HOUSE BILL 399

J1, J2, J3 4lr0549

By: **Delegates Murphy, Bromwell, Costa, Cullison, Donoghue, Hubbard, A. Kelly, Oaks, Pena–Melnyk, Reznik, and V. Turner**
Introduced and read first time: January 23, 2014
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Public Health – Medical Records Charges – Medicaid Enrollees

FOR the purpose of prohibiting a health care provider from charging a certain person who requests a copy of a medical record of an individual enrolled in the Maryland Medical Assistance Program a fee that exceeds a certain dollar amount; and generally relating to medical records charges for Maryland Medical Assistance Program enrollees.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–304(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 4–304(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

4–304.

(c) (1) (i) In this subsection, "medical record" includes a copy of a medical bill that has been requested by an individual.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

(ii) The provisions of this subsection do not apply to x–rays.

(2) A health care provider may require a person in interest or any other authorized person who requests a copy of a medical record to pay the cost of copying:

(i) For State facilities regulated by the Department of Health and Mental Hygiene, as provided in § 10–621 of the State Government Article; or

(ii) For all other health care providers, the reasonable cost of providing the information requested.

(3) (i) Subject to the provisions of paragraph (4) of this subsection, for a copy of a medical record requested by a person in interest or any other authorized person under paragraph (2)(ii) of this subsection, a health care provider may charge a fee for copying and mailing not exceeding 50 cents for each page of the medical record.

(ii) In addition to the fee charged under subparagraph (i) of this paragraph, a hospital or a health care provider may charge:

1. A preparation fee not to exceed $15 for medical record retrieval and preparation; and

2. The actual cost for postage and handling of the medical record.

(4) On or after July 1, 1995, the fees charged under paragraph (3) of this subsection may be adjusted annually for inflation in accordance with the Consumer Price Index.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, a health care provider may charge a fee, as authorized under paragraphs (3) and (4) of this subsection, for the retrieval, copying, preparation, mailing, and actual cost of postage and handling of a medical record disclosed under § 4–306 of this subtitle.

(ii) If a government unit or agency makes a request for the disclosure of a medical record under § 4–306 of this subtitle, a health care provider may not charge the government unit or agency a fee for the retrieval, copying, preparation, mailing, and actual cost of postage and handling of the medical record.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HEALTH CARE PROVIDER MAY NOT CHARGE A PERSON IN INTEREST OR ANY OTHER AUTHORIZED PERSON WHO REQUESTS A COPY OF A MEDICAL RECORD OF AN INDIVIDUAL ENROLLED IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM A FEE THAT EXCEEDS $20, ADJUSTED ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.

[(6)**] (7)** Notwithstanding any other provision of law, any person or entity who is not subject to the provisions of this subsection and who obtains a medical record from a health care provider or the provider's agent may not charge a fee for any subsequent copies of that medical record that exceeds the fee authorized under paragraph (3)(i) of this subsection.

(d) Except for an emergency request from a unit of State or local government concerning a child protective services case or adult protective services case, a health care provider may withhold copying until the fee for copying is paid.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.