

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1389

(Delegate Barve)

Health and Government Operations

Education, Health, and Environmental Affairs

Disclosure of Medical Records - Investigations - Fee

This bill allows a health care provider to charge a fee in the amount currently specified in statute, for the retrieval, copying, preparation, mailing, and actual cost of postage and handling of a medical record that must be disclosed without the authorization of the person in interest in response to an investigation. A government unit or agency may not be charged by the health care provider for any of these costs if the government unit or agency makes this request as part of an investigation.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal to the extent that small businesses conducting an investigation would request copies of medical records and be required to pay any related costs that they may not already be paying.

Analysis

Current Law: Except as otherwise provided under statute, a health care provider must comply within a reasonable time after a person in interest requests in writing to receive a medical record or see and copy the medical record. A medical record includes a copy of a medical bill that has been requested by an individual, but excludes x-rays. 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 for State facilities

regulated by the Department of Health and Mental Hygiene (DHMH), as provided for under the State Government Article of the Annotated Code, or for all other health care providers, the reasonable cost of providing the information requested.

For a copy of a medical record requested by a person in interest or any other authorized person, a health care provider may charge a fee for copying and mailing not exceeding 50 cents for each page of the medical record. In addition to this fee, a hospital or a health care provider may charge a maximum \$15 preparation fee for medical record retrieval and preparation and the actual cost for postage and handling of the medical record. On or after July 1, 1995, the fees charged may be adjusted annually for inflation according with the Consumer Price Index. Notwithstanding any other statutory provision, any person or entity who is not subject to these provisions 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.

A health care provider must disclose a medical record without the authorization of a person in interest under specified circumstances when an investigation is being conducted. For example, a medical record must be disclosed to a unit of State or local government, or to a member of a multidisciplinary team assisting the unit, for purposes of investigation or treatment in a case of suspected abuse or neglect of a child or adult, subject to specified conditions. A medical record also must be disclosed to health professional licensing and disciplinary boards, according to a subpoena for medical records for the sole purpose of an investigation regarding licensure, certification, or discipline of a health professional or the improper practice of a health profession. Additional limitations apply if the medical record is developed primarily in connection with the provision of mental health services.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Maryland Insurance Administration, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2006
mam/jr Revised - House Third Reader - March 31, 2006

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