

SB314 INTRODUCED



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



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4 SYNOPSIS:

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

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

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

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16 A BILL

17 TO BE ENTITLED

18 AN ACT

19
20 Relating to medical records; to amend Section

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

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§12-21-6.1

28 (a) The following words and phrases used in this



29 section ~~shall~~ have the following meanings:

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

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

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

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

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

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



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

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

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

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

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

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

84 Section 2. This act shall become effective on October

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85 1, 2024.