

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 171**  
**SENATE BILL 1169**

AN ACT

AMENDING SECTION 12-2295, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-422.01; RELATING TO MEDICAL RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-2295, Arizona Revised Statutes, is amended to  
3 read:

4 12-2295. Charges

5 A. Except as otherwise provided by law, a health care provider or  
6 contractor may charge a person who requests ~~copies~~ REPRODUCTIONS of  
7 medical records or payment records a reasonable fee for the ~~production~~  
8 REPRODUCTION of the records PURSUANT TO THIS SECTION. Except as necessary  
9 for continuity of care, a health care provider or contractor may require  
10 the payment of any fees in advance.

11 B. A health care provider or contractor shall not charge for the  
12 pertinent information contained in medical records provided to:

13 1. Another health care provider for the purpose of providing  
14 continuing care to the patient to whom the medical record pertains.

15 2. The patient to whom the medical record pertains for the  
16 demonstrated purpose of obtaining health care.

17 3. The health care decision maker of the patient to whom the  
18 medical record pertains for the demonstrated purpose of obtaining health  
19 care for the patient.

20 4. The Arizona medical board, the ARIZONA board of osteopathic  
21 examiners in medicine and surgery or an officer of the department of  
22 health services or the local health department requesting records pursuant  
23 to section 36-662.

24 5. THE PATIENT OR THE PATIENT'S LEGAL REPRESENTATIVE FOR THE  
25 PURPOSE OF APPEALING A DENIAL OF BENEFITS UNDER THE SOCIAL SECURITY ACT.  
26 ANY ADDITIONAL REQUEST FOR MEDICAL RECORDS AND A REQUEST FOR MEDICAL  
27 RECORDS THAT WERE PREVIOUSLY PROVIDED FREE OF CHARGE IN THE SAME CALENDAR  
28 YEAR ARE SUBJECT TO A REASONABLE FEE PURSUANT TO SUBSECTION A OF THIS  
29 SECTION, EXCEPT THAT A FEE MAY NOT BE CHARGED IF NO MEDICAL RECORDS ARE  
30 LOCATED IN RESPONSE TO THE REQUEST. A LEGAL REPRESENTATIVE MUST PROVIDE  
31 AN APPOINTMENT OF REPRESENTATIVE FORM SSA-1696 BEFORE OBTAINING A  
32 PATIENT'S MEDICAL RECORDS FREE OF CHARGE.

33 Sec. 2. Title 36, chapter 4, article 2, Arizona Revised Statutes,  
34 is amended by adding section 36-422.01, to read:

35 36-422.01. Health care institutions; termination of  
36 operation; medical records; civil penalties;  
37 definition

38 A. IN ADDITION TO THE REQUIREMENTS PRESCRIBED IN SECTION 36-422,  
39 SUBSECTION D, IF A CURRENT LICENSEE INTENDS TO TERMINATE THE OPERATION OF  
40 A LICENSED HEALTH CARE INSTITUTION, THE CURRENT LICENSEE SHALL DO ONE OF  
41 THE FOLLOWING BEFORE THE HEALTH CARE INSTITUTION CEASES OPERATION:

42 1. PROVIDE EACH PATIENT OF THE HEALTH CARE INSTITUTION WITH THE  
43 PATIENT'S MEDICAL RECORDS.

44 2. TRANSFER THE HEALTH CARE INSTITUTION'S MEDICAL RECORDS TO A  
45 THIRD-PARTY ENTITY TO ENSURE PATIENT ACCESS TO THE MEDICAL RECORDS.

1           B. IF A PATIENT OR A PATIENT'S HEALTH CARE DECISION MAKER REQUESTS  
2 ACCESS TO OR COPIES OF THE PATIENT'S MEDICAL RECORDS, THE HEALTH CARE  
3 INSTITUTION OR THIRD-PARTY ENTITY IN POSSESSION OF THE MEDICAL RECORDS  
4 SHALL PROVIDE ACCESS TO OR COPIES OF THE MEDICAL RECORDS TO THE PATIENT OR  
5 THE PATIENT'S HEALTH CARE DECISION MAKER IN ACCORDANCE WITH TITLE 12,  
6 CHAPTER 13, ARTICLE 7.1.

7           C. A LICENSEE THAT FAILS TO COMPLY WITH SUBSECTION A OF THIS  
8 SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$10,000. THE  
9 DIRECTOR MAY USE A LICENSEE'S FAILURE TO COMPLY WITH SUBSECTION A OF THIS  
10 SECTION AS GROUNDS TO DENY A SUBSEQUENT LICENSE PURSUANT TO SECTION  
11 36-425, SUBSECTION K.

12           D. FOR THE PURPOSES OF THIS SECTION, "MEDICAL RECORD" HAS THE SAME  
13 MEANING PRESCRIBED IN SECTION 36-2201.

APPROVED BY THE GOVERNOR MAY 6, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2019.