

1 H.309

2 Introduced by Representative Donahue of Northfield

3 Referred to Committee on

4 Date:

5 Subject: Health; medical records; custodians; fees

6 Statement of purpose of bill as introduced: This bill proposes to limit the
7 amount a custodian may charge for access to paperless copies of medical
8 records to the actual preparation cost.

9 An act relating to limiting the amount a custodian may charge for paperless
10 copies of medical records

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 18 V.S.A. § 9419 is amended to read:

13 § 9419. CHARGES FOR ACCESS TO MEDICAL RECORDS

14 (a) A custodian may impose a charge that is no more than a flat \$5.00 fee
15 or no more than \$0.50 per page, whichever is greater, for providing paper
16 copies of an individual's health care record. If an individual's health care
17 record is maintained in a paperless format, a custodian may impose a charge
18 for providing a paperless copy that is no more than the actual cost of preparing
19 that copy. To determine actual cost, the custodian shall consider only the cost
20 of the electronic or other media onto which a health care record is copied, a

1 prorated amount for maintenance and replacement of the machine or
2 equipment used to copy the health care record, and any utility charges directly
3 associated with copying the health care record. A custodian shall provide an
4 individual or the authorized recipient with an itemized bill for the charges
5 assessed. A custodian shall not charge for providing copies of any health care
6 record requested to support a claim or an appeal under any provision of the
7 Social Security Act or for any other federal or state needs-based benefit or
8 program.

9 (b) A custodian may charge an individual a fee, reasonably related to the
10 associated costs, for providing copies of x-rays, films, models, disks, tapes, or
11 other health care record information maintained in other formats.

12 (c) As used in this section:

13 (1) "Custodian" means any person who maintains health care
14 information for any lawful purpose, including a health care provider, a health
15 care facility, or a health insurer.

16 (2) "Health care record" means all written and recorded health care
17 information about an individual maintained by a custodian.

18 (3) "Individual" means a natural person, alive or dead, who is the
19 subject of health care information and includes, when appropriate, the
20 individual's attorney-in-fact, legal guardian, ~~health care~~ agent, as defined in
21 ~~18 V.S.A. chapter 111~~ 231 of this title, executor, or administrator.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2013.