

SENATE BILL 462

J1, J3, J2

6lr3311
CF 6lr2615

By: **Senator Conway**

Introduced and read first time: February 3, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing certain hospitals and other health care providers to charge
4 a certain fee and certain costs for electronic copies of medical records that are in an
5 electronic format requested by certain persons; repealing a certain provision of law
6 that allowed for fees charged for copies of medical records to be adjusted annually
7 for inflation in accordance with the Consumer Price Index; making conforming
8 changes; and generally relating to fees for copies of medical records.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 4–304(c)
12 Annotated Code of Maryland
13 (2015 Replacement Volume)

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

16 **Article – Health – General**

17 4–304.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) For State facilities regulated by the Department of Health and
2 Mental Hygiene, as provided in § 4–206 of the General Provisions 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]
6 **EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS SUBSECTION**, for a copy of a
7 medical record requested by a person in interest or any other authorized person under
8 paragraph (2)(ii) of this subsection, a health care provider may charge a fee for copying and
9 mailing not exceeding 50 cents for each page of the medical record.

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

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

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

16 **(III) IF A HOSPITAL OR A HEALTH CARE PROVIDER USES OR**
17 **MAINTAINS MEDICAL RECORDS IN AN ELECTRONIC FORMAT, FOR AN ELECTRONIC**
18 **COPY OF A MEDICAL RECORD IN AN ELECTRONIC FORMAT REQUESTED BY A PERSON**
19 **IN INTEREST OR ANY OTHER AUTHORIZED PERSON, THE HOSPITAL OR HEALTH CARE**
20 **PROVIDER MAY CHARGE:**

21 **1. A PREPARATION FEE NOT TO EXCEED \$15 FOR**
22 **ELECTRONIC FORMAT MEDICAL RECORDS RETRIEVAL AND PREPARATION;**

23 **2. THE ACTUAL COST OF THE MEDIUM ON WHICH THE**
24 **ELECTRONIC FORMAT MEDICAL RECORDS ARE REPRODUCED; AND**

25 **3. THE ACTUAL COST FOR POSTAGE AND HANDLING OF**
26 **THE ELECTRONIC FORMAT MEDICAL RECORDS.**

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

30 **[(5)] (4)** (i) Except as provided in subparagraph (ii) of this paragraph,
31 a health care provider may charge a fee, as authorized under [paragraphs (3) and (4)]
32 **PARAGRAPH (3)** of this subsection, for the retrieval, copying, preparation, mailing, and
33 actual cost of postage and handling of a medical record disclosed under § 4–306 of this
34 subtitle.

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

5 **[(6)] (5)** Notwithstanding any other provision of law, a health care
6 provider may not charge a person in interest, except for an attorney appointed in writing
7 by a person in interest, who requests a copy of a medical record of an individual enrolled in
8 the Maryland Medical Assistance Program a fee that exceeds \$20, adjusted annually for
9 inflation in accordance with the Consumer Price Index, for each 100 pages or portion of 100
10 pages copied.

11 **[(7)] (6)** Notwithstanding any other provision of law, any person or entity
12 who is not subject to the provisions of this subsection and who obtains a medical record
13 from a health care provider or the provider's agent may not charge a fee for any subsequent
14 copies of that medical record that exceeds the fee authorized under paragraph (3)(i) of this
15 subsection.

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