



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 22-0754	Date:	June 21, 2022
Prime Sponsors:	Rep. Daugherty; Van Winkle Sen. Zenzinger; Smallwood	Bill Status:	Deemed Lost
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Bill Topic: **MEDICAL RECORD REQUESTS BY ATTORNEYS**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill would have made changes to the reasonable fee amounts that may be charged for medical record requests, and added attorneys to the list of individuals who can request medical records on behalf of a patient using the reasonable fee amounts. The bill might have impacted state expenditures on an ongoing basis beginning in FY 2021-22.

Appropriation Summary: No appropriation would have been required.

Fiscal Note Status: The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

Under current law, state licensed health facilities and state regulated health care providers must provide medical records to patients or their representatives upon request, after payment of reasonable fees. Maximum reasonable fee amounts are set in statute, and vary depending on the format of the records and the number of pages being requested. This bill changes the definition of reasonable fees to be the lesser of those set in current statute, or those allowed under the federal Health Information Technology for Economic and Clinical Health (HITECH) Act. The bill also subjects attorney medical record requests to the reasonable fee requirements when they are made on behalf of clients.

Background

The federal HITECH Act was signed into law in 2009 to promote the adoption of technology for the electronic exchange and use of health information. The act provided funding for acquisition of health information technology systems, and requires HIPAA-covered health service providers with electronic patient records to provide them in an electronic format upon request by a patient or their representative. Providers must charge a reasonable, cost-based fee to cover labor, supplies, and postage, and may charge a flat fee of \$6.50 for records maintained electronically. Per page fees are not permitted for paper or electronic copies of medical records that are maintained electronically.

State Expenditures

Starting in FY 2022-23, the bill will have an indeterminate impact on expenditures in the Judicial Department. The bill may lower state attorney medical record request costs to the extent that medical providers receiving the requests maintain patient records electronically, and the attorneys request records in an electronic format. Conversely, the bill may increase costs for state attorneys to the extent that the rates in the bill are higher than what has been negotiated previously. Any changes to costs related to medical record requests will be addressed through the annual budget process as necessary.

Effective Date

The bill was deemed lost in the House on May 12, 2022.

State and Local Government Contacts

Alternate Defense Counsel
Counties
Higher Education
Information Technology
Local Affairs
Office of Public Guardianship
Personnel
Public Health and Environment

Corrections
Health Care Policy and Financing
Human Services
Judicial
Municipalities
Office of the Child's Representative
Public Defender