

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

S.P. 561 - L.D. 1500

An Act Regarding the Cost of Copies of Medical Records

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

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

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

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

If a medical record exists in a digital or electronic format, the hospital 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 may assess as charges reasonable actual costs of staff time 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. Charges assessed under this paragraph may not exceed \$150.

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

§1711-A. Fees charged for records

Whenever a health care practitioner defined in section 1711-B furnishes in paper form requested copies of a patient's treatment record or a medical report or an addition to a treatment record or medical report to the patient or the patient's authorized representative, the charge for the copies or the report may not exceed the reasonable costs incurred by the health care practitioner in making and providing the copies or the report.

The charge for the copies of records or the report may not exceed \$5 for the first page and 35¢ 45¢ for each additional page, up to a maximum of \$250 for the entire treatment record or medical report.

If a treatment record or medical report exists in a digital or electronic format, the health care practitioner shall provide an electronic copy of the treatment record or medical report if an electronic copy is requested and it is reasonably possible to provide it. The health care practitioner may assess as charges reasonable actual costs of staff time to create or copy the treatment record or medical report 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. Charges assessed under this paragraph may not exceed \$150.