

HOUSE BILL 724

J1, J3, J2

(6lr2615)

ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by Delegates Oaks, West, Reznik, ~~Oaks~~, Pena-Melnyk, ~~and Rose~~ Rose, and Krebs

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Copies of Medical Records – Fees**

3 FOR the purpose of *altering a certain provision of law to authorize health care providers to*
4 *require certain persons to pay a cost-based fee for providing certain information,*
5 *rather than the reasonable cost; altering the fees health care providers and hospitals*
6 *may charge for copying and mailing certain medical records and for retrieving and*
7 *preparing certain medical records; authorizing certain hospitals and other health*
8 *care providers to charge a certain fee fees and a certain costs cost for electronic copies*
9 *of medical records that are in an electronic format requested by certain persons,*
10 *subject to certain limitations; ~~repealing a certain provision of law that allowed for~~*
11 *~~fees charged for copies of medical records to be adjusted annually for inflation in~~*
12 *~~accordance with the Consumer Price Index; providing that certain fees may not be~~*
13 *adjusted annually for inflation in accordance with the Consumer Price Index; making*
14 *conforming changes; and generally relating to fees for copies of medical records.*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Health – General
 3 Section 4–304(c)
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume)

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

8 **Article – Health – General**

9 4–304.

10 (c) (1) (i) In this subsection, “medical record” includes a copy of a medical
 11 bill that has been requested by an individual.

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

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

15 (i) For State facilities regulated by the Department of Health and
 16 Mental Hygiene, as provided in § 4–206 of the General Provisions Article; or

17 (ii) For all other health care providers, ~~the~~ **A** reasonable ~~cost of~~
 18 **COST-BASED FEE FOR** providing the information requested.

19 (3) (i) [Subject to the provisions of paragraph (4) of this subsection]
 20 **EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS SUBSECTION**, for a copy of a
 21 medical record requested by a person in interest or any other authorized person under
 22 paragraph (2)(ii) of this subsection, a health care provider may charge a fee for copying and
 23 mailing not exceeding ~~50~~ **76** cents for each page of the medical record.

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

26 1. **A SUBJECT TO THE FEE LIMITATIONS THAT APPLY TO**
 27 **PERSONS IN INTEREST UNDER 45 C.F.R. 164.524 AND ANY GUIDANCE ON THOSE**
 28 **LIMITATIONS ISSUED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN**
 29 **SERVICES, A** preparation fee not to exceed ~~\$15~~ **\$22.88** for medical record retrieval and
 30 preparation; and

31 2. The actual cost for postage and handling of the medical
 32 record.

1 (iii) ~~IF~~ SUBJECT TO THE FEE LIMITATIONS THAT APPLY TO
 2 PERSONS IN INTEREST UNDER 45 C.F.R. 164.524 AND ANY GUIDANCE ON THOSE
 3 LIMITATIONS ISSUED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN
 4 SERVICES, A HOSPITAL OR A HEALTH CARE PROVIDER THAT USES OR MAINTAINS
 5 THE REQUESTED MEDICAL RECORDS IN AN ELECTRONIC FORMAT, MAY CHARGE FOR
 6 AN ELECTRONIC COPY OF A MEDICAL RECORD IN AN ELECTRONIC FORMAT
 7 REQUESTED BY A PERSON IN INTEREST OR ANY OTHER AUTHORIZED PERSON, THE
 8 ~~HOSPITAL OR HEALTH CARE PROVIDER MAY CHARGE:~~

9 1. A PREPARATION FEE NOT TO EXCEED ~~\$15~~ \$22.88 FOR
 10 ELECTRONIC FORMAT MEDICAL RECORDS RETRIEVAL AND PREPARATION;

11 2. ~~THE ACTUAL COST OF THE MEDIUM ON WHICH THE~~
 12 ~~ELECTRONIC FORMAT MEDICAL RECORDS ARE REPRODUCED~~ A PER-PAGE FEE OF
 13 75% OF THE PER-PAGE FEE CHARGED BY A HEALTH CARE PROVIDER UNDER
 14 PARAGRAPH (3)(I) OF THIS SECTION THAT MAY NOT EXCEED \$80; AND

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

17 ~~{(4) On or after July 1, 1995, (I)~~ EXCEPT AS PROVIDED IN
 18 SUBPARAGRAPH (II) OF THIS PARAGRAPH, the fees charged under paragraph (3) of this
 19 subsection may be adjusted annually for inflation in accordance with the Consumer Price
 20 Index.~~}~~

21 (ii) THE PREPARATION FEE CHARGED FOR MEDICAL RECORD
 22 RETRIEVAL AND PREPARATION UNDER PARAGRAPH (3)(II)1 OF THIS SUBSECTION
 23 AND FOR RETRIEVAL AND PREPARATION OF A MEDICAL RECORD IN AN ELECTRONIC
 24 FORMAT UNDER PARAGRAPH (3)(III)1 OF THIS SUBSECTION MAY NOT BE ADJUSTED
 25 ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.

26 ~~{(5) (4)}~~ (i) Except as provided in subparagraph (ii) of this paragraph,
 27 a health care provider may charge a fee, as authorized under ~~{~~paragraphs (3) and (4)~~}~~
 28 ~~PARAGRAPH (3)~~ of this subsection, for the retrieval, copying, preparation, mailing, and
 29 actual cost of postage and handling of a medical record disclosed under § 4-306 of this
 30 subtitle.

31 (ii) If a government unit or agency makes a request for the disclosure
 32 of a medical record under § 4-306 of this subtitle, a health care provider may not charge
 33 the government unit or agency a fee for the retrieval, copying, preparation, mailing, and
 34 actual cost of postage and handling of the medical record.

35 ~~{(6) (5)}~~ Notwithstanding any other provision of law, a health care
 36 provider may not charge a person in interest, except for an attorney appointed in writing

1 by a person in interest, who requests a copy of a medical record of an individual enrolled in
2 the Maryland Medical Assistance Program a fee that exceeds \$20, adjusted annually for
3 inflation in accordance with the Consumer Price Index, for each 100 pages or portion of 100
4 pages copied.

5 ~~[(7)]~~ ~~(6)~~ Notwithstanding any other provision of law, any person or entity
6 who is not subject to the provisions of this subsection and who obtains a medical record
7 from a health care provider or the provider’s agent may not charge a fee for any subsequent
8 copies of that medical record that exceeds the fee authorized under paragraph (3)(i) of this
9 subsection.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.