

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS35215-LNf-121 (3/10)

Short Title: Increase Fee/Medical Records Copying. (Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MINIMUM FEE FOR COPYING AND SEARCHING
MEDICAL RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-411 reads as rewritten:

"**§ 90-411. Record copy fee.**

(a) A health care provider or its third-party copy services provider may charge a reasonable fee to cover the costs incurred in searching, handling, ~~copying, and mailing medical records to the patient or the patient's designated representative and copying medical records for representatives authorized by patients.~~ The maximum fee for each request shall be seventy five cents (75¢) per page for the first 25 pages, fifty cents (50¢)

The fee for requests by authorized representatives shall be ninety cents (90¢) per page for the first 25 pages, seventy-five cents (75¢) per page for pages 26 through 100, and twenty-five cents (25¢) for each page in excess of 100 pages, provided that the health care provider or third-party copy services provider may impose a minimum fee of up to ~~ten dollars (\$10.00), sixteen dollars (\$16.00),~~ inclusive of copying costs. These rates shall also apply for providing copies of medical records produced from records stored on microfilm, microfiche, or electronic media. Patients who request records on their own behalf, and their personal representatives as defined in the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), will be charged only the rate permitted in HIPAA. Patients and their physicians who request records for continuing care (such as for treatment purposes) may not be charged for such requests.

(b) If requested by the patient or the patient's designated representative, nothing herein shall limit a reasonable professional fee charged by a physician for the review and preparation of a narrative summary of the patient's medical record. This section shall ~~only~~ apply with respect to liability claims for personal injury, ~~and~~ claims for social security disability, subpoenas, and requests by attorneys and insurers for medical records to be used for any purpose, except that charges for medical records and reports related to claims under Article 1 of Chapter 97 of the General Statutes shall be governed by the fees established by the North Carolina Industrial Commission pursuant to G.S. 97-26.1. Actual postage may be charged in each instance. This section shall not apply to requests made by the Department of Health and Human Services Disability Determination Services requests for copies of medical records made on behalf of an applicant for Social Security or Supplemental Security Income disability."

SECTION 2. Effective January 1, 2010, G.S. 90-411, as amended by this act, reads as rewritten:



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1 "(a) A health care provider or its third-party copy services provider may charge a
2 reasonable fee to cover the costs incurred in searching, handling, and copying medical records
3 for representatives authorized by patients. The fee for requests by authorized representatives
4 shall be ninety cents (90¢) per page for the first 25 pages, seventy-five cents (75¢) per page for
5 pages 26 through 100, and twenty-five cents (25¢) for each page in excess of 100 pages,
6 provided that the health care provider or third-party copy services provider may impose a
7 minimum fee of up to ~~sixteen dollars (\$16.00)~~, eighteen dollars (\$18.00), inclusive of copying
8 costs. These rates shall also apply for providing copies of medical records produced from
9 records stored on microfilm, microfiche, or electronic media. Patients who request records on
10 their own behalf, and their personal representatives as defined in the Health Insurance
11 Portability and Accountability Act of 1996 ("HIPAA"), will be charged only the rate permitted
12 in HIPAA. Patients and their physicians who request records for continuing care (such as for
13 treatment purposes) may not be charged for such requests.

14 (b) If requested by the patient or the patient's designated representative, nothing herein
15 shall limit a reasonable professional fee charged by a physician for the review and preparation
16 of a narrative summary of the patient's medical record. This section shall apply with respect to
17 liability claims for personal injury, claims for social security disability, subpoenas, and requests
18 by attorneys and insurers for medical records to be used for any purpose, except that charges
19 for medical records and reports related to claims under Article 1 of Chapter 97 of the General
20 Statutes shall be governed by the fees established by the North Carolina Industrial Commission
21 pursuant to G.S. 97-26.1. Actual postage may be charged in each instance. This section shall
22 not apply to requests made by the Department of Health and Human Services Disability
23 Determination Services requests for copies of medical records made on behalf of an applicant
24 for Social Security or Supplemental Security Income disability.

25 (c) Not later than the first day of January of each year, beginning January 1, 2012, any
26 amounts permitted to be charged under this section shall be increased or decreased by the
27 average percentage of increase or decrease in the Consumer Price Index for all urban
28 consumers (United States City Average, All Items), prepared by the United States Department
29 of Labor, Bureau of Labor Statistics (Bureau), for the 12-calendar-month period prior to the
30 immediately preceding first day of January over the immediately preceding 12-calendar-month
31 period, as reported by the Bureau. The Department of Health and Human Services shall make
32 this determination, adjust the amounts accordingly, and post them on its Web site no later than
33 January 1 of each year beginning in 2012."

34 **SECTION 3.** Section 1 of this act becomes effective January 1, 2009. The
35 remainder of this act is effective when it becomes law.