



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1500

S.P. 561

In Senate, May 7, 2013

An Act Regarding the Cost of Copies of Medical Records

Reported by Senator CRAVEN of Androscoggin for the Joint Standing Committee on Health and Human Services pursuant to Joint Order, S.P. 525.

Reference to the Committee on Health and Human Services suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1711, 5th ¶**, as amended by PL 2013, c. 32, §1, is further
3 amended to read:

4 Reasonable costs incurred by the hospital in making and providing paper copies of
5 medical records and additions to medical records ~~must be borne by~~ may be assessed as
6 charges to the requesting person and the hospital may require payment prior to
7 responding to the request. The charge for paper copies of records may not exceed \$5 for
8 the first page and ~~35¢~~ 45¢ for each additional page, up to a maximum of \$250 for the
9 entire medical record.

10 **Sec. 2. 22 MRSA §1711**, as amended by PL 2013, c. 32, §1, is further amended by
11 adding after the 5th paragraph a new paragraph to read:

12 If a medical record exists in a digital or electronic format, the hospital shall provide
13 an electronic copy of the medical record if an electronic copy is requested and it is
14 reasonably possible to provide it. The hospital may assess as charges reasonable actual
15 costs of staff time to create or copy the medical record and the costs of necessary supplies
16 and postage. Actual costs may not include a retrieval fee or the costs of new technology,
17 maintenance of the electronic record system, data access or storage infrastructure.
18 Charges assessed under this paragraph may not exceed \$150.

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

21 **§1711-A. Fees charged for records**

22 Whenever a health care practitioner defined in section 1711-B furnishes in paper
23 form requested copies of a patient's treatment record or a medical report or an addition to
24 a treatment record or medical report to the patient or the patient's authorized
25 representative, the charge for the copies or the report may not exceed the reasonable costs
26 incurred by the health care practitioner in making and providing the copies or the report.
27 The charge for the copies of records or the report may not exceed \$5 for the first page and
28 ~~35¢~~ 45¢ for each additional page, up to a maximum of \$250 for the entire treatment
29 record or medical report.

30 If a treatment record or medical report exists in a digital or electronic format, the
31 health care practitioner shall provide an electronic copy of the treatment record or
32 medical report if an electronic copy is requested and it is reasonably possible to provide
33 it. The health care practitioner may assess as charges reasonable actual costs of staff time
34 to create or copy the treatment record or medical report and the costs of necessary
35 supplies and postage. Actual costs may not include a retrieval fee or the costs of new
36 technology, maintenance of the electronic record system, data access or storage
37 infrastructure. Charges assessed under this paragraph may not exceed \$150.

1

SUMMARY

2 This bill amends the current law regarding copies of medical records to specify that it
3 applies to paper copies, to change the maximum per page charge to 45¢ and to impose a
4 cap of \$250 on the total charge. The bill requires electronic copies of medical records to
5 be made available if electronic copies are reasonably possible, allows charges for
6 reasonable costs of staff time and necessary costs for supplies and postage and imposes a
7 cap of \$150 on the total charge. The bill prohibits a health care practitioner or hospital,
8 when charging for an electronic copy of a medical record, from charging a retrieval fee or
9 for the costs of new technology, maintenance of the electronic record system, data access
10 or storage infrastructure.