

House Engrossed

prisoners; medical records; family access

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HOUSE BILL 2229

AN ACT

AMENDING TITLE 31, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 31-224.01; RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 31, chapter 2, article 2, Arizona Revised  
3 Statutes, is amended by adding section 31-224.01, to read:

4 31-224.01. Prisoner medical records; release to immediate  
5 family or designated individual; medical  
6 recommendation; definitions

7 A. A PRISONER MAY AUTHORIZE THE DEPARTMENT TO RELEASE THE  
8 PRISONER'S MEDICAL RECORD TO A MEMBER OF THE PRISONER'S IMMEDIATE FAMILY  
9 OR TO A DESIGNATED INDIVIDUAL. THE AUTHORIZATION MUST BE IN WRITING AND  
10 INCLUDE A RELEASE THAT COMPLIES WITH THE HEALTH INSURANCE PORTABILITY AND  
11 ACCOUNTABILITY ACT PRIVACY STANDARDS (45 CODE OF FEDERAL REGULATIONS PART  
12 164, SUBPART E). IF AUTHORIZED BY THE PRISONER, THE DEPARTMENT SHALL  
13 RELEASE THE PRISONER'S MEDICAL RECORD TO A MEMBER OF THE PRISONER'S  
14 IMMEDIATE FAMILY OR TO THE DESIGNATED INDIVIDUAL. THE DEPARTMENT SHALL  
15 PROVIDE THE MEDICAL RECORD WITHIN FIFTEEN CALENDAR DAYS AFTER RECEIVING  
16 THE PRISONER'S AUTHORIZATION TO RELEASE THE MEDICAL RECORD. PURSUANT TO  
17 SECTIONS 31-221 AND 39-121.01, THE DEPARTMENT MAY CHARGE A FEE TO COPY AND  
18 PRODUCE THE PRISONER'S MEDICAL RECORD.

19 B. A MEMBER OF THE PRISONER'S IMMEDIATE FAMILY OR THE DESIGNATED  
20 INDIVIDUAL WHO IS AUTHORIZED TO RECEIVE THE PRISONER'S MEDICAL RECORD MAY  
21 SUBMIT A RECOMMENDATION ON BEHALF OF THE PRISONER TO THE DEPARTMENT FOR  
22 MEDICAL TREATMENT FOR THE PRISONER. THE RECOMMENDATION MUST BE FROM A  
23 PHYSICIAN WHO HAS RECENTLY REVIEWED THE PRISONER'S MEDICAL RECORD OR WHO  
24 HAS PREVIOUSLY TREATED THE PRISONER FOR A MEDICAL CONDITION. THE  
25 DEPARTMENT IS NOT REQUIRED TO ACCEPT OR OTHERWISE IMPLEMENT THE  
26 RECOMMENDATION BUT SHALL PROMPTLY SUBMIT THE RECOMMENDATION TO THE  
27 DEPARTMENT'S CONTRACTED INMATE HEALTHCARE VENDOR FOR THE VENDOR'S CLINICAL  
28 CONSIDERATION AND TO DETERMINE IF THE RECOMMENDATION IS MEDICALLY  
29 INDICATED. IF THE DEPARTMENT'S CONTRACTED INMATE HEALTHCARE VENDOR  
30 DETERMINES THAT THE RECOMMENDATION IS NOT MEDICALLY INDICATED, THE VENDOR  
31 SHALL PROMPTLY PLACE A WRITTEN CLINICAL EXPLANATION FOR THE DECISION IN  
32 THE PRISONER'S MEDICAL RECORD.

33 C. FOR THE PURPOSES OF THIS SECTION:

34 1. "MEDICAL RECORD" INCLUDES ANY MEDICAL RECORD THAT IS RETAINED BY  
35 THE DEPARTMENT OR A MEDICAL PROFESSIONAL AND THAT RELATES TO MEDICAL  
36 TREATMENT THAT WAS PROVIDED TO THE PRISONER WHILE IN A DEPARTMENT  
37 FACILITY.

38 2. "PHYSICIAN" MEANS A PHYSICIAN WHO HOLDS AN ACTIVE LICENSE IN  
39 GOOD STANDING ISSUED BY ANY STATE.