

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2151

H.P. 1375

House of Representatives, January 3, 2024

An Act Regarding the Cost of Copies of Medical Records

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative CRAVEN of Lewiston.

Cosponsored by Representatives: ARATA of New Gloucester, BRIDGEO of Augusta, DILL of Old Town, DOUDERA of Camden, GATTINE of Westbrook, HASENFUS of Readfield, MOONEN of Portland, Senator: PIERCE of Cumberland.

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

2 **Sec. 1. 22 MRSA §1711, 5th ¶**, as amended by PL 2013, c. 158, §1, is repealed
3 and the following enacted in its place:

4 A hospital or its vendor, in making and providing a paper copy of a patient's medical
5 record and additions to the medical record, may assess reasonable fees as charges to the
6 requesting person, and the hospital or its vendor may require payment prior to responding
7 to the request. A charge to a 3rd party receiving a paper copy of a patient's medical record
8 may not exceed \$20 for validating the request documents and locating the medical record
9 and 45¢ for each page of the medical record, up to a maximum of \$250 for an entire medical
10 record. A \$20 fee may also be charged for providing a letter that states that the patient's
11 medical record was not located.

12 **Sec. 2. 22 MRSA §1711, 6th ¶**, as enacted by PL 2013, c. 158, §2, is amended to
13 read:

14 If a patient's medical record exists in a digital or electronic format, the a hospital or its
15 vendor shall provide an electronic copy of the medical record if an electronic copy is
16 requested and it is reasonably possible to provide it. The hospital or its vendor may assess
17 as charges reasonable actual costs of staff time to a 3rd party receiving a medical record a
18 fee not to exceed \$20 for validating the request documents and locating the medical record
19 and 45¢ for each page of the medical record to create or copy the medical record and the
20 costs of necessary supplies and postage. Actual costs may not include a retrieval fee or the
21 costs of new technology, maintenance of the electronic record system, data access or
22 storage infrastructure. A \$20 fee may also be charged for providing a letter that states that
23 the patient's medical record was not located. Charges assessed under this paragraph may
24 not exceed \$150.

25 **Sec. 3. 22 MRSA §1711-A**, as amended by PL 2013, c. 158, §3, is further amended
26 to read:

27 **§1711-A. Fees charged for records**

28 Whenever a health care practitioner defined in section 1711-B or its vendor furnishes
29 in paper form requested copies of a patient's treatment record or a medical report or an
30 addition to a treatment record or medical report to ~~the patient or the patient's authorized~~
31 representative a 3rd party, ~~the charge for the copies or the report may not exceed the~~
32 reasonable costs incurred by the health care practitioner in making and providing the copies
33 or the report. The charge for the copies of a patient's treatment record or the medical report
34 may not exceed \$5 \$20 for the first page validating the request documents and locating the
35 treatment record or medical report and 45¢ for each additional page of the treatment record
36 or medical report, up to a maximum of \$250 for the entire treatment record or medical
37 report. A \$20 fee may also be charged for providing a letter that states that a patient's
38 treatment record or medical report was not located.

39 If a treatment record or medical report exists in a digital or electronic format, the health
40 care practitioner or its vendor shall provide an electronic copy of the treatment record or
41 medical report if an electronic copy is requested and it is reasonably possible to provide it.
42 The health care practitioner or its vendor may assess as charges ~~reasonable actual costs of~~
43 staff time to create or copy the treatment record or medical report and the costs of necessary
44 supplies and postage. Actual costs may not include a retrieval fee or the costs of new

1 ~~technology, maintenance of the electronic record system, data access or storage~~
2 ~~infrastructure to a 3rd party receiving a patient's treatment record or a medical report a fee~~
3 ~~not to exceed \$20 for validating the request documents and locating the patient records and~~
4 ~~45¢ for each page of the treatment record or medical report. A \$20 fee may also be charged~~
5 ~~for providing a letter that states that a patient's treatment record or medical report was not~~
6 ~~located. Charges assessed under this paragraph may not exceed \$150.~~

7 SUMMARY

8 This bill provides that a hospital or its vendor, in making and providing a paper copy
9 of a patient's medical record and additions to the medical record, may assess reasonable
10 fees as charges to the requesting person, and the hospital or its vendor may require payment
11 prior to responding to the request. A charge to a 3rd party receiving a paper copy of a
12 patient's medical record may not exceed \$20 for validating the request documents and
13 locating the medical record and 45¢ for each page of the medical record, up to a maximum
14 of \$250 for an entire medical record. A \$20 fee may also be charged for providing a letter
15 that states that the patient's medical record was not located. If a patient's medical record
16 exists in a digital or electronic format, a hospital or its vendor must provide an electronic
17 copy of the medical record if an electronic copy is requested and it is reasonably possible
18 to provide it. The hospital or its vendor may assess as charges to a 3rd party receiving a
19 medical record a fee not to exceed \$20 for validating the request documents and locating
20 the medical record and 45¢ for each page of the medical record to create or copy the medical
21 record. A \$20 fee may also be charged for providing a letter that states that the patient's
22 medical record was not located. Charges assessed may not exceed \$150.

23 The bill also provides that whenever a health care practitioner or its vendor furnishes
24 in paper form requested copies of a patient's treatment record or a medical report or an
25 addition to a treatment record or medical report to a 3rd party, the charge for the copies of
26 a patient's treatment record or the medical report may not exceed \$20 for validating the
27 request documents and locating the treatment record or medical report and 45¢ for each
28 page of the treatment record or medical report, up to a maximum of \$250 for the entire
29 treatment record or medical report. A \$20 fee may also be charged for providing a letter
30 that states that a patient's treatment record or medical report was not located. If a treatment
31 record or medical report exists in a digital or electronic format, the health care practitioner
32 or its vendor must provide an electronic copy of the treatment record or medical report if
33 an electronic copy is requested and it is reasonably possible to provide it. The health care
34 practitioner or its vendor may assess as charges to a 3rd party receiving a patient's treatment
35 record or a medical report a fee not to exceed \$20 for validating the request documents and
36 locating the patient records and 45¢ for each page of the treatment record or medical report.
37 The \$20 fee may also be charged for providing a letter that states that a patient's treatment
38 record or medical report was not located. Charges assessed may not exceed \$150.