

postage, and handling; specifying that a health care provider who refuses to provide a copy of a medical record under certain circumstances or charges a fee for a copy of a medical record in excess of certain reasonable expenses is in violation of certain provisions of this Act; providing a certain penalty; specifying that certain fees may be adjusted annually according to a certain index; prohibiting certain persons from charging certain fees; and generally relating to fees for copies of medical records.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4-304(c) and 4-309

Annotated Code of Maryland

(1990 Replacement Volume and 1993 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

4-304.

(c) (1) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO X-RAYS.

(2) A health care provider may require a person in interest or any other authorized person who requests a copy of a medical record to pay the cost of copying:

[(1)](I) For State facilities regulated by the Department of Health and Mental Hygiene, as provided in § 10-621 of the State Government Article; or

[(2)](II) For all other health care providers, the reasonable cost of providing the information requested.

(2) (I) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION, FOR A COPY OF A MEDICAL RECORD REQUESTED BY A PERSON IN INTEREST OR ANY OTHER AUTHORIZED PERSON UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, A HEALTH CARE PROVIDER MAY CHARGE A FEE FOR COPYING AND MAILING NOT EXCEEDING 50 CENTS FOR EACH PAGE OF THE MEDICAL RECORD.

(II) IN ADDITION TO THE FEE CHARGED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A HOSPITAL OR A HEALTH CARE PROVIDER MAY CHARGE A FEE NOT EXCEEDING \$13, INCLUDING POSTAGE AND HANDLING, FOR A MEDICAL RECORD SEARCH:

1. A PREPARATION FEE NOT TO EXCEED \$17 \$15 FOR MEDICAL RECORD RETRIEVAL AND PREPARATION; AND

2. THE ACTUAL COST FOR POSTAGE AND HANDLING OF THE MEDICAL RECORD.

(3) ON OR AFTER JULY 1, 1995, THE FEES CHARGED UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY BE ADJUSTED ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.