2013 -- S 0649 SUBSTITUTE A  

== LC01575/SUB A ==

STATE OF RHODE ISLAND  
IN GENERAL ASSEMBLY  
JANUARY SESSION, A.D. 2013  

A N A C T  
RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION  

Introduced By: Senators Satchell, Goldin, Cool Rumsey, Nesselbush, and Miller  

Date Introduced: March 06, 2013  

Referred To: Senate Health & Human Services  

(Lieutenant Governor)  

It is enacted by the General Assembly as follows:  

SECTION 1. Chapter 5-37.3 of the General Laws entitled "Confidentiality of Health Care Communications and Information Act" is hereby amended by adding thereto the following section:  

5-37.3-12. Patient's rights. -- (a) In addition to the rights of access to confidential healthcare information provided to patients under state and federal law, the patient only shall have the following additional rights:  

(i) To obtain a copy of his or her own confidential healthcare information and communications relating thereto from a healthcare provider as defined in subdivision 5-37.3-3(4).  

(ii) If the patient requests an electronic version of his or her healthcare records, the requested records shall be provided to the patient within ten (10) business days of the receipt of the request by the healthcare provider. If the healthcare provider is unable to provide the patient access to an electronic version of the records requested within the ten (10) day period, the deadline may be extended by up to ten (10) additional business days if the healthcare provider responds to the individual within the original ten (10) day time period citing a reason for the delay and the date by which the information will be provided. If the record is not available in electronic form and will be provided in hard copy, the thirty (30) day period for providing the record otherwise provided in state and federal law shall apply.  

(ii) Requested records must be provided by the healthcare provider in the form requested
by the patient or, if the information is not readily available in the form requested, in a readable
hard copy or other form agreed upon between the healthcare provider and the patient.

(iii) Records requested and provided in electronic form shall be provided without cost to
the patient.

(iv) A healthcare provider providing records in hard copy form may impose a reasonable
fee pursuant to Rhode Island general laws subsection 5-37-22(c) and section 23-1-48 and rules
and regulations promulgated pursuant thereto.

(2) To obtain a copy of the disclosure report pertaining to the patient's confidential
healthcare information:

(3) To be notified as required by chapter 49.2 of title 11, the Rhode Island identity theft
protection act, of a breach of the security system safeguarding the confidentiality of the patients'
healthcare information and communications related thereto; and

(4) To request to amend the patient's information through the provider.

(b) Nothing in this section limits rights of access provided to a patient's personal
representative as defined by the Health Insurance Portability and Accountability Act of 1996
laws subsection 5-37-22(c) and section 23-1-48. A healthcare provider providing records in hard
copy or electronic form to a patient's authorized representative may impose a reasonable fee
pursuant to Rhode Island general laws subsection (5-37-22(c) and section 23-1-48 and rules and
regulations promulgated pursuant thereto.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION

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1 This act would enumerate additional patient's rights with regards to their confidential healthcare information.

2 healthcare information.

3 This act would be effective upon passage.

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