

MEDICAL RECORD ACCESS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to a patient's health information contained by hospital systems.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires certain hospital systems to collectively select a method that allows a health care provider to access patient information for the patient the health care provider is treating;
- ▶ requires the Department of Health and Human Services (department) to facilitate discussions between the hospital systems; and
- ▶ allows the department to designate a health information exchange that hospital systems must adopt if the hospital systems are unable to collectively make a decision.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **26-70-101**, as enacted by Laws of Utah 2022, Chapter 327

29 ENACTS:

30 **26-21-36**, Utah Code Annotated 1953

31 **26-70-103**, Utah Code Annotated 1953

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **26-21-36** is enacted to read:

35 **26-21-36. Health care facilities within a hospital system.**

36 (1) As used in this section:

37 (a) "Hospital system" means the same as that term is defined in Section **26-70-101**.

38 (b) "Medical information" means the same as that term is defined in Section
39 **26-70-101**.

40 (2) Beginning July 1, 2025, a health care facility that is owned or operated by a hospital
41 system shall ensure that medical information collected by the health care facility is accessible
42 in accordance with Section **26-70-103**.

43 Section 2. Section **26-70-101** is amended to read:

44 **CHAPTER 70. PATIENT HEALTH RECORD ACCESS**

45 **26-70-101. Definitions.**

46 As used in this chapter:

47 (1) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996,
48 Pub. L. No. 104-191, 110 Stat. 1936, as amended.

49 (2) "Hospital" means:

50 (a) a general acute hospital as defined in Section **26-21-2**; and

51 (b) a specialty hospital as defined in Section **26-21-2**.

52 (3) "Hospital system" means an entity that owns or operates at least five hospitals that
53 are licensed under Chapter 21, Health Care Facility Licensing and Inspection Act.

54 (4) "Medical information" means one or more of the following regarding a patient:

55 (a) for each time the patient is hospitalized:

56 (i) an admission history and physical exam; or

57 (ii) a discharge summary;

58 (b) the health care provider's notes regarding:

- (i) an emergency room visit;
- (ii) an urgent care visit;
- (iii) a primary care outpatient care visit; or
- (iv) a consultation office visit;
- (c) a radiology report;
- (d) a lab report; or
- (e) a pathology report.

~~[(2)]~~ (5) "Patient" means the individual whose information is being requested.

~~[(3)]~~ (6) "Personal representative" means an individual described in 45 C.F.R. Sec. 164.502(g).

Section 3. Section **26-70-103** is enacted to read:

26-70-103. Patient information access by a health care provider.

(1) Subject to Subsection (4), beginning July 1, 2025, each hospital system, collectively, shall ensure that a patient's medical information housed by each hospital system is accessible to the patient or a physician designated by the patient:

(a) when the patient or the physician treating the patient at a hospital system needs the medical information; and

(b) through the use of single login.

(2) The department shall facilitate discussions with each hospital system, individually and collectively, for the hospital systems to determine how the hospital systems will comply with Subsection (1).

(3) On or before November 1, 2024, the department shall notify the Health and Human Services Interim Committee indicating how the hospital systems intend to comply with Subsection (1).

(4) (a) If the hospital systems are unable to reach a unanimous decision regarding how to comply with Subsection (1) on or before October 31, 2024, the department shall:

(i) indicate that the hospital systems could not come to a unanimous decision in the notification described in Subsection (3); and

(ii) designate a single health information exchange for the hospital systems to provide medical information that will comply with Subsection (1).

(b) If the department indicates that a unanimous decision could not be reached under

90 Subsection (4)(a)(i), a hospital system shall provide all medical information to the health
91 information exchange described in Subsection (4)(a)(ii) beginning July 1, 2025.