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By: **Delegate Barve**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Disclosure of Medical Records - Investigations - Fee**

3 FOR the purpose of authorizing a health care provider to charge a certain fee for the  
4 disclosure of a medical record for a certain investigation; prohibiting a health  
5 care provider from charging a government unit or agency a certain fee for the  
6 disclosure of medical records for a certain investigation; and generally relating  
7 to a fee for the disclosure of medical records.

8 BY repealing and reenacting, with amendments,  
9 Article - Health - General  
10 Section 4-304(c)  
11 Annotated Code of Maryland  
12 (2005 Replacement Volume and 2005 Supplement)

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

15 **Article - Health - General**

16 4-304.

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

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

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

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

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

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

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

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

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

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

14           (5)    (I)    EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
15 PARAGRAPH, A HEALTH CARE PROVIDER MAY CHARGE A FEE FOR THE RETRIEVAL,  
16 COPYING, PREPARATION, MAILING, AND ACTUAL COST OF POSTAGE AND HANDLING  
17 OF A MEDICAL RECORD DISCLOSED UNDER § 4-306 OF THIS SUBTITLE.

18                   (II)   IF A GOVERNMENT UNIT OR AGENCY MAKES A REQUEST FOR  
19 THE DISCLOSURE OF A MEDICAL RECORD UNDER § 4-306 OF THIS SUBTITLE, A  
20 HEALTH CARE PROVIDER MAY NOT CHARGE THE GOVERNMENT UNIT OR AGENCY A  
21 FEE FOR THE RETRIEVAL, COPYING, PREPARATION, MAILING, AND ACTUAL COST OF  
22 POSTAGE AND HANDLING OF THE MEDICAL RECORD.

23           [(5)]   (6)    Notwithstanding any other provision of law, any person or  
24 entity who is not subject to the provisions of this subsection and who obtains a  
25 medical record from a health care provider or the provider's agent may not charge a  
26 fee for any subsequent copies of that medical record that exceeds the fee authorized  
27 under paragraph (3)(i) of this subsection.

28   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2006.