

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB22-1293 be amended as follows:

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
28 HANDLING FEE OF TWENTY DOLLARS AND FORTY CENTS PER PAGE FOR THE
29 FIRST THIRTY PAGES, TWENTY-FIVE CENTS PER PAGE FOR PAGES
30 THIRTY-ONE THROUGH ONE HUNDRED, FIFTEEN CENTS PER PAGE FOR PAGES
31 ONE HUNDRED ONE THROUGH FIVE HUNDRED, AND TEN CENTS PER PAGE
32 FOR ALL PAGES THEREAFTER UP TO A TOTAL AMOUNT NOT TO EXCEED ONE
33 HUNDRED FIFTY DOLLARS; EXCEPT THAT, IF THE RECORD EXCEEDS TWO
34 THOUSAND PAGES, THE MAXIMUM AMOUNT CHARGED MUST BE NO MORE
35 THAN TWO HUNDRED FIFTY DOLLARS, UNLESS THE RECORDS ARE STORED
36 ON MICROFILM, IN WHICH CASE, ONE DOLLAR AND FIFTY CENTS PER PAGE
37 MAY BE CHARGED; OR

38 (C) A PERSON OR ENTITY THAT DOES NOT REPRESENT THE PATIENT
39 OR PATIENT'S PERSONAL REPRESENTATIVE WHO REQUESTS THE RECORDS
40 UPON SUBMISSION OF A HIPAA-COMPLIANT AUTHORIZATION, VALID

1 SUBPOENA, OR COURT ORDER AND UPON THE PAYMENT OF THE
2 REASONABLE FEES DEFINED IN SUBSECTION (5)(c)(I) OF THIS SECTION,
3 WHETHER THE RECORD IS PRODUCED ON PAPER OR ELECTRONICALLY.

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

6 (A) THE PERSON OR ENTITY REQUESTS ELECTRONIC FORMAT;
7 (B) THE ORIGINAL MEDICAL RECORDS ARE STORED IN ELECTRONIC
8 FORMAT; AND

9 (C) THE MEDICAL RECORDS ARE READILY PRODUCIBLE IN
10 ELECTRONIC FORMAT.

11 (III) In the event that a licensed health-care professional
12 determines that a copy of any X ray, mammogram, CT SCAN, MRI, or
13 other film is not sufficient for diagnostic or other treatment purposes, the
14 ~~health~~ HEALTH-CARE facility or entity shall make the original of any such
15 film available to the patient or another health-care professional or facility
16 as specifically directed by the patient pursuant to a written
17 authorization-request for films and upon the payment of the reasonable
18 costs for such film. If a ~~health~~ HEALTH-CARE facility releases an original
19 film pursuant to this ~~subparagraph (II)~~ SUBSECTION (1)(b)(III), it ~~shall~~ IS
20 not be responsible for any loss, damage, or other consequences as a result
21 of such release. Any original X ray, mammogram, CT SCAN, MRI, or
22 other film made available pursuant to this ~~subparagraph (II)~~ shall
23 SUBSECTION (1)(b)(III) MUST be returned upon request to the lending
24 HEALTH-CARE facility within thirty days.

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

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