

By Senator Sachs

30-00890A-12

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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.