

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 268**

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**Introduced by Assembly Member Holden**

February 7, 2013

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~~An act to amend Section 123130 of the Health and Safety Code, relating to health records. An act relating to transit.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 268, as amended, Holden. ~~Health records: access.~~ *Transit: Metro Gold Line extension.*

*Existing law creates the Metro Gold Line Foothill Extension Construction Authority, with various powers and duties relative to the construction of a rail transit project between Los Angeles and Montclair and intermediate locations.*

*This bill would state the intent of the Legislature to enact legislation that would enable the Metro Gold Line extension to be completed at the terminus of Ontario Airport with intermediate stops in San Dimas, La Verne, Pomona, Claremont, and Montclair, and for regional cooperation to continue.*

~~Existing law provides that a patient or his or her representative is entitled to inspect a patient's health records upon presenting a written request and upon payment for reasonable clerical costs incurred in locating and making the records available. Existing law authorizes a health care provider to prepare a summary of the patient's record for inspection and copying by a patient rather than allowing the patient to access the entire record. A willful violation of these provisions by certain health care providers is an infraction.~~

~~This bill would, in addition, authorize a health care provider to prepare the summary of the patient’s record for inspection and copying by the patient’s representative. Because the bill would change the definition of an infraction, it would constitute a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature hereby finds and declares all of*  
 2     *the following:*

3     *(a) Unemployment in California remains unacceptably high,*  
 4     *near 10 percent, and is even higher in the construction and building*  
 5     *trades industry.*

6     *(b) The Metro Gold Line project and associated transit-oriented*  
 7     *development is estimated to infuse \$43,000,000,000 into the*  
 8     *economies of the Counties of Los Angeles and San Bernardino*  
 9     *and generate nearly 10 million square feet of new retail and*  
 10     *commercial space.*

11     *(c) Traffic congestion is increasing throughout southern*  
 12     *California, and new, environmentally sustainable transit operations*  
 13     *are desperately needed to alleviate congestion. New transit*  
 14     *development will lead to fewer private vehicle trips, less*  
 15     *congestion, and better health outcomes resulting from less*  
 16     *pollution.*

17     *(d) Therefore, public transit infrastructure projects should be*  
 18     *encouraged as a means of growing employment and reducing*  
 19     *congestion and pollution in southern California.*

20     *SEC. 2. (a) It is the intent of the Legislature that all parties*  
 21     *critical to the expansion of the Metro Gold Line continue to*  
 22     *cooperate on regional transit solutions that benefit the people of*  
 23     *California.*

24     *(b) It is the intent of the Legislature to enact legislation enabling*  
 25     *the Metro Gold Line extension to be completed at a final terminus*

1 of Ontario Airport in Ontario, with intermediate stops in San  
2 Dimas, La Verne, Pomona, Claremont, and Montclair.

3 SECTION 1. Section 123130 of the Health and Safety Code  
4 is amended to read:

5 123130. (a) A health care provider may prepare a summary  
6 of the record, according to the requirements of this section, for  
7 inspection and copying by a patient or patient's representative. If  
8 the health care provider chooses to prepare a summary of the record  
9 rather than allowing access to the entire record, he or she shall  
10 make the summary of the record available to the patient or patient's  
11 representative within 10 working days from the date of the patient's  
12 or patient's representative's request. However, if more time is  
13 needed because the record is of extraordinary length or because  
14 the patient was discharged from a licensed health facility within  
15 the last 10 days, the health care provider shall notify the patient  
16 or patient's representative of this fact and the date that the summary  
17 will be completed, but in no case shall more than 30 days elapse  
18 between the request by the patient or patient's representative and  
19 the delivery of the summary. In preparing the summary of the  
20 record the health care provider shall not be obligated to include  
21 information that is not contained in the original record.

22 (b) A health care provider may confer with the patient or  
23 patient's representative in an attempt to clarify the patient's or  
24 patient's representative's purpose and goal in obtaining the  
25 patient's record. If as a consequence the patient or patient's  
26 representative requests information about only certain injuries,  
27 illnesses, or episodes, this subdivision shall not require the provider  
28 to prepare the summary required by this subdivision for other than  
29 the injuries, illnesses, or episodes so requested by the patient or  
30 patient's representative. The summary shall contain for each injury,  
31 illness, or episode any information included in the record relative  
32 to the following:

- 33 (1) Chief complaint or complaints including pertinent history.
- 34 (2) Findings from consultations and referrals to other health  
35 care providers.
- 36 (3) Diagnosis, where determined.
- 37 (4) Treatment plan and regimen including medications  
38 prescribed.
- 39 (5) Progress of the treatment.

1 ~~(6) Prognosis including significant continuing problems or~~  
2 ~~conditions.~~

3 ~~(7) Pertinent reports of diagnostic procedures and tests and all~~  
4 ~~discharge summaries.~~

5 ~~(8) Objective findings from the most recent physical~~  
6 ~~examination, such as blood pressure, weight, and actual values~~  
7 ~~from routine laboratory tests.~~

8 ~~(e) This section shall not be construed to require any medical~~  
9 ~~records to be written or maintained in any manner not otherwise~~  
10 ~~required by law.~~

11 ~~(d) The summary shall contain a list of all current medications~~  
12 ~~prescribed, including dosage, and any sensitivities or allergies to~~  
13 ~~medications recorded by the provider.~~

14 ~~(e) Subdivision (c) of Section 123110 shall be applicable~~  
15 ~~whether or not the health care provider elects to prepare a summary~~  
16 ~~of the record.~~

17 ~~(f) The health care provider may charge no more than a~~  
18 ~~reasonable fee based on actual time and cost for the preparation~~  
19 ~~of the summary. The cost shall be based on a computation of the~~  
20 ~~actual time spent preparing the summary for availability to the~~  
21 ~~patient or the patient's representative. It is the intent of the~~  
22 ~~Legislature that summaries of the records be made available at the~~  
23 ~~lowest possible cost to the patient.~~

24 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
25 ~~Section 6 of Article XIII B of the California Constitution because~~  
26 ~~the only costs that may be incurred by a local agency or school~~  
27 ~~district will be incurred because this act creates a new crime or~~  
28 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
29 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
30 ~~the Government Code, or changes the definition of a crime within~~  
31 ~~the meaning of Section 6 of Article XIII B of the California~~  
32 ~~Constitution.~~