Resolution No. _____

RESOLUTION
BOARD OF DIRECTORS OF THE
SOUTHERN TELLER COUNTY HEALTH SERVICES DISTRICT

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

WHEREAS, the Southern Teller County Health Services District ("***District***") is a political subdivision of the State of Colorado, organized pursuant to C.R.S. § 32-1-101, *et seq.* ("***Special Districts Act***");

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***");

WHEREAS, the Board intends for this Resolution to 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requests for public records and assessing charges for the production of public records, and for such Prior Rules to be rescinded for all purposes; and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 in compliance with the requirements and restrictions of the Open Records Act.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SOUTHERN TELLER COUNTY HEALTH SERVICES DISTRICT THAT:

1. The term "***public records***" shall have the same meaning as set forth in the Open Records Act.

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 request 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.

4. Where the fee for a certified copy or other copy, printout, or photograph of a public 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 public 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 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.

5. If, in response to a specific request, the District's custodian of records performs a manipulation of data so as to generate a 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 6 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 records shall be charged the same fee.

6. If the amount of time required by the District to research and retrieve the documents necessary to fulfill a specific request exceeds 1 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 getting documents collected (including time to agree on search terms and searchable time frame for email searches), redactions, and attorney time to review documents. The District will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.

7. Medical or Mental Health Records.

(a) If an individual or entity requests medical or mental health records pursuant to C.R.S. § 24-72-204(3)(a)(1) that **do not** contain protected health information (as defined under HIPAA, 45 CFR § 160.103) ("***PHI***"), and such records can be produced under Applicable Law, the District will charge fees in accordance with the other paragraphs of this Resolution;

(b) If a third-party requests medical or mental health records pursuant to C.R.S. § 24-72-204(3)(a)(1) that contain an individual's PHI **and** submits a written HIPAA authorization from that individual (or relies on another permission in HIPAA) for the disclosure, and such records can be produced under Applicable Law, the District will charge fees in accordance with the other paragraphs of this Resolution;

(c) If an individual requests medical or mental health records pursuant to C.R.S. § 24-72-204(3)(a)(1) 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:

i. A flat fee of $6.50 for electronic copies of medical or mental health records that the District maintains electronically; or

ii. The actual labor costs incurred by the District to produce the medical or mental health records, which may include:

A. Labor for copying the medical or mental health records, whether in paper or electronic form;

B. Supplies for creating the paper copy or electronic media if the individual requests that the electronic copy be provided on portable media;

C. Postage, when the individual has requested the copy, or a summary or explanation of such information, be mailed; and

D. Preparing an explanation or summary of the medical or mental health records, if the individual agrees to such an explanation or summary, and the associated fees, in advance.

If the District receives a request to produce medical or mental health records in paper form, or the District is unable to produce the requested medical or mental health records in an electronic format, the District will provide paper copies of the records and will charge the actual labor costs incurred by the District to produce the records, as set forth in paragraph 7(c)(ii) above. The District will provide an estimate of the approximate fee that may be charged for copies of the requested medical or mental health records.

8. Upon request for transmission of the public record, the District will transmit the public record by United States mail, other delivery service, facsimile, or electronic mail. 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. The District will transmit the public record within three business days following its receipt of, or making satisfactory arrangements to receive, such payment.

9. If an individual or entity requests that public records be provided by fax or email, and not by U.S. mail or delivery service, 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.

10. This Resolution shall supersede and replace all 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.

ADOPTED this 18 day of March, 2025 by the Board of Directors of the Southern Teller County Health Services District.

President

Barbara Hyt
Secretary

SOUTHERN TELLER COUNTY HEALTH SERVICES DISTRICT
PUBLIC RECORDS REQUEST

The Southern Teller County Health Services District (District) complies with the requirements of the Colorado Open Records Act, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and other applicable laws with respect to the production of public records, including with respect to whether it must, may, or cannot produce public records, and the fees it charges for such production. A complete copy of District's Open Records Request Policy and fees can be found on the District's website: https://www.swtcems.org/governance. **All requests for public records must be sent to EMS Director Eric Murray at Director@SWTCEMS.org.**

By signing below, I acknowledge that fees may be assessed for producing the records I am requesting, and/or for delivering the records to me. I have had the opportunity to review District's Open Records Request Policy and fees for producing the public records, available at the link listed above. If requested by the District, I agree to pay all fees for my request before the District sends the records to me.

Name:	**Date:**
Mailing Address:	**Email Address:**
Signature:	**Phone Number:**
Detailed Description of Records Requested. If possible, please include: (a) type of record; (b) date or date range; (c) specific subject matter; and (d) names of persons or locations. If this is a request for a Fire Incident Report, please also include the (e) incident number and (f) incident address, if known. Attach additional pages if needed.	
If any of the records requested contain Protected Health Information (PHI) about a person who is not you, this request must be accompanied by an *Authorization to Release Medical Information* under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). An *Authorization to Release Medical Information* is attached: ☐ Yes ☐ No	
Preferred Delivery Method: ☐ Email* ☐ Fax* (Number: _____) ☐ Mail (additional fees) ☐ Pick Up/View in Person *Records sent by email or fax transmission 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 Protected Health Information (PHI) resulting from the faxed or emailed transmission, or for safeguarding PHI upon delivery.	

For Internal Office Use	
Office Notes:	
Completed By:	Date: