



# Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Damean W.E. Freas, D.O., Chair

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## 2021 SESSION POSITION PAPER

**BILL NO:** HB 849  
**COMMITTEE:** Senate Finance  
**POSITION:** Information

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**TITLE: Public Health - Medical Records - Fees**

**BILL ANALYSIS:** HB 849 has been amended by the Sponsor to add only a single, new provision to the Medical Records Act. The provision would prohibit fees for copies of medical records to support a claim or appeal relating to Social Security benefits or state needs-based benefits (See page 3, lines 17-20).

**POSITION AND RATIONALE:** The Maryland Board of Physicians (the “Board”) is submitting this letter of information based on the lack of clarity related to the fee charged for requested medical records, including who or what entity adjusts the price. The Board has no issues with the bill as amended, however the statutory language is confusing and this bill provides an opportunity to provide more clarity for patients. Additionally, it is not clear how a provider will determine that a medical record request is related to a Social Security claim.

As the governmental entity that disciplines physicians, the Board receives approximately 200 inquiries and complaints annually related to medical record disputes, including the fees charged. Approximately 50 of the 200 inquiries become complaints that result in an investigation, other inquiries are referred to the Office of the Attorney General Health Advocacy and Education Unit for assistance.

The Board supports clarification of the fee language in HB 849 in order to provide clearer guidance for both patients and providers, and to reduce misunderstandings that lead to complaints.

For more information, please contact Wynnee Hawk, Manager, Policy and Legislation, Maryland Board of Physicians, 410-764-3786.

**The opinion of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.**