

RESOLUTION
BOARD OF DIRECTORS
SALIDA HOSPITAL DISTRICT

**A RESOLUTION ESTABLISHING A POLICY FOR REQUESTS FOR PUBLIC RECORDS
AND ASSESSING CHARGES FOR THE PRODUCTION OF PUBLIC RECORDS**

WHEREAS, the Salida Hospital District, dba Heart of the Rockies Regional Medical Center, ("**District**") is a political subdivision of the State of Colorado, organized pursuant to C.R.S. § 32-1-101, *et seq.* ("**Special Districts Act**"), to provide public hospital, emergency facility, community clinic, and other health services to the citizens within its jurisdiction, and to individuals passing through its jurisdiction;

WHEREAS, pursuant to the Special Districts Act, C.R.S. § 32-1-1001(1)(h) and (m), the District's Board of Directors ("**Board**") is vested with the management, control, and supervision of all the business and affairs of the District, and is authorized to adopt, amend, and enforce rules and regulations for carrying out the District's business and affairs;

WHEREAS, the Board is authorized by statute to charge a reasonable fee for copies, printouts, and photographs made at the request of an individual or entity pursuant to the Colorado Public (Open) Records Act, C.R.S. § 24-72-205 ("**Open Records Act**"), and the Regulations promulgated by the U.S. Department of Health and Human Services interpreting and implementing the Health Insurance Portability and Accountability Act of 1996, 45 CFR 164.524(c) (collectively, "**HIPAA**"); and

WHEREAS, the Board determines that the fees it establishes by this Resolution are reasonable, cost-based fees, as required by the regulations and guidance implementing HIPAA, and are in compliance with the requirements and restrictions of the Open Records Act.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SALIDA HOSPITAL DISTRICT THAT:

A. Administration of Requests for Public Records

1. As used in Resolution, the following definitions shall apply:

(a) "**Public records**" has the same meaning as set forth under the Open Records Act, C.R.S. § 24-72-202(6).

(b) "**Protected health information**" ("**PHI**") has the same meaning as set forth under HIPAA, 45 CFR § 160.103.

(c) "**Non-PHI records**" means all public records that do not include PHI, including medical or mental health records under C.R.S. § 24-72-204(3)(a)(1) that do not contain PHI, when the same may be produced under Applicable Law.

(d) "**PHI-containing records**" means medical or mental health records under C.R.S. § 24-72-204(3)(a)(1) that contain PHI, when the same may be produced under Applicable Law.

2. All requests for public records shall be in writing and shall comply with the requirements of the Open Records Act, HIPAA, and any other applicable federal or state laws, rules, or regulations (collectively, "**Applicable Law**"). Anyone making a verbal, emailed, or other non-standard form request for public records will be asked to submit the request in writing on a Public Records Request Form in substantially the form attached hereto as Attachment A, as may be amended by the Board or Executive Staff from time to time in accordance with Applicable Law or to enhance administrative efficiency. No action related to the request will be taken until a Public Records Request Form has been submitted.

3. The District will comply with the requirements of Applicable Law with respect to whether it must, may, or cannot produce public records, or other documents or information requested, and the fees it charges for producing such public records, or other documents or information. The District will provide an estimate of the approximate fee that may be charged for responding to a request for public records before beginning work on the response.

4. This Resolution shall supersede and replace all prior Board Resolutions, motions, or Board or District rules or regulations (collectively, "**Prior Rules**") with respect to responding to requests for public records and assessing charges for the production of public records, and such Prior Rules are hereby rescinded for all purposes and are null and void.

B. Requests for Non-PHI Records

5. Where the fee for a certified copy or other copy, printout, or photograph of a non-PHI record is specifically prescribed by Applicable Law, the specific fee shall be charged. If a fee is not specifically prescribed by Applicable Law, the District will furnish copies, printouts, or photographs of a non-PHI record for a fee of \$0.25 per standard page. The District shall charge a fee not to exceed the actual cost of providing a copy, photograph, or printout of a non-PHI record in a form other than a standard page. The District shall charge the actual costs it incurs in having the copies made off-site by an outside copying facility.

6. If, in response to a specific request, the District's custodian of records performs a manipulation of data so as to generate a non-PHI record in a form not used by the District (including a privilege log), an hourly administrative fee equal to the hourly research and retrieval fee discussed below in paragraph 7 shall be charged to the person or entity making the request; provided, however, that the fee shall not exceed the actual cost of manipulating the data and generating the record in accordance with the request. An individual or entity making a subsequent request for the same or similar non-PHI records shall be charged the same fee.

7. If the amount of time required by the District to research and retrieve the documents necessary to fulfill a specific request for non-PHI records exceeds one hour, including the time required to identify and segregate records that must or may not be produced, the person or entity making the request shall be charged a research and retrieval fee of \$41.37 per hour, or such maximum hourly research and retrieval fee as may be established by the Colorado Legislative Council from time to time. Such fee will include discussing strategy for accomplishing the collection of non-PHI records (including time to agree on search terms and searchable time frame for email searches), redactions, and attorney time to review public records. The District will not impose a charge for the first one hour of time expended in connection with the research and retrieval of public records.

C. Requests for PHI-Containing Records

8. If a third-party requests PHI-containing records on their own behalf and submits a written HIPAA authorization from the individual whose PHI is contained in the records for the disclosure (or relies on another permission in HIPAA), the District will charge fees in accordance with Section B of this Resolution.

9. If an individual requests PHI-containing records that contain that individual's PHI and directs that the records be delivered to the individual, their representative, or a third-party, the District, in its discretion, shall charge either:

(a) A flat fee of \$6.50 for electronic copies of PHI-containing records that the District maintains electronically; or

(b) The actual costs incurred by the District to produce PHI-containing records, which may include:

i. Labor for copying the PHI-containing records, whether in paper or electronic form. Labor for copying includes only labor for the acts of photocopying, scanning, or similar actions necessary to reproduce the PHI-containing records once the records responsive to the request have been identified, collected, and compiled, and are ready to be copied. Labor for copying does not include costs associated with reviewing the request, searching for and retrieving the PHI-containing records, reviewing the records for the presence of PHI, or otherwise preparing the records for copying;

ii. Labor for preparing an explanation or summary of the PHI-containing records, if the individual agrees in advance to such an explanation or summary and the associated fees,;

iii. Supplies for creating the paper copy of PHI-containing records, or portable electronic media if the individual requests that an electronic copy of PHI-containing records be provided on portable media; and

iv. Postage, if the individual requests the copy of the PHI-containing records, and/or a summary or explanation of such information, be mailed.

10. No fees will be charged if an individual requests PHI-containing records that contain that individual's PHI and elects to view and inspect the records onsite at the District's facilities, rather than to receive a copy of the records. An individual may take notes, photos, or other personal resources to capture the information contained in the records, provided that any equipment or technology used by the individual is not disruptive to the District's operations and is used in a way that enables the individual to memorialize only those records to which they are entitled. An individual inspecting PHI-containing records onsite at the District's facilities may not connect a personal device to the District's systems.

D. Transmission of Public Records

11. Upon request for transmission of the public record, the District will transmit the public record by United States mail, other delivery service, facsimile, electronic mail, or upload to a HIPAA-compliant electronic file sharing site. If transmitting the public record pursuant to this paragraph, the

District may notify the record requester that a copy of the public record is available, but will be sent only when the District receives payment or makes satisfactory arrangements for payment of all costs associated with transmitting the public record and for all other fees lawfully allowed; provided, however, that no transmission fees will be charged for transmitting the public record via electronic mail or upload to a HIPAA-compliant electronic file sharing site. The District will transmit the public record within three business days following its receipt of, or making satisfactory arrangements to receive, such payment.

12. If an individual or entity requests that public records be provided by fax or email, and not by U.S. mail, delivery service, or upload to a HIPAA-compliant electronic file sharing site, the individual shall be required to provide a written statement that the individual or entity understands the public records will be sent through unencrypted fax/email that is not secure and there is a risk that the records could be seen by a third party during electronic transmission, while in electronic storage, and/or upon completed delivery. The District is not responsible for unauthorized access of the PHI resulting from the faxed or emailed transmission, or for safeguarding the PHI upon delivery.

ADOPTED this 22nd day of July, 2025 by the Board of Directors of the Salida Hospital District.

Dean Edwards

Dean Edwards (Jul 24, 2025 10:01:31 MDT)

President

Stacy Osborne

Stacy Osborne (Aug 2, 2025 12:41:01 CDT)

Secretary

