



General Assembly

January Session, 2019

**Raised Bill No. 7380**

LCO No. 6182



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING ACCESS TO MEDICAL RECORDS THAT ARE SUBJECT TO THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 19a-490b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2019*):

4 (b) No institution licensed pursuant to this chapter shall charge for  
5 furnishing a health record or part thereof to a patient, his attorney or  
6 conservator if the record or part thereof is necessary for the purpose of  
7 supporting a claim or appeal under any provision of the Social  
8 Security Act or a claim or appeal for veterans' benefits under any  
9 provision of Title 38 of the United States Code or chapter 506 and the  
10 request for the records is accompanied by documentation of the claim  
11 or appeal. An institution shall furnish the requested record [within  
12 thirty days of the request, unless the request was received in less than  
13 thirty days subsequent to the date the patient was discharged, in  
14 which case the institution shall furnish the requested record upon its

15 completion] not later than thirty days after the date of the request.

16 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) As used in this section:

17 (1) "HIPAA" means the Health Insurance Portability and  
18 Accountability Act of 1996 (P.L. 104-191), as amended from time to  
19 time;

20 (2) "HIPAA protected information" means any record, data,  
21 information or testimony that is protected by HIPAA; and

22 (3) "Patient" means an individual whose HIPAA protected  
23 information is sought.

24 (b) Any subpoena issued for HIPAA protected information shall set  
25 forth the specific portion of 45 CFR 164.512 that authorizes the  
26 disclosure of such information in response to the subpoena. With  
27 respect to a subpoena seeking HIPAA protected information under  
28 subsection (e) of section 45 CFR 164.512, the subpoena shall be  
29 accompanied by at least one of the following: (1) The patient's HIPAA  
30 compliant authorization; (2) a valid and enforceable order of a court or  
31 other governmental agency that expressly authorizes compliance with  
32 the disclosures sought by the subpoena; or (3) satisfactory assurances  
33 as set forth in clauses (ii) to (iv), inclusive, of subdivision (1) of  
34 subsection (e) of section 45 CFR 164.512.

35 (c) No person or entity receiving a subpoena that seeks HIPAA  
36 protected information shall be required to disclose such information in  
37 any manner unless the subpoena complies with subsection (b) of this  
38 section.

39 (d) Any person or entity complying in good faith with a subpoena  
40 or court order based on a reasonable belief that the disclosure meets  
41 HIPAA requirements shall not be subject to civil liability under state  
42 law to any person in connection with a disclosure of HIPAA protected  
43 information.

44 (e) Nothing in this section shall prohibit a recipient of a subpoena

45 that seeks HIPAA protected information from filing a motion to quash,  
46 challenging the subpoena or related court order, or contacting or  
47 notifying the parties or the patient about the content of the subpoena.

48 (f) Nothing in this section shall affect obligations to comply with 42  
49 CFR 2 concerning the disclosure of substance use disorder patient  
50 records.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	19a-490b(b)
Sec. 2	<i>October 1, 2019</i>	New section

***Statement of Purpose:***

To establish requirements relating to the use of a subpoena to gain access to medical records that are protected under the federal Health Insurance Portability and Accountability Act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*