SENATE BILL 462

J1, J3, J2 6lr3311 CF HB 724

By: Senator Conway

Introduced and read first time: February 3, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

CHAPTER

1 AN ACT concerning

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Public Health - Copies of Medical Records - Fees

- 3 FOR the purpose of altering the fees health care providers and hospitals may charge for copying and mailing certain medical records and for retrieving and preparing certain 4 5 medical records; authorizing certain hospitals and other health care providers to 6 charge $\frac{1}{2}$ certain $\frac{1}{2}$ certain $\frac{1}{2}$ certain $\frac{1}{2}$ cost for electronic copies of medical 7 records that are in an electronic format requested by certain persons; repealing a certain provision of law that allowed for fees charged for copies of medical records to 8 9 be adjusted annually for inflation in accordance with the Consumer Price Index; 10 providing that certain fees may not be adjusted annually for inflation in accordance 11 with the Consumer Price Index; making conforming changes; and generally relating 12 to fees for copies of medical records.
- 13 BY repealing and reenacting, with amendments,
- 14 Article Health General
- 15 Section 4–304(c)
- 16 Annotated Code of Maryland
- 17 (2015 Replacement Volume)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 19 That the Laws of Maryland read as follows:

20 Article - Health - General

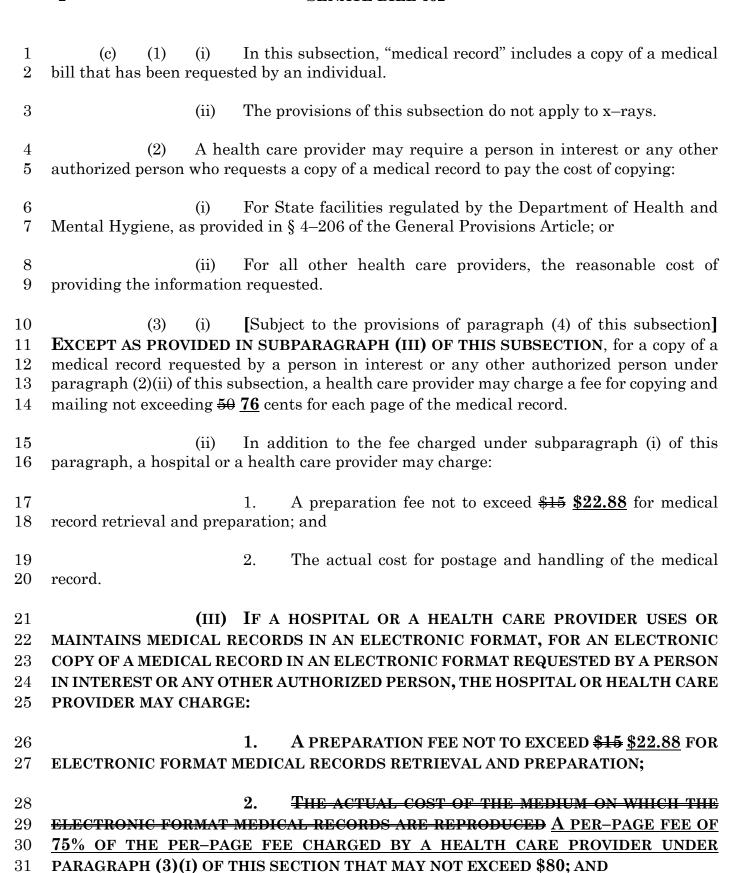
21 4-304.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



32 3. THE ACTUAL COST FOR POSTAGE AND HANDLING OF THE ELECTRONIC FORMAT MEDICAL RECORDS.

1	[(4) On or after July 1, 1995, (I) <u>EXCEPT AS PROVIDED IN</u>
2	SUBPARAGRAPH (II) OF THIS PARAGRAPH, the fees charged under paragraph (3) of this
3	subsection may be adjusted annually for inflation in accordance with the Consumer Price
4	Index.
5	(II) THE PREPARATION FEE CHARGED FOR MEDICAL RECORD
6	RETRIEVAL AND PREPARATION UNDER PARAGRAPH (3)(II)1 OF THIS SUBSECTION
7	AND FOR RETRIEVAL AND PREPARATION OF A MEDICAL RECORD IN AN ELECTRONIC
8	FORMAT UNDER PARAGRAPH (3)(III)1 OF THIS SUBSECTION MAY NOT BE ADJUSTED

10 $\{(5)\}$ (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)* 11 12 PARAGRAPH (3) of this subsection, for the retrieval, copying, preparation, mailing, and 13 actual cost of postage and handling of a medical record disclosed under § 4-306 of this 14 subtitle.

ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.

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- 15 If a government unit or agency makes a request for the disclosure (ii) 16 of a medical record under § 4–306 of this subtitle, a health care provider may not charge 17 the government unit or agency a fee for the retrieval, copying, preparation, mailing, and 18 actual cost of postage and handling of the medical record.
- 19 **f**(6)**f** (5) Notwithstanding any other provision of law, a health care 20 provider may not charge a person in interest, except for an attorney appointed in writing by a person in interest, 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, for each 100 pages or portion of 100 24pages copied.
 - 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.
- 30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 31 October 1, 2016.