

HOUSE BILL 399

J1, J2, J3

4lr0549

By: **Delegates Murphy, Bromwell, Costa, Cullison, Donoghue, Hubbard, A. Kelly, Oaks, Pena-Melnyk, Reznik, ~~and V. Turner~~ V. Turner, Hammen, Nathan-Pulliam, and Pendergrass**

Introduced and read first time: January 23, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 19, 2014

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Medical Records Charges – Medicaid Enrollees**

3 FOR the purpose of prohibiting a health care provider from charging a certain person
4 who requests a copy of a medical record of an individual enrolled in the
5 Maryland Medical Assistance Program a fee that exceeds a certain dollar
6 amount; and generally relating to medical records charges for Maryland
7 Medical Assistance Program enrollees.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 4–304(c)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Health – General
15 Section 4–304(d)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2013 Supplement)

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

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.



1 **Article – Health – General**

2 4–304.

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

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

6 (2) A health care provider may require a person in interest or any
7 other authorized person who requests a copy of a medical record to pay the cost of
8 copying:9 (i) For State facilities regulated by the Department of Health
10 and Mental Hygiene, as provided in § 10–621 of the State Government Article; or11 (ii) For all other health care providers, the reasonable cost of
12 providing the information requested.13 (3) (i) Subject to the provisions of paragraph (4) of this subsection,
14 for a copy of a medical record requested by a person in interest or any other authorized
15 person under paragraph (2)(ii) of this subsection, a health care provider may charge a
16 fee for copying and mailing not exceeding 50 cents for each page of the medical record.17 (ii) In addition to the fee charged under subparagraph (i) of this
18 paragraph, a hospital or a health care provider may charge:19 1. A preparation fee not to exceed \$15 for medical record
20 retrieval and preparation; and21 2. The actual cost for postage and handling of the
22 medical record.23 (4) On or after July 1, 1995, the fees charged under paragraph (3) of
24 this subsection may be adjusted annually for inflation in accordance with the
25 Consumer Price Index.26 (5) (i) Except as provided in subparagraph (ii) of this paragraph, a
27 health care provider may charge a fee, as authorized under paragraphs (3) and (4) of
28 this subsection, for the retrieval, copying, preparation, mailing, and actual cost of
29 postage and handling of a medical record disclosed under § 4–306 of this subtitle.30 (ii) If a government unit or agency makes a request for the
31 disclosure of a medical record under § 4–306 of this subtitle, a health care provider
32 may not charge the government unit or agency a fee for the retrieval, copying,
33 preparation, mailing, and actual cost of postage and handling of the medical record.

1 **(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A**
 2 **HEALTH CARE PROVIDER MAY NOT CHARGE A PERSON IN INTEREST ~~OR ANY~~**
 3 **~~OTHER AUTHORIZED PERSON, EXCEPT FOR AN ATTORNEY APPOINTED IN~~**
 4 **WRITING BY A PERSON IN INTEREST, WHO REQUESTS A COPY OF A MEDICAL**
 5 **RECORD OF AN INDIVIDUAL ENROLLED IN THE MARYLAND MEDICAL**
 6 **ASSISTANCE PROGRAM A FEE THAT EXCEEDS \$20, ADJUSTED ANNUALLY FOR**
 7 **INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX, FOR EACH 100**
 8 **PAGES OR PORTION OF 100 PAGES COPIED.**

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

14 (d) Except for an emergency request from a unit of State or local government
 15 concerning a child protective services case or adult protective services case, a health
 16 care provider may withhold copying until the fee for copying is paid.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.