

**2013 -- S 0649 SUBSTITUTE A**

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LC01575/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2013**

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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:

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

4           **5-37.3-12. Patient's rights. --** (a) In addition to the rights of access to confidential  
5    healthcare information provided to patients under state and federal law, the patient only shall  
6    have the following additional rights:

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

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

18           (ii) Requested records must be provided by the healthcare provider in the form requested

1 by the patient or, if the information is not readily available in the form requested, in a readable  
2 hard copy or other form agreed upon between the healthcare provider and the patient.

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

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

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

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

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

14 (b) Nothing in this section limits rights of access provided to a patient's personal  
15 representative as defined by the Health Insurance Portability and Accountability Act of 1996  
16 (HIPAA) P.L. No. 104-191, 110 Stat. 1938 (1996) HIPAA and pursuant to Rhode Island general  
17 laws subsection 5-37-22(c) and section 23-1-48. A healthcare provider providing records in hard  
18 copy or electronic form to a patient's authorized representative may impose a reasonable fee  
19 pursuant to Rhode Island general laws subsection (5-37-22(c) and section 23-1-48 and rules and  
20 regulations promulgated pursuant thereto.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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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
- 2 healthcare information.
- 3           This act would take effect upon passage.

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