

IN THE SENATE

SENATE BILL NO. 1353

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO MEDICAL RECORDS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 73, TITLE 39, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE COSTS FOR REQUESTING COPIES OF MEDICAL RECORDS, TO DEFINE A TERM, TO PROVIDE AN EXCEPTION FOR SOCIAL SECURITY ACT BENEFITS, AND TO REQUIRE FULFILLMENT WITHIN AN ESTABLISHED TIMELINE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 73, Title 39, Idaho Code, and to read as follows:

CHAPTER 73  
MISCELLANEOUS HEALTH PROVISIONS

39-7301. COPIES OF MEDICAL RECORDS -- COSTS. (1) As used in this section, "health care provider" means:

- (a) A physician or other health care practitioner licensed, accredited, or certified to perform health care services consistent with state law or any agency or third-party representative of such practitioner; or

- (b) A health care facility or its agent.

(2) Upon the request of a patient or person authorized by the patient, a health care provider shall provide medical records:

- (a) In paper format and may charge up to:
  - (i) Forty-one cents (41¢) per page;
  - (ii) The actual reproduction costs of x-rays or other medical records that are difficult or expensive to duplicate; and
  - (iii) The actual costs of sending the records to the patient or the person authorized by the patient; or
- (b) In electronic format and may charge up to:
  - (i) A flat fee of thirty dollars (\$30.00);
  - (ii) The actual reproduction costs of x-rays or other medical records that are difficult or expensive to duplicate;
  - (iii) The actual costs of sending the records to the patient or the person authorized by the patient; and
  - (iv) If the request is fulfilled within ten (10) days and the records are provided in a format that may be immediately viewed or downloaded, an additional fee of twenty dollars (\$20.00).

(3) A health care provider shall provide one (1) free copy of a patient's medical records, including mental health records, if requested by a patient, former patient, the patient's authorized attorney, or the patient's authorized representative, for a qualified claim or appeal for

1 benefits under any provision of the social security act. For a subsequent  
2 copy of the patient's medical records in one (1) calendar year, provided that  
3 no additional medical services have been rendered, a health care provider  
4 may charge the allowable rate pursuant to subsection (2) of this section.

5 (4) Any request made pursuant to this section shall be fulfilled within  
6 thirty (30) days in electronic format, if available.

7 SECTION 2. An emergency existing therefor, which emergency is hereby  
8 declared to exist, this act shall be in full force and effect on and after  
9 July 1, 2024.