

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1055  
PROPOSED COMMITTEE SUBSTITUTE H1055-PCS30355-LN-21

Short Title: Medical Records/Copying Fees.

(Public)

Sponsors:

Referred to:

April 6, 2009

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MINIMUM FEE FOR COPYING AND SEARCHING  
MEDICAL RECORDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Effective January 1, 2010, G.S. 90-411 reads as rewritten:

"§ 90-411. **Record copy fee.**

(a) A health care provider or its third-party copy services provider may charge a reasonable fee to cover the costs incurred in searching, handling, ~~copying, and mailing medical records to the patient or the patient's designated representative.~~ and copying medical records for representatives authorized by patients. The maximum fee for each request shall be seventy five cents (75¢) per page for the first 25 pages, fifty cents (50¢) for requests by authorized representatives shall be eighty-five cents (85¢) per page for the first 25 pages, sixty-five cents (65¢) per page for pages 26 through 100, and twenty-five cents (25¢) for each page in excess of 100 pages, provided that the health care provider or third-party copy services provider may impose a minimum fee of up to ~~ten dollars (\$10.00),~~ fourteen dollars (\$14.00), inclusive of copying ~~costs.~~ costs plus actual postage, if any. These rates also shall apply for providing copies of medical records produced from records stored on microfilm, microfiche, or electronic media. Patients who request records on their own behalf, and their personal representatives as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), will be charged only the rate permitted in HIPAA. Patients and their physicians who request records for continuing care (such as for treatment purposes) may not be charged for such requests. Pursuant to 42 C.F.R. § 483.10(b)(2), the rates established in this section are the community standard for health care facilities in North Carolina.

(b) If requested by the patient or the patient's designated representative, nothing herein shall limit a reasonable professional fee charged by a physician for the review and preparation of a narrative summary of the patient's medical record. This section shall ~~only~~ apply with respect to liability claims for personal injury, ~~and~~ claims for social security disability, subpoenas, and requests by attorneys and insurers for medical records to be used for any purpose, except that charges for medical records and reports related to claims under Article 1 of Chapter 97 of the General Statutes shall be governed by the fees established by the North Carolina Industrial Commission pursuant to G.S. 97-26.1. This section shall not apply to requests made by the Department of Health and Human Services Disability Determination Services requests for copies of medical records made on behalf of an applicant for Social Security or Supplemental Security Income disability. Notwithstanding the applicability of this



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1 section to insurers, this section does not apply to any health insurer as defined in  
2 G.S. 58-51-115(a)(2)."

3 **SECTION 2.** Effective January 1, 2012, G.S. 90-411, as amended by Section 1 of  
4 this act, reads as rewritten:

5 "(a) A health care provider or its third-party copy services provider may charge a  
6 reasonable fee to cover the costs incurred in searching, handling, and copying medical records  
7 for representatives authorized by patients. The fee for requests by authorized representatives  
8 shall be eighty-five cents (85¢) per page for the first 25 pages, sixty-five cents (65¢) per page  
9 for pages 26 through 100, and twenty-five cents (25¢) for each page in excess of 100 pages,  
10 provided that the health care provider or third-party copy services provider may impose a  
11 minimum fee of up to ~~fourteen dollars (\$14.00)~~ sixteen dollars (\$16.00), inclusive of copying  
12 costs plus actual postage, if any. These rates shall also apply for providing copies of medical  
13 records produced from records stored on microfilm, microfiche, or electronic media. Patients  
14 who request records on their own behalf, and their personal representatives as defined in the  
15 Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), will be charged only  
16 the rate permitted in HIPAA. Patients and their physicians who request records for continuing  
17 care (such as for treatment purposes) may not be charged for such requests. Pursuant to 42  
18 C.F.R. 483.10(b)(2), the rates established in this section are the community standard for health  
19 care facilities in North Carolina.

20 (b) If requested by the patient or the patient's designated representative, nothing herein  
21 shall limit a reasonable professional fee charged by a physician for the review and preparation  
22 of a narrative summary of the patient's medical record. This section shall apply with respect to  
23 liability claims for personal injury, claims for social security disability, subpoenas, and requests  
24 by attorneys and insurers for medical records to be used for any purpose, except that charges  
25 for medical records and reports related to claims under Article 1 of Chapter 97 of the General  
26 Statutes shall be governed by the fees established by the North Carolina Industrial Commission  
27 pursuant to G.S. 97-26.1. Actual postage may be charged in each instance. This section shall  
28 not apply to requests made by the Department of Health and Human Services Disability  
29 Determination Services requests for copies of medical records made on behalf of an applicant  
30 for Social Security or Supplemental Security Income disability. Notwithstanding the  
31 applicability of this section to insurers, this section does not apply to any health insurer as  
32 defined in G.S. 58-51-115(a)(2)."

33 **SECTION 3.** This act is effective when it becomes law.