

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 701

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

Sponsors: Senator Rand.

Referred to: Finance.

March 24, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE MINIMUM FEE FOR COPYING AND SEARCHING  
3 MEDICAL RECORDS.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 90-411. Record copy fee.**

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

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

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

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

35 "(a) A health care provider or its third-party copy services provider may charge a  
36 reasonable fee to cover the costs incurred in searching, handling, and copying medical records  
37 for representatives authorized by patients. The fee for requests by authorized representatives



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

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

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

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