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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1375, L.D. 2151, “An Act Regarding the Cost of Copies of Medical Records”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §1711, 5th ¶, as amended by PL 2013, c. 158, §1, is repealed and the following enacted in its place:

A hospital or its vendor, in making and providing a paper copy of a patient's medical record and additions to the medical record, may assess reasonable fees as charges and may require payment prior to responding to the request. The charge for providing a paper copy of a patient's medical record may not exceed \$20 for validating the requested documents and locating the medical record and 45¢ for each page of the medical record, up to a maximum of \$250 for an entire medical record. A \$20 fee may also be charged for providing a letter that states that the patient's medical record was not located. The Health Insurance Consumer Assistance Program established by Title 24-A, section 4326 is exempt from paying the fees described in this paragraph.

Sec. 2. 22 MRSA §1711, 6th ¶, as enacted by PL 2013, c. 158, §2, is amended to read:

If a patient's medical record exists in a digital or electronic format, the a hospital or its vendor shall provide an electronic copy of the medical record if an electronic copy is requested and it is reasonably possible to provide it. The hospital or its vendor may assess as charges reasonable actual costs of staff time a fee not to exceed \$20 for validating the requested documents and locating the medical record and 45¢ for each page of the medical record to create or copy the medical record and the costs of necessary supplies and postage. Actual costs may not include a retrieval fee or the costs of new technology, maintenance of the electronic record system, data access or storage infrastructure. A \$20 fee may also be charged for providing a letter that states that the patient's medical record was not located. Charges assessed under this paragraph may not exceed \$150. The Health Insurance

COMMITTEE AMENDMENT

1 Consumer Assistance Program established by Title 24-A, section 4326 is exempt from
2 paying the fees described in this paragraph.

3 **Sec. 3. 22 MRSA §1711-A**, as amended by PL 2013, c. 32, §2 and c. 158, §3, is
4 further amended to read:

5 **§1711-A. Fees charged for records**

6 Whenever a health care practitioner defined in section 1711-B or its vendor furnishes
7 in paper form requested copies of a patient's treatment record or a medical report or an
8 addition to a treatment record or medical report ~~to the patient or the patient's authorized~~
9 ~~representative, the charge for the copies or the report may not exceed the reasonable costs~~
10 ~~incurred by the health care practitioner in making and providing the copies or the report.~~
11 The charge for the copies of a patient's treatment record or the medical report may not
12 exceed \$5 \$20 for the first page validating the requested documents and locating the
13 treatment record or medical report and 45¢ for each additional page of the treatment record
14 or medical report, up to a maximum of \$250 for the entire treatment record or medical
15 report. A \$20 fee may also be charged for providing a letter that states that a patient's
16 treatment record or medical report was not located. The Health Insurance Consumer
17 Assistance Program established by Title 24-A, section 4326 is exempt from paying the fees
18 described in this paragraph.

19 If a treatment record or medical report exists in a digital or electronic format, the health
20 care practitioner or its vendor shall provide an electronic copy of the treatment record or
21 medical report if an electronic copy is requested and it is reasonably possible to provide it.
22 The health care practitioner or its vendor may assess as charges ~~reasonable actual costs of~~
23 ~~staff time to create or copy the treatment record or medical report and the costs of necessary~~
24 ~~supplies and postage. Actual costs may not include a retrieval fee or the costs of new~~
25 ~~technology, maintenance of the electronic record system, data access or storage~~
26 ~~infrastructure a fee not to exceed \$20 for validating the requested documents and locating~~
27 ~~the patient records and 45¢ for each page of the treatment record or medical report. A \$20~~
28 ~~fee may also be charged for providing a letter that states that a patient's treatment record or~~
29 ~~medical report was not located. Charges assessed under this paragraph may not exceed~~
30 ~~\$150. The Health Insurance Consumer Assistance Program established by Title 24-A,~~
31 ~~section 4326 is exempt from paying the fees described in this paragraph.'~~

32 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
33 number to read consecutively.

34 **SUMMARY**

35 This amendment amends the bill to change the application of medical record fee caps
36 so as to apply to all parties requesting records. It also exempts the Health Insurance
37 Consumer Assistance Program from medical record fees.