

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 849

(Delegate Rosenberg)

Health and Government Operations

Finance

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Public Health - Medical Records - Fees

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This bill prohibits a health care provider or a representative of the health care provider from charging a fee for providing copies of a medical record (1) requested by the patient, the patient’s personal representative, or an employee or other representative of a nonprofit legal services entity or other volunteer or nonprofit program *and* (2) that will be used to support a claim or appeal for Social Security Disability Income (SSDI) or Social Security benefits.

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Fiscal Summary

**State Effect:** State finances are not likely materially affected.

**Local Effect:** To the extent that a local health department charges a fee for providing copies of medical records, local revenues may decrease. Expenditures are not likely affected.

**Small Business Effect:** Meaningful.

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Analysis

**Current Law:** “Medical record” means any oral, written, or other transmission that is (1) entered in the record of a patient or recipient, (2) identifies or can be readily associated with the identify of a patient or recipient, and (3) relates to the health care of the patient or recipient. “Medical record” includes a copy of a medical bill that has been requested by an individual. Provisions related to fees for medical records do not apply to x-rays. “Health care provider” means (1) a person who is licensed, certified, or otherwise authorized under the Health Occupations Article or the Education Article to provide health care in the

ordinary course of business or practice of a profession or in an approved education or training program or (2) a facility where health care is provided to patients or recipients, including a hospital, a related institution, a health maintenance organization, an outpatient clinic, a medical laboratory, a comprehensive crisis response center, a crisis stabilization center, and a crisis treatment center.

With specified exceptions, a health care provider may charge a fee for copying and mailing requested medical records of up to 76 cents per page. In addition, a health care provider may charge a preparation fee of up to \$22.88 for medical record retrieval and preparation and the cost for postage and handling of the medical record. The fee for a copy of medical records may be adjusted annually for inflation, with the exception of the \$22.88 preparation fee, which may not be adjusted for inflation.

The fee that may be charged for an electronic copy of a medical record includes a maximum preparation fee of \$22.88, a per-page fee of 75% of the per-page fee charged for a nonelectronic copy, and the actual cost for postage and handling of the electronic copy.

A health care provider may not charge a fee exceeding \$20.00 per 100 pages (or portion of 100 pages) for a copy of a medical record associated with an individual enrolled in Medicaid, unless the request is made by a lawfully appointed attorney.

Any person or entity who is not subject to the provisions regarding medical record fees and obtains a medical record from a health care provider or the provider's agent may not charge a fee for any subsequent copies of that medical record that exceeds the maximum per page fee of 76 cents for copying and mailing.

**Small Business Effect:** Small business health care providers will be unable to charge a fee for providing medical records when requested by specified individuals, including the patient, for SSDI and Social Security claims.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:**  
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First Reader - February 24, 2021

Third Reader - March 22, 2021

Revised - Amendment(s) - March 22, 2021

Enrolled - April 7, 2021

Revised - Amendment(s) - April 7, 2021

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