

SENATE BILL 462

J1, J3, J2

6lr3311
CF HB 724

By: **Senator Conway**

Introduced and read first time: February 3, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

CHAPTER _____

1 AN ACT concerning

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

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

13 BY repealing and reenacting, with amendments,

14 Article – Health – General

15 Section 4–304(c)

16 Annotated Code of Maryland

17 (2015 Replacement Volume)

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

20 **Article – Health – General**

21 4–304.

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

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

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

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

8 (ii) For all other health care providers, the reasonable cost of
9 providing the information requested.

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

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

17 1. A preparation fee not to exceed ~~\$15~~ \$22.88 for medical
18 record retrieval and preparation; and

19 2. The actual cost for postage and handling of the medical
20 record.

21 **(III) IF A HOSPITAL OR A HEALTH CARE PROVIDER USES OR**
22 **MAINTAINS MEDICAL RECORDS IN AN ELECTRONIC FORMAT, FOR AN ELECTRONIC**
23 **COPY OF A MEDICAL RECORD IN AN ELECTRONIC FORMAT REQUESTED BY A PERSON**
24 **IN INTEREST OR ANY OTHER AUTHORIZED PERSON, THE HOSPITAL OR HEALTH CARE**
25 **PROVIDER MAY CHARGE:**

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

28 2. ~~THE ACTUAL COST OF THE MEDIUM ON WHICH THE~~
29 ~~ELECTRONIC FORMAT MEDICAL RECORDS ARE REPRODUCED~~ **A PER-PAGE FEE OF**
30 **75% OF THE PER-PAGE FEE CHARGED BY A HEALTH CARE PROVIDER UNDER**
31 **PARAGRAPH (3)(I) OF THIS SECTION THAT MAY NOT EXCEED \$80; AND**

32 3. **THE ACTUAL COST FOR POSTAGE AND HANDLING OF**
33 **THE ELECTRONIC FORMAT MEDICAL RECORDS.**

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

5 **(II) THE PREPARATION FEE CHARGED FOR MEDICAL RECORD**
6 **RETRIEVAL AND PREPARATION UNDER PARAGRAPH (3)(II)1 OF THIS SUBSECTION**
7 **AND FOR RETRIEVAL AND PREPARATION OF A MEDICAL RECORD IN AN ELECTRONIC**
8 **FORMAT UNDER PARAGRAPH (3)(III)1 OF THIS SUBSECTION MAY NOT BE ADJUSTED**
9 **ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.**

10 ~~¶(5)†(4)~~ (i) Except as provided in subparagraph (ii) of this paragraph,
11 a health care provider may charge a fee, as authorized under ~~¶~~paragraphs (3) and (4)†
12 ~~PARAGRAPH (3)~~ of this subsection, for the retrieval, copying, preparation, mailing, and
13 actual cost of postage and handling of a medical record disclosed under § 4-306 of this
14 subtitle.

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

19 ~~¶(6)†(5)~~ Notwithstanding any other provision of law, a health care
20 provider may not charge a person in interest, except for an attorney appointed in writing
21 by a person in interest, who requests a copy of a medical record of an individual enrolled in
22 the Maryland Medical Assistance Program a fee that exceeds \$20, adjusted annually for
23 inflation in accordance with the Consumer Price Index, for each 100 pages or portion of 100
24 pages copied.

25 ~~¶(7)†(6)~~ Notwithstanding any other provision of law, any person or entity
26 who is not subject to the provisions of this subsection and who obtains a medical record
27 from a health care provider or the provider's agent may not charge a fee for any subsequent
28 copies of that medical record that exceeds the fee authorized under paragraph (3)(i) of this
29 subsection.

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