

West's Colorado Revised Statutes Annotated

Title 25. Health

Administration

Article 1. Administration (Refs & Annos)

Part 8. Patient Records (Refs & Annos)

C.R.S.A. § 25-1-802

§ 25-1-802. Patient records in custody of individual health care providers

Effective: July 1, 2016

(1)(a) Every patient record in the custody of a podiatrist, chiropractor, dentist, doctor of medicine, doctor of osteopathy, nurse, optometrist, occupational therapist, audiologist, acupuncturist, direct-entry midwife, or physical therapist required to be licensed under title 12, C.R.S., a naturopathic doctor required to be registered pursuant to article 37.3 of title 12, C.R.S., or a person practicing psychotherapy under article 43 of title 12, C.R.S., except records withheld in accordance with [45 CFR 164.524\(a\)](#), must be available to the patient or the patient's personal representative upon submission of a valid authorization for inspection of records, dated and signed by the patient, at reasonable times and upon reasonable notice. A summary of records pertaining to a patient's mental health problems may, upon written request accompanied by a 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 copy of the records, including radiographic studies, must be made available 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, or to a third person who requests the medical records upon submission of a HIPAA-compliant authorization, a valid subpoena, or a court order, and payment of reasonable fees.

(B) The health care provider must provide the medical records in electronic format if the person requests electronic format, the original medical records are stored in electronic format, and the medical records are readily producible in electronic format.

(II) If a licensed health care professional determines that a copy of a radiographic study, including an X ray, mammogram, CT scan, MRI, or other film is not sufficient for diagnostic or other treatment purposes, the podiatrist, chiropractor, dentist, doctor of medicine, doctor of osteopathy, nurse, optometrist, audiologist, acupuncturist, direct-entry midwife, or physical therapist required to be licensed under title 12, C.R.S., or, subject to the provisions of [section 25-1-801\(1\)\(a\)](#) and paragraph (a) of this subsection (1), the person practicing psychotherapy under article 43 of title 12, C.R.S., shall make the original of any radiographic study available to the patient, the patient's personal representative, a person authorized by the patient, or another health care professional or facility as specifically directed by the patient, personal representative, authorized person, or health care professional or facility pursuant to a HIPAA-compliant authorization and upon the payment of the reasonable fees for the radiographic study. If a practitioner releases an original radiographic study pursuant to this subparagraph (II), the practitioner is not responsible for any loss, damage, or other consequences as a result of the release. Any original radiographic study made available pursuant to this subparagraph (II) must be returned upon request to the lending practitioner within thirty days.

(2) Nothing in this section requires a person responsible for the diagnosis or treatment of sexually transmitted infections or addiction to or use of drugs in the case of minors pursuant to [sections 13-22-102 and 25-4-409, C.R.S.](#), 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.

(3) For purposes of this section, "patient record" does not include a doctor's office notes.

(4) All requests by a patient or the patient's personal representative for inspection of his or her 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 health care provider or his or her designated representative. The patient or the patient's personal representative shall acknowledge the inspection by dating and signing the record file. A health care provider shall not charge a fee for the inspection of medical records.

(5) For the purposes of this section, medical information transmitted during the delivery of health care via telemedicine, as defined in [section 12-36-106\(1\)\(g\), C.R.S.](#), is part of the patient's medical record maintained by a health care provider.

Credits

Added by Laws 1976, H.B.1018, § 1. Amended by Laws 1997, H.B.97-1157, § 2, eff. April 19, 1997; Laws 1997, H.B.97-1220, § 69, eff. Aug. 6, 1997; Laws 2001, Ch. 300, § 11, eff. Jan. 1, 2002; Laws 2009, Ch. 112, § 21, eff. April 9, 2009; Laws 2014, Ch. 125, § 3, eff. April 18, 2014; Laws 2016, Ch. 230, § 22, eff. July 1, 2016.

Notes of Decisions (6)

C. R. S. A. § 25-1-802, CO ST § 25-1-802

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