

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 311 Session of 2021

INTRODUCED BY YAW, STEFANO, PHILLIPS-HILL, VOGEL, MENSCH AND SCHWANK, MARCH 10, 2021

REFERRED TO JUDICIARY, MARCH 10, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
 2 Pennsylvania Consolidated Statutes, in rules of evidence,  
 3 further providing for subpoena of records.

4 The General Assembly of the Commonwealth of Pennsylvania  
 5 hereby enacts as follows:

6 Section 1. Section 6152(a)(2)(i) of Title 42 of the  
 7 Pennsylvania Consolidated Statutes is amended and the paragraph  
 8 is amended by adding a subparagraph to read:

9 § 6152. Subpoena of records.

10 (a) Election.--

11 \* \* \*

12 (2) (i) Except as provided in [subparagraph (ii)]  
 13 subparagraphs (ii) and (iii), the health care provider or  
 14 facility or a designated agent shall be entitled to  
 15 receive payment of the amounts under this subsection  
 16 before producing the charts or records pursuant to a  
 17 subpoena. The payment shall be \$20.62 for searching for  
 18 and retrieving the records, \$1.39 per page for the first

1 20 pages, \$1.03 per page for pages 21 through 60 and 34¢  
2 per page for pages 61 and thereafter for paper copies or  
3 reproductions on electronic media [whether] if the  
4 records are stored on paper [or in electronic format];  
5 \$2.04 per page for copies from microfilm; plus the actual  
6 cost of postage, shipping or delivery. No other charges  
7 for the retrieval, copying and shipping or delivery of  
8 medical records other than those set forth in this  
9 paragraph shall be permitted without prior approval of  
10 the party requesting the copying of the medical records.  
11 The amounts which may be charged shall be adjusted  
12 annually beginning on January 1, 2013, by the Secretary  
13 of Health of the Commonwealth based on the most recent  
14 changes in the consumer price index reported annually by  
15 the Bureau of Labor Statistics of the United States  
16 Department of Labor.

17 \* \* \*

18 (iii) If the medical records or charts are stored  
19 electronically, the party requesting the medical charts  
20 or records may elect to receive the medical records or  
21 charts in an electronic format. If the party elects to  
22 receive the medical records or charts in an electronic  
23 format, payment to a health care provider or facility for  
24 searching for, retrieving and reproducing medical charts  
25 or records requested shall be \$20.62, search and  
26 retrieval fee, plus the actual cost of postage, shipping  
27 or delivery as described in subparagraph (i), as adjusted  
28 by the Secretary of Health of the Commonwealth.

29 \* \* \*

30 Section 2. This act shall take effect in 60 days.