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New Rules for Copying Electronic Medical Records

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On July 3, 2013, the Governor signed HB 351 which, among other things, amends the existing law on the duty of physicians, chiropractors, hospitals, dentists and other duly licensed practitioners to provide patients with copies of their medical records. As amended, if the patient, the patient's authorized representative, or any person authorized by law to obtain records upon payment of a fee: (i) requests that the records be delivered electronically; (ii) the provider stores the records electronically; and (iii) the provider is capable of providing the records and a medical record affidavit in electronic format, then the records must be furnished electronically upon payment of the search and retrieval fee and the copying fee. The allowable search and retrieval fee and the allowable copying fee the same as for paper records discussed below, but in the case of electronic records, there is a cap of \$100 in total fees.

If the patient does not request electronic records or the provider is unable to produce them electronically, then paper records may be provided. The provider may charge a search and retrieval fee of not more than \$22.82, a copying fee of \$.53 per page, postage to include packaging and delivery costs and a notary fee, if requested, not to exceed \$2.00. If the provider stores the records offsite, the provider may charge additional labor costs of the offsite storage entity not to exceed \$21.36.

For records that cannot be duplicated on a standard commercial photocopy machine (x-rays for example), the provider may charge the reasonable cost of duplicating such records.

These fees will be adjusted in February of each year. These amendments will go into effect August 28, 2013.