
OLR Bill Analysis

sSB 1437

AN ACT CONCERNING REQUESTS FOR HEALTH RECORDS AND THE FEES CHARGED FOR ACCESS TO SUCH RECORDS.

SUMMARY

This bill makes changes to penalties, deadlines, and fees related to certain patient health records requests. First, it authorizes workers' compensation administrative law judges to penalize physicians, or third-party vendors acting on their behalf, who fail to submit medical reports for workers' compensation cases within 30 days after they are completed.

Second, the bill sets deadlines and fees for certain licensed health care institutions to transfer an electronic copy of a patient's medical records to the patient's attorney upon receiving a medical records request directed by the patient or the patient's representative. It generally requires the transfer to occur within 20 business days after receiving the request and does not require the institution to get specific written consent from the patient before doing so.

The bill also limits the fees for these records requests to the greater of (1) \$250, plus postage and reasonable costs for imaging and materials (e.g., slides or tissue blocks) or (2) the fees allowed under federal law. (Federal law allows charging reasonable, cost-based fees that include only the cost of related labor, supplies, and postage.)

EFFECTIVE DATE: October 1, 2025

WORKERS' COMPENSATION MEDICAL REPORTS

The bill authorizes workers' compensation administrative law judges to penalize practicing physicians, or third-party vendors acting on their behalf, who fail to submit medical reports for workers' compensation cases within 30 days after they are completed as required under existing law. Under the bill, penalties must include the following:

1. a written noncompliance notice to the physician or third-party vendor or
2. an order requiring the physician or third-party vendor to appear at a hearing and explain the reasons for not meeting the report deadline.

Additionally, the bill subjects physicians, or third-party vendors acting on their behalf, who fail to appear for these hearings to a fine of up to \$500 payable to the workers' compensation claimant.

Existing law requires workers' compensation claimants, when seeking or receiving compensation, to submit to a physician evaluation when an administrative law judge orders it or an employer reasonably requests it. Physicians must submit all medical reports for these claimants within 30 days after the date they are completed to the employer and the employee (claimant) or the employee's attorney.

TRANSFER OF MEDICAL RECORDS TO PATIENTS' ATTORNEYS

The bill sets deadlines and fees for licensed health care institutions to transfer an electronic copy of a patient's medical records to the patient's attorney upon receiving a medical records request directed by the patient or the patient's representative. Under the bill, the transfer must occur within 20 business days after receiving the request and the institution does not need specific written consent from the patient before doing so.

The bill exempts from these requirements (1) Department of Mental Health and Addiction Services-operated facilities and (2) the hospital and psychiatric residential treatment facility units of the Albert J. Solnit Children's Center.

The bill requires a patient or his or her representative (e.g., attorney) to pay reasonable fees to get copies of these patient records but sets new limits on them. Under current law, a health care institution may charge up to 65 cents per page, including any applicable research or handling fees, related costs, and first-class postage, to supply a patient's health record. Patients may also be charged an additional amount needed to

cover the cost of material for (1) x-ray copies or (2) furnishing an original retained slide or tissue block or a new section cut from a retained tissue block (CGS § 19a-490b).

The bill instead limits these fees to the greater of (1) \$250, plus postage and reasonable costs for imaging and materials, or (2) the fees allowed under federal law. (Federal law allows charging reasonable, cost-based fees that include only the cost of related labor, supplies, and postage.) Payment is due after the patient or representative receives the records.

(A separate law, unchanged by the bill, sets a limit of 65 cents per page (including fees, costs, and postage) for medical records requests to individual licensed health care providers (CGS § 20-7c).)

Additionally, the bill specifies that its provisions do not require institutions to transfer records in the following circumstances:

1. if doing so would violate the federal Health Insurance Portability and Accountability Act (HIPAA) or related regulations, which set limits and rules on disclosing protected health information;
2. in response to a direct request from another provider unless the provider can validate that he or she has a health provider relationship with the patient; or
3. in response to a third-party request.

BACKGROUND

Related Bill

SB 1508 (File 711), favorably reported by the Public Health Committee, changes the fees related to patient health records requests by replacing current law's fee of 65 cents per page with fees that vary based on who requests the records, the type of records, and the number of pages.

HB 7227 (File 635), favorably reported by the Government Administration and Elections Committee, generally caps how much licensed health care providers can charge a patient or the patient's

attorney for copies of the patient's medical records at the lesser of (1) the fees allowed under federal regulations or (2) \$250, plus first-class postage and certain reasonable costs, if applicable. It makes those that do not comply with the fee limits ineligible for certain state contracts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/04/2025)