

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 153

(Delegate Rosenberg, *et al.*)

Health and Government Operations

Finance

Medical Records - Fees - Attorneys Representing Patients

This bill prohibits a health care provider or a representative of the health care provider from charging a fee for providing copies of a medical record requested by an attorney who is representing the patient if the records will be used for the purpose of filing a claim for or appealing a denial of Social Security Disability Income (SSDI) or Social Security benefits.

Fiscal Summary

State Effect: The bill is not anticipated to have a material impact on State operations or finances.

Local Effect: To the extent that a local health department charges a fee for providing copies of medical records, local revenues may decrease. Expenditures are not likely affected.

Small Business Effect: Meaningful.

Analysis

Current Law: Pursuant to § 4-304 of the Health-General Article, a health care provider must respond within a reasonable time after receiving a written request for a copy of or to see and copy a medical record.

With specified exceptions, a health care provider may charge a fee for copying and mailing requested medical records of up to 76 cents per page, which may be adjusted annually for inflation. In addition, a health care provider may charge a preparation fee of up to \$22.88

for medical record retrieval and preparation and the cost for postage and handling of the medical record.

The fee that may be charged for an electronic copy of a medical record includes a maximum preparation fee of \$22.88, a per-page fee of 75% of the per-page fee charged for a nonelectronic copy or a maximum of \$80, and the actual cost for postage and handling of the electronic copy.

A health care provider may not charge a fee exceeding \$20.00 per 100 pages (or portion of 100 pages) for a copy of a medical record associated with an individual enrolled in Medicaid unless a lawfully appointed attorney makes the request.

Chapter 157 of 2021 prohibits a health care provider or a representative of the health care provider from charging a fee for providing copies of a medical record (1) requested by the patient, the patient's personal representative, or an employee or other representative of a nonprofit legal services entity or other volunteer or nonprofit program and (2) that will be used to support a claim or appeal for SSDI or Social Security benefits.

Small Business Effect: A small business health care provider will be unable to charge a fee for providing copies of a medical record that will be used to support a claim or appeal for SSDI or Social Security benefits when requested by a patient's attorney.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 144 (Senators Hettleman and Gile) - Finance.

Information Source(s): Maryland Department of Health; Office of the Public Defender; Department of Legislative Services

Fiscal Note History: First Reader - January 28, 2024
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