

SB314 INTRODUCED



1 SB314
2 JLJHFNN-1
3 By Senator Barfoot
4 RFD: Healthcare
5 First Read: 09-Apr-24



SYNOPSIS:

Under existing law, the cost to obtain copies of medical records is calculated per page and includes a search fee.

This bill would provide for a flat fee to obtain copies of medical records that are stored electronically.

This bill would also provide for a per page fee for medical records that are not stored electronically and would remove the search fee.

A BILL
TO BE ENTITLED
AN ACT

Relating to medical records; to amend Section 12-21-6.1, Code of Alabama 1975; to provide a flat fee for copies of electronic medical records; and to remove the search fee associated with copies of medical records.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-21-6.1, Code of Alabama 1975, is amended to read as follows:

"§12-21-6.1

(a) The following words and phrases used in this



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section~~shall~~ have the following meanings:

(1) ACTUAL COSTS. The cost of material and supplies used to duplicate the medical record, the labor costs, and other costs associated with duplication of the medical records.

(2) PERSON. Any medical provider or company or other legal entity that maintains medical records.

(3) REQUESTING PARTY. An individual requesting copies of his or her own medical records or any individual or entity requesting copies of medical records on another individual's behalf.

(b) (1) a. Notwithstanding any other provision of law, any person required to release copies of medical records may condition the release upon payment by the requesting party of the reasonable costs of reproducing the medical records.

b. If the release of medical records pursuant to this section is conditioned upon payment by the requesting party, the payment assessed shall be the same regardless of whether the requesting party is an individual requesting his or her own medical records or another individual or entity acting on his or her behalf.

(2) a. The reasonable costs of reproducing copies of written or typed documents~~7~~ or reports shall not be more than one dollar (\$1) for each page of the first 25 pages~~7~~ and not more than 50 cents (\$.50) for each page in excess of 25 pages~~7~~ ~~and a search fee of five dollars (\$5).~~ This rate may be calculated and charged only in cases where the medical records are maintained exclusively in paper form and the requesting



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party requests a paper copy of the medical record or asks that the paper medical records be scanned into an electronic format. If paper copies of the medical records are mailed to the ~~person making the request~~ requesting party, reasonable costs shall include the actual costs of mailing the paper version of the medical records.

b. The reasonable costs of reproducing electronic copies of a medical record maintained electronically may not exceed six dollars and fifty cents (\$6.50), inclusive of all labor, supplies, and any applicable postage. A per page fee may not be used to calculate the reasonable costs of reproducing electronic copies of a medical record maintained electronically.

(3) A person may charge in addition to the fees allowed in subdivision (2) ~~of this subsection~~ the actual cost of reproducing X-rays and other special medical records.

(4) Unless other arrangements for payments are made between the requesting party and the person supplying the medical records, the requesting party shall pay the fees charged for reproduction and delivery of the medical records prior to delivery of the medical records, except that the total fee for electronic records may not exceed six dollars and fifty cents (\$6.50), including delivery.

(c) ~~The provisions of this~~ This section shall not apply to records subpoenaed by the State Board of Medical Examiners.

(d) This section shall not affect any fees or costs currently paid by state agencies."

Section 2. This act shall become effective on October



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85 1, 2024.