

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 741*

Short Title: Medical Record Fees.

(Public)

Sponsors: Representatives Blue, Hayes, and Gamble.

Referred to: Insurance.

April 3, 1995

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE STATUTORY CAP ON CHARGES FOR PROCESSING
MEDICAL RECORD COPY REQUESTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-410 reads as rewritten:

"§ 90-410. Definitions.

As used in this Article:

(1) 'Health care provider' means any person who is licensed or certified to practice a health profession or occupation under this Chapter or Chapters 90B or 90C of the General Statutes, a health care facility licensed under Chapters 131E or 122C of the General Statutes, and a representative or agent of a health care provider.

(2) 'Medical records' means personal information that relates to an individual's physical or mental condition, medical history, or medical treatment, excluding X rays and fetal monitor records.

(3) 'Requesting person' means a natural person, business trust, estate, trust, partnership, association, joint venture, government, government subdivision or agency, or any other legal entity.'

Sec. 2. G.S. 90-411 reads as rewritten:

"§ 90-411. Record copy fee.

1 ~~A health care provider may charge a reasonable fee to cover the costs incurred in~~
2 ~~searching, handling, copying, and mailing medical records to the patient or the patient's~~
3 ~~designated representative. The maximum fee shall be fifty cents (50¢) per page, provided~~
4 ~~that the health care provider may impose a minimum fee of up to ten dollars (\$10.00),~~
5 ~~inclusive of copying costs. A health care provider may charge and collect from any~~
6 requesting person a fee for medical records copying requests not to exceed fifteen dollars
7 (\$15.00) for search and retrieval, one dollar (\$1.00) per page for copies made from paper,
8 and two dollars (\$2.00) per page for copies made from microfilm, plus actual postage and
9 shipping fees and sales tax, if applicable. If requested by the patient or the patient's
10 designated representative, nothing herein shall limit a reasonable professional fee charged
11 by a physician for the review and preparation of a narrative summary of the patient's
12 medical record. This section shall only apply with respect to liability claims for personal
13 injury, except that charges for medical records and reports related to claims under Article
14 1 of Chapter 97 of the General Statutes shall be governed by the fees established by the
15 North Carolina Industrial Commission pursuant to G.S. 97-26.4. Notwithstanding any
16 other provision of this Article, no charge shall be made for providing copies of a patient's
17 medical records if the medical records are requested by the patient or the patient's health
18 care provider and sent to the patient's health care provider for the purpose of providing
19 continuing medical care for the patient. Nothing in this section shall be construed to limit
20 or prohibit a patient's inspection or copying of his or her medical records in any legally
21 permissible manner other than as provided in this section."

22 Sec. 3. G.S. 97-26.1 reads as rewritten:

23 **"§ 97-26.1. Fees for medical records and reports; expert witnesses.**

24 The Commission may establish maximum fees for the following when related to a
25 claim under this Article: (i) ~~the searching, handling, copying, and mailing of medical records,~~
26 ~~(ii) the preparation of medical reports and narratives, and (iii) (ii) the presentation of~~
27 ~~expert testimony in a Commission proceeding."~~

28 Sec. 4. This act is effective upon ratification.