

By Senator Sachs

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1 A bill to be entitled
2 An act relating to patient medical records; amending
3 s. 395.3025, F.S.; removing provisions authorizing
4 hospitals and other licensed medical facilities to
5 charge a fee for nonpaper medical records; reducing
6 the authorized fee that such facilities may charge for
7 paper records and additional records; requiring that a
8 doctor provide a copy of the patient's medical records
9 in digital form if requested; authorizing a fee for
10 digital records; providing an effective date.

11
12 WHEREAS, the 2009 Federal Health Information Technology for
13 Economic and Clinical Health (HITECH) Act allows health care
14 providers that adopt certified health record technology to
15 qualify for Medicare and Medicaid incentive payments, and

16 WHEREAS, the Federal Affordable Care Act supports the
17 adoption of new technology, most notably for accountable care
18 organizations and patient-centered medical homes, NOW,
19 THEREFORE,

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (1) of section 395.3025, Florida
24 Statutes, is amended to read:

25 395.3025 Patient and personnel records; copies;
26 examination.—

27 (1) Any licensed facility shall, upon written request, and
28 only after discharge of the patient, furnish, in a timely
29 manner, without delays for legal review, to any person admitted

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30 therein for care and treatment or treated thereat, or to any
31 such person's guardian, curator, or personal representative, or
32 in the absence of one of those persons, to the next of kin of a
33 decedent or the parent of a minor, or to anyone designated by
34 such person in writing, a true and correct copy of all patient
35 records, including X rays, and insurance information concerning
36 such person, which records are in the possession of the licensed
37 facility, provided the person requesting such records agrees to
38 pay a charge. The exclusive charge for copies of patient records
39 may include sales tax and actual postage, and, except for
40 nonpaper records, which shall be provided free of charge ~~that~~
41 ~~are subject to a charge not to exceed \$2,~~ may not exceed 50
42 cents ~~\$1~~ per page. If a patient requests a copy of his or her
43 medical records, the doctor shall provide a copy of the
44 patient's medical records, in digital form, at a cost of no more
45 than \$5. A fee of up to 50 cents ~~\$1~~ may be charged for each year
46 of records requested. These charges ~~shall~~ apply to all records
47 furnished, whether directly from the facility or from a copy
48 service providing these services on behalf of the facility.
49 However, a patient whose records are copied or searched for the
50 purpose of continuing to receive medical care is not required to
51 pay a charge for copying or for the search. The licensed
52 facility shall further allow any such person to examine the
53 original records in its possession, or microforms or other
54 suitable reproductions of the records, upon such reasonable
55 terms as shall be imposed to ensure ~~assure~~ that the records will
56 not be damaged, destroyed, or altered.

57 Section 2. This act shall take effect July 1, 2012.