
By: **Delegate Barve**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2006

CHAPTER _____

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:

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

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

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

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

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

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

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

18 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
19 PARAGRAPH, A HEALTH CARE PROVIDER MAY CHARGE A FEE, AS AUTHORIZED
20 UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, FOR THE RETRIEVAL,
21 COPYING, PREPARATION, MAILING, AND ACTUAL COST OF POSTAGE AND HANDLING
22 OF A MEDICAL RECORD DISCLOSED UNDER § 4-306 OF THIS SUBTITLE.

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

28 [(5)] (6) Notwithstanding any other provision of law, any person or
29 entity who is not subject to the provisions of this subsection and who obtains a
30 medical record from a health care provider or the provider's agent may not charge a
31 fee for any subsequent copies of that medical record that exceeds the fee authorized
32 under paragraph (3)(i) of this subsection.

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

