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C.R.S. 25-1-802

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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](#)

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

(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, a naturopathic doctor required to be registered pursuant to article 250 of title 12, or a person practicing psychotherapy under article 245 of title 12, 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

therapist required to be licensed under title 12, or, subject to the provisions of section 25-1-801 (1)(a) and subsection (1)(a) of this section, the person practicing psychotherapy under article 245 of title 12 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 subsection (1)(b)(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 subsection (1)(b)(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, substance use disorders, 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.

(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 12-240-104 (6), is part of the patient's medical record maintained by a health care provider.

History

Source: **L. 76:** Entire part added, p. 649, § 1, effective July 1. **L. 97:** (1) amended, p. 349, § 2, effective April 19; (1)(a) amended, p. 1032, § 69, effective August 6. **L. 2001:** (5) added, p. 1163, § 11, effective January 1, 2002. **L. 2009:** (2) amended, (SB 09-179), ch. 112, p. 475, § 21, effective April 9. **L. 2014:** (1) and (4) amended, (HB 14-1186), ch. 125, p. 446, § 3, effective April 18. **L. 2016:** (2) amended, (SB 16-146), ch. 230, p. 922, § 22, effective July 1. **L. 2018:** (2) amended, (SB 18-091), ch. 35, p. 387, § 22, effective August 8. **L. 2019:** (1)(a), (1)(b)(II), and (5) amended, (HB 19-1172), ch. 136, p. 1695, § 140, effective October 1; (5) amended, (SB 19-241), ch. 390, p. 3471, § 34, effective October 1.

▼ Annotations

Notes

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 (5), 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

ANNOTATION

The phrase "mental health problems" means psychiatric or psychological problems. The phrase does not include general professional counseling, addressing life skill building, decision making, and problem solving, unrelated to psychiatric or psychological problems. Therefore, such records are available to the patient under this section. *Dauwe v. Musante*, 122 P.3d 15 (Colo. App. 2004).

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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