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### C.R.S. 25-1-801

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The Colorado Constitution and Titles 3, 4, 21, and 41 have been updated and are current through all laws passed during the 2020 Legislative Session, subject to review by the Colorado Office of Legislative Legal Services. Other statutory titles are current through all laws passed during the 2019 Legislative Session and are in the process of being updated.

[CO - Colorado Revised Statutes Annotated](#) [TITLE 25. PUBLIC HEALTH AND ENVIRONMENT](#) [ADMINISTRATION](#) [ARTICLE 1. ADMINISTRATION](#) [PART 8. PATIENT RECORDS](#)

#### 25-1-801. Patient records in custody of health care facility - definitions

**(1)** (a) Every patient record in the custody of a health facility licensed or certified pursuant to section 25-1.5-103 (1) or article 3 of this title, or both, or any entity regulated under title 10, C.R.S., providing health care services, as defined in section 10-16-102 (33), C.R.S., directly or indirectly through a managed care plan, as defined in section 10-16-102 (43), C.R.S., or otherwise, shall be available for inspection to the patient or the patient's personal representative through the attending health care provider or the provider's designated representative at reasonable times and upon reasonable notice, except records withheld in accordance with 45 CFR 164.524 (a). A summary of records pertaining to a patient's mental health problems may, upon written request and signed and dated authorization, be made available to the patient or the patient's personal representative following termination of the treatment program.

**(b)** (I) (A) A health facility licensed or certified pursuant to section 25-1.5-103 (1) or article 3 of this title, or both, or an entity regulated under title 10, C.R.S., providing health care services, as defined in section 10-16-102 (33), C.R.S., directly or indirectly through a managed care plan, as defined in section 10-16-102 (43), C.R.S., or otherwise, must provide copies of a patient's medical records, including X rays, to the patient or the patient's personal representative upon request and payment of the fee a covered entity may impose in accordance with the "Health Insurance Portability and Accountability Act of 1996", Pub.L. 104-191, as amended, and any rules promulgated pursuant to the act, or to a third person who requests the records upon submission of a HIPAA-compliant authorization, valid subpoena, or court order and upon the payment of the reasonable fees.

medical records are readily producible in electronic format.

**(II)** In the event that a licensed health care professional determines that a copy of any X ray, mammogram, CT SCAN, MRI, or other film is not sufficient for diagnostic or other treatment purposes, the health facility or entity shall make the original of any such film available to the patient or another health care professional or facility as specifically directed by the patient pursuant to a written authorization-request for films and upon the payment of the reasonable costs for such film. If a health facility releases an original film pursuant to this subparagraph (II), it shall not be responsible for any loss, damage, or other consequences as a result of such release. Any original X ray, mammogram, CT SCAN, MRI, or other film made available pursuant to this subparagraph (II) shall be returned upon request to the lending facility within thirty days.

**(c)** The hospital or related facility or institution shall post in conspicuous public places on the premises a statement of the requirements set forth in paragraphs (a) and (b) of this subsection (1) and shall make available a copy of said statement to each patient upon admission.

**(d)** Nothing in this section requires a person responsible for the diagnosis or treatment of sexually transmitted infections, a substance use disorder, or the use of drugs in the case of minors pursuant to sections 13-22-102 and 25-4-409 to release patient records of such diagnosis or treatment to a parent, guardian, or person other than the minor or his or her designated representative.

**(2)** All requests by a patient or the patient's personal representative for inspection of the patient's medical records made under this section shall be noted with the time and date of the request and the time and date of inspection noted by the attending health care provider or his or her designated representative. The patient or personal representative shall acknowledge the fact of the inspection by dating and signing the record file. A health care facility shall not charge a fee for the inspection of medical records.

**(3)** Nothing in this section shall apply to any nursing institution conducted by or for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend exclusively upon spiritual means through prayer for healing and the practice of the religion of such church or denomination.

**(4)** For the purposes of this section, medical information transmitted during the delivery of health care via telemedicine, as defined in section 12-240-104 (6), is part of the patient's medical record maintained by the health care facility.

**(5)** As used in this part 8, unless the context otherwise requires:

**(a)** "HIPAA-compliant" means in compliance with the "Health Insurance Portability and Accountability Act of 1996", Pub.L. 104-191, as amended.

**(b)** "Personal representative" has the meaning set forth in 45 CFR 164.502.

**(c)** (I) "Reasonable fees" means an amount not to exceed:

**(A)** Eighteen dollars and fifty-three cents for the first ten pages, eighty-five cents per page for the next thirty pages, and fifty-seven cents per page for each additional page; except that, if the medical records are stored on microfilm, one dollar and fifty cents per page;

**(B)** For radiographic studies, actual reproduction costs for each copy of a radiograph;

**(C)** If the authorized person requests certification of the medical records, a fee of ten dollars;

**(D)** Actual postage and electronic media costs, if applicable; and

**(E)** Applicable taxes.

**(II)** Notwithstanding any other provision of this part 8:

**(A)** If a patient record is requested by a third-party entity that is performing duties under the "Laura Hershey Disability Support Act", part 22 of article 30 of title 24, C.R.S., the third party

- (B) If maximum rates have already been established by statute or rule for a state or local government entity, those rates prevail over the rates set forth in this part 8; and
- (C) This part 8 does not apply to coroners requesting medical records pursuant to section 30-10-606, C.R.S.

## History

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**Source:** **L. 76:** Entire part added, p. 648, § 1, effective July 1. **L. 83:** (1)(a) R&RE, p. 1040, § 1, effective May 20. **L. 97:** (1)(a) and (1)(b) amended, p. 348, § 1, effective April 19. **L. 2001:** (4) added, p. 1163, § 10, effective January 1, 2002. **L. 2003:** (1)(a) and (1)(b)(I) amended, p. 708, § 36, effective July 1. **L. 2009:** (1)(d) amended, (SB 09-179), ch. 112, p. 475, § 20, effective April 9. **L. 2013:** (1)(a) and (1)(b)(I) amended, (HB 13-1266), ch. 217, p. 991, § 60, effective May 13. **L. 2014:** (1)(a), (1)(b)(I), and (2) amended and (5) added, (HB 14-1186), ch. 125, p. 445, § 2, effective April 18. **L. 2016:** (1)(d) amended, (SB 16-146), ch. 230, p. 922, § 21, effective July 1; (5)(c)(II)(A) amended, (HB 16-1362), ch. 319, p. 1296, § 3, effective August 10. **L. 2018:** (1)(d) amended, (SB 18-091), ch. 35, p. 387, § 21, effective August 8. **L. 2019:** (4) amended, (SB 19-241), ch. 390, p. 3471, § 32, effective October 1; (4) amended, (HB 19-1172), ch. 136, p. 1695, § 139, effective October 1.

### ▼ Annotations

#### Notes

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**Law reviews:** For article, "Rights to and Disclosure of Medical Information: HIPAA and Colorado Law", see 33 Colo. Law. 101 (Oct. 2004).

**Editor's note:** Section 74 of chapter 390 (SB 19-241), Session Laws of Colorado 2019, provides that the act changing this section takes effect only if HB 19-1172 becomes law, in which case this section takes effect on the effective date of HB 19-1172. HB 19-1172 became law and took effect October 1, 2019.

**Cross references:** For the legislative declaration contained in the 2001 act enacting subsection (4), see section 1 of chapter 300, Session Laws of Colorado 2001. For the legislative declaration in HB 14-1186, see section 1 of chapter 125, Session Laws of Colorado 2014. For the legislative declaration in SB 18-091, see section 1 of chapter 35, Session Laws of Colorado 2018.

#### Case Notes

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##### ANNOTATION

12 Colo. Law. 1251 (1983).

**Exception to broad disclosure.** This section can be read consistently with former § 27-10-116 (1)(a) as a specific exception to a general policy of broad disclosure and is not unconstitutional on its face as it operates with the short-term commitment procedure. *Brown v. Jensen*, 572 F. Supp. 193 (D. Colo. 1983).

**The phrase "the reasonable costs" of providing copies of medical records, as used in subsection (1)(b), does not indicate that providers may only charge for the singular costs directly incurred in the physical act of copying.** The term "costs" is not singular and is not limited to the costs of supplies and the labor of copying. *Colo. Consumer Health Initiative v. Colo. Bd. of Health*, 240 P.3d 525 (Colo. App. 2010).

"Reasonable costs" may include the costs inherent in record inspection. *Colo. Consumer Health Initiative v. Colo. Bd. of Health*, 240 P.3d 525 (Colo. App. 2010).

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