L. 104-191, as amended, and any rules promulgated
17 pursuant to the act; ~~or to a third person who requests the records upon~~
18 ~~submission of a HIPAA-compliant authorization, valid subpoena, or court~~
19 ~~order and upon the payment of the reasonable fees.~~

20 (B) ~~The health-care facility must deliver the medical records in~~
21 ~~electronic format if the person requests electronic format, the original~~
22 ~~medical records are stored in electronic format, and the medical records~~
23 ~~are readily producible in electronic format.~~ AN ATTORNEY WHO
24 REPRESENTS THE PATIENT OR THE PATIENT'S PERSONAL REPRESENTATIVE
25 UPON REQUEST AND PAYMENT OF THE REASONABLE FEES DEFINED IN
26 SUBSECTION (5)(c)(I) OF THIS SECTION FOR PAPER COPIES OF THE RECORDS,
27 OR, FOR RECORDS PRODUCED BY ELECTRONIC MEANS, A SEARCH AND

1 HANDLING FEE OF TWENTY DOLLARS AND FORTY CENTS PER PAGE FOR THE
2 FIRST THIRTY PAGES, TWENTY-FIVE CENTS PER PAGE FOR PAGES
3 THIRTY-ONE THROUGH ONE HUNDRED, FIFTEEN CENTS PER PAGE FOR PAGES
4 ONE HUNDRED ONE THROUGH FIVE HUNDRED, AND TEN CENTS PER PAGE
5 FOR ALL PAGES THEREAFTER UP TO A TOTAL AMOUNT NOT TO EXCEED ONE
6 HUNDRED FIFTY DOLLARS; EXCEPT THAT, IF THE RECORD EXCEEDS TWO
7 THOUSAND PAGES, THE MAXIMUM AMOUNT CHARGED MUST BE NO MORE
8 THAN TWO HUNDRED FIFTY DOLLARS, UNLESS THE RECORDS ARE STORED
9 ON MICROFILM, IN WHICH CASE, ONE DOLLAR AND FIFTY CENTS PER PAGE
10 MAY BE CHARGED; OR

11 (C) A PERSON OR ENTITY THAT DOES NOT REPRESENT THE PATIENT
12 OR PATIENT'S PERSONAL REPRESENTATIVE WHO REQUESTS THE RECORDS
13 UPON SUBMISSION OF A HIPAA-COMPLIANT AUTHORIZATION, VALID
14 SUBPOENA, OR COURT ORDER AND UPON THE PAYMENT OF THE
15 REASONABLE FEES DEFINED IN SUBSECTION (5)(c)(I) OF THIS SECTION,
16 WHETHER THE RECORD IS PRODUCED ON PAPER OR ELECTRONICALLY.

17 (II) THE HEALTH-CARE FACILITY SHALL DELIVER THE MEDICAL
18 RECORDS IN ELECTRONIC FORMAT IF:

19 (A) THE PERSON OR ENTITY REQUESTS ELECTRONIC FORMAT;

20 (B) THE ORIGINAL MEDICAL RECORDS ARE STORED IN ELECTRONIC
21 FORMAT; AND

22 (C) THE MEDICAL RECORDS ARE READILY PRODUCIBLE IN
23 ELECTRONIC FORMAT.

24 ~~(H)~~ (III) In the event that a licensed health-care professional
25 determines that a copy of any X ray, mammogram, CT SCAN, MRI, or
26 other film is not sufficient for diagnostic or other treatment purposes, the
27 ~~health~~ HEALTH-CARE facility or entity shall make the original of any such
28 film available to the patient or another health-care professional or facility
29 as specifically directed by the patient pursuant to a written
30 authorization-request for films and upon the payment of the reasonable
31 costs for such film. If a ~~health~~ HEALTH-CARE facility releases an original
32 film pursuant to this ~~subparagraph (H)~~ SUBSECTION (1)(b)(III), it ~~shall~~ IS
33 not be responsible for any loss, damage, or other consequences as a result
34 of such release. Any original X ray, mammogram, CT SCAN, MRI, or
35 other film made available pursuant to this ~~subparagraph (H)~~ shall
36 SUBSECTION (1)(b)(III) MUST be returned upon request to the lending
37 HEALTH-CARE facility within thirty days.

38 **SECTION 2. Safety clause.** The general assembly hereby finds,
39 determines, and declares that this act is necessary for the immediate
40 preservation of the public peace, health, or safety."

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