

SENATE BILL 981

J1, J2, J3

6lr3189

By: **Senator Zirkin**

Introduced and read first time: February 12, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the fees that a health care provider may require a person in
4 interest or any authorized person who requests a copy of a medical record to pay;
5 repealing certain provisions of law that allow for fees charged for copies of medical
6 records to be adjusted annually for inflation in accordance with the Consumer Price
7 Index; making conforming changes; and generally relating to fees for copies of
8 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, for
6 a copy of a medical record requested by a person in interest or any other authorized person
7 under paragraph (2)(ii) of this subsection, a health care provider may charge a fee for
8 copying and mailing not exceeding 50 cents for each page of the medical record.

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

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

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

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

18 **(2) (I) A HEALTH CARE PROVIDER SHALL PROVIDE ON WRITTEN
19 REQUEST ONE FREE COPY OF A PATIENT'S MEDICAL RECORD TO A PERSON IN
20 INTEREST.**

21 **(II) A PATIENT MAY REQUEST IN WRITING THAT THE FREE COPY
22 OF THE MEDICAL RECORD BE PROVIDED TO THE PATIENT'S ATTORNEY OR OTHER
23 AUTHORIZED PERSON.**

24 **(III) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
25 SUBPARAGRAPH, A HEALTH CARE PROVIDER MAY REQUIRE THAT A PERSON IN
26 INTEREST OR ANY OTHER AUTHORIZED PERSON PAY FOR A COPY OF A MEDICAL
27 RECORD IF A FREE COPY HAS ALREADY BEEN PROVIDED UNDER SUBPARAGRAPH (I)
28 OR (II) OF THIS PARAGRAPH.**

29 **2. THE FEE CHARGED UNDER SUBSUBPARAGRAPH 1 OF
30 THIS SUBPARAGRAPH MAY NOT EXCEED:**

31 **A. 50 CENTS FOR EACH PAGE COPIED; AND**

32 **B. \$15 FOR RETRIEVAL, POSTAGE, AND HANDLING.**

1 **[(5)] (3)** (i) Except as provided in subparagraph (ii) of this paragraph,
2 a health care provider may charge a fee, as authorized under **[paragraphs (3) and (4)]**
3 **PARAGRAPH (2)** of this subsection, for the retrieval, copying, preparation, mailing, and
4 actual cost of postage and handling of a medical record disclosed under § 4–306 of this
5 subtitle.

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

10 **[(6)] (4)** Notwithstanding any other provision of law, a health care
11 provider may not charge a person in interest, except for an attorney appointed in writing
12 by a person in interest, who requests a copy of a medical record of an individual enrolled in
13 the Maryland Medical Assistance Program a fee that exceeds \$20[, adjusted annually for
14 inflation in accordance with the Consumer Price Index,] for each 100 pages or portion of
15 100 pages copied.

16 **[(7)] (5)** Notwithstanding any other provision of law, any person or entity
17 who is not subject to the provisions of this subsection and who obtains a medical record
18 from a health care provider or the provider's agent may not charge a fee for any subsequent
19 copies of that medical record that exceeds the fee authorized under paragraph **[(3)(i)] (2)**
20 of this subsection.

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