

**RESOLUTION  
BOARD OF DIRECTORS OF THE  
SUMMIT FIRE AND EMERGENCY MEDICAL SERVICES AUTHORITY**

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

**WHEREAS**, the Summit Fire and Emergency Medical Services Authority ("**Authority**") is a public entity of the State of Colorado, established pursuant to the Intergovernmental Agreement ("**IGA**") between the Lake Dillon Fire Protection District and the Copper Mountain Consolidated Metropolitan District dated October 10, 2017, for the purpose of providing fire suppression, fire prevention and public education, rescue, extrication, hazardous materials, and emergency medical services within their joint jurisdiction and service area;

**WHEREAS**, the Authority's Board of Directors ("**Board**") is vested with the authority to conduct and govern the business and affairs of the Authority and to lawfully exercise all legislative powers and all other express, implied, and inherent powers of the Authority, all in accordance with this Agreement and Applicable Law. C.R.S. §§ 29-1-203.5(2)(a) & 32-1-1001, *et seq.*; IGA Art. III(3);

**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 Colorado Department of Public Health and Environment ("**CDPHE Regulations**");

**WHEREAS**, the Authority Board desires to establish an official policy for responding to requests for public records and assessing charges for the production of public records; and

**WHEREAS**, the Board determines that the fees it establishes by this Resolution are reasonable, cost-based fees, as required by the Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated by the U.S. Department of Health and Human Services interpreting and implementing HIPAA, 45 CFR 164.524(c) (collectively, "**HIPAA**"), and in compliance with the requirements and restrictions of the Open Records Act and the CDPHE Regulations.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SUMMIT FIRE AND EMERGENCY MEDICAL SERVICES AUTHORITY THAT:**

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

2. All requests for public records must be in writing, and must comply with the requirements of the Open Records Act, CDPHE Regulations, HIPAA, and any other applicable federal or state laws.

3. The Authority will comply with the requirements of the Open Records Act, CDPHE Regulations, HIPAA, and any other applicable federal or state laws, 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 law, the specific fee will be charged. If a fee is not specifically prescribed by law, the Authority will furnish copies, printouts, or photographs of a public record for a fee of \$0.25 per standard page. The Authority will 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 Authority will charge the actual costs it incurs in having the copies made off-site by an outside copying facility.

5. In accordance with the CDPHE Regulations, if the Authority produces copies, printouts, or photographs of medical or mental health records pursuant to C.R.S. § 24-72-204(3)(a)(I), the Authority will charge the following fees:

- a. For requests made by the patient or patient's personal representative (as defined under HIPAA § 164.502(g)):
  - i. \$14.00 for the first 10 or fewer pages;
  - ii. \$0.50 per page for pages 11-40; and
  - iii. \$0.33 per page for every additional page.
  
- b. For requests made by a representative of the patient, other than the patient's personal representative (as defined under HIPAA § 164.502(g)), with the patient's written authorization:
  - i. \$16.50 for the first 10 or fewer pages;
  - ii. \$0.75 per page for pages 11-40; and
  - iii. \$0.50 per page for every additional page.

The per-page fee for records copied from microfilm is \$1.50 per page. Actual postage or shipping costs and applicable sales tax, if any, also may be charged. The Authority may present a justification to Colorado Department of Public Health and Environment to charge additional sums for one or more specific classes of medical records or services, but will not charge such additional sums unless approved by the Board and the Colorado Department of Public Health and Environment.

6. If, in response to a specific request, the Authority's custodian of records performs a manipulation of data so as to generate a record in a form not used by the Authority (including a privilege log), an administrative fee of \$30.00 per hour will be charged the person or entity making


the request. An individual or entity making a subsequent request for the same or similar records will be charged the same fee.


7. If the amount of time required by the Authority to research and retrieve the documents necessary to fulfill a specific request 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 will be charged a research and retrieval fee of \$30.00 per hour. The Authority will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.


8. Upon request for transmission of the public record, the Authority 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 Authority may notify the record requester that a copy of the public record is available, but will be sent only when the Authority 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.

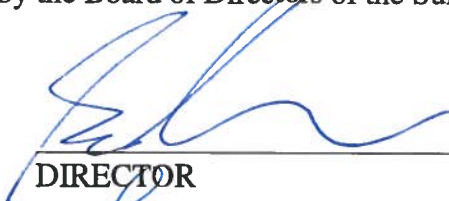
9. This Resolution supersedes and replaces all prior written or unwritten policies or procedures utilized by the Authority with respect to responding to requests for public records and assessing charges for the production of public records, which prior written or unwritten policies are hereby rescinded and null and void for all purposes.


**ADOPTED** this 17th day of April, 2018, by the Board of Directors of the Summit Fire and Emergency Medical Services Authority.

  
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