

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1055
Committee Substitute Favorable 5/7/09

Short Title: Medical Records/Copying Fees.

(Public)

Sponsors:

Referred to:

April 6, 2009

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. Effective January 1, 2010, 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¢) for requests by authorized representatives shall be eighty-five cents (85¢) per page for the first 25 pages, sixty-five cents (65¢) 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); fourteen dollars (\$14.00), inclusive of copying costs. costs plus actual postage, if any. These rates also shall 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. Pursuant to 42 C.F.R. § 483.10(b)(2), the rates established in this section are the community standard for health care facilities in North Carolina.

(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. 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. Notwithstanding the applicability of this section to insurers, this section does not apply to any health insurer as defined in G.S. 58-51-115(a)(2)."



1 **SECTION 2.** Effective January 1, 2012, G.S. 90-411, as amended by Section 1 of
2 this act, reads as rewritten:

3 "(a) A health care provider or its third-party copy services provider may charge a
4 reasonable fee to cover the costs incurred in searching, handling, and copying medical records
5 for representatives authorized by patients. The fee for requests by authorized representatives
6 shall be eighty-five cents (85¢) per page for the first 25 pages, sixty-five cents (65¢) per page
7 for pages 26 through 100, and twenty-five cents (25¢) for each page in excess of 100 pages,
8 provided that the health care provider or third-party copy services provider may impose a
9 minimum fee of up to ~~fourteen dollars (\$14.00)~~ sixteen dollars (\$16.00), inclusive of copying
10 costs plus actual postage, if any. These rates shall also apply for providing copies of medical
11 records produced from records stored on microfilm, microfiche, or electronic media. Patients
12 who request records on their own behalf, and their personal representatives as defined in the
13 Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), will be charged only
14 the rate permitted in HIPAA. Patients and their physicians who request records for continuing
15 care (such as for treatment purposes) may not be charged for such requests. Pursuant to 42
16 C.F.R. 483.10(b)(2), the rates established in this section are the community standard for health
17 care facilities in North Carolina.

18 (b) If requested by the patient or the patient's designated representative, nothing herein
19 shall limit a reasonable professional fee charged by a physician for the review and preparation
20 of a narrative summary of the patient's medical record. This section shall apply with respect to
21 liability claims for personal injury, claims for social security disability, subpoenas, and requests
22 by attorneys and insurers for medical records to be used for any purpose, except that charges
23 for medical records and reports related to claims under Article 1 of Chapter 97 of the General
24 Statutes shall be governed by the fees established by the North Carolina Industrial Commission
25 pursuant to G.S. 97-26.1. Actual postage may be charged in each instance. This section shall
26 not apply to requests made by the Department of Health and Human Services Disability
27 Determination Services requests for copies of medical records made on behalf of an applicant
28 for Social Security or Supplemental Security Income disability. Notwithstanding the
29 applicability of this section to insurers, this section does not apply to any health insurer as
30 defined in G.S. 58-51-115(a)(2)."

31 **SECTION 3.** This act is effective when it becomes law.