

## **Patient access to medical records -- Third party access to medical records**

HIPAA (45 C.F.R., Parts 160 and 164) covers most requests for a patient's medical record from a health care provider. In instances where HIPAA does not cover requests for a patient's medical record from a health care provider, the Utah Legislature passed legislation (see Utah Code 78B-5-618) establishing the costs that a health care provider (as defined in Utah Code 78B-3-403) can charge a patient or a patient's personal representative to inspect or receive a copy of the patient's records from the provider (unless access to the records is restricted by law or judicial order).

Effective 1/1/2022, the amount that can be charged by (1) a health care provider or (2) a contracted third-party service which who provides a paper or electronic copy of a patient's records to a patient, patient's attorney, legal representative, or other third party authorized to receive records may not exceed:

- a. \$32.10\* per request for locating a patient's records;
- b. 57 cents\* per page for the first 40 pages, and 34 cents\* per page for each additional page;
- c. the actual cost of postage when the requester has requested the copy be mailed;
- d. \$20 for the health care provider to certify the record as a duplicate of the original; and
- e. any sales tax owed under Title 59, Chapter 12, Utah Sales and Use Tax Act.

Notwithstanding the above limits, if the patient, patient's personal representative, patient's attorney, legal representative, or a third party authorized to receive the records, requests the records be delivered in an electronic medium, the health care provider or contracted third party service may not charge a fee for the electronic copy that exceeds \$160.50\* regardless of the number of pages and regardless of whether the original medical records are stored in electronic format. The amounts above (except certification) increase each year based on "inflation" which is the unadjusted Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers.

This notice is required to be posted to the court's website by [Utah Code section 78B-5-618\(8\)\(c\)\(ii\)](#).<sup>1</sup>

*\* These fees were last adjusted for inflation on January 1, 2022 (pursuant to Utah Code section 78B-5-618(8)(b)).*

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<sup>1</sup> [https://le.utah.gov/xcode/Title78B/Chapter5/78B-5-S618.html?v=C78B-5-S618\\_2021050520210505](https://le.utah.gov/xcode/Title78B/Chapter5/78B-5-S618.html?v=C78B-5-S618_2021050520210505)