

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Innovation
 2 Subcommittee

3 Representative Fitzenhagen offered the following:

4

5 **Amendment**

6 Remove lines 31-103 and insert:

7 such person's guardian, curator, or personal representative, or
 8 in the absence of one of those persons, to the next of kin of a
 9 decedent or the parent of a minor, or to anyone designated by
 10 such listed persons ~~person~~ in writing, a true and correct copy
 11 of all patient records and reports, including X rays, and
 12 insurance information concerning such person, which records are
 13 in the possession of the licensed facility, provided the person
 14 requesting such records agrees to pay a charge, to be determined
 15 by the licensed facility. The ~~exclusive~~ charge for furnishing
 16 physical copies of patient records and reports or making the

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17 records and reports available for digital scanning pursuant to
18 this section may not exceed a reasonable fee based on the actual
19 cost of copying, including the cost of:

20 1. Labor required for copying the patient records and
21 reports requested by the person, whether on paper or in
22 electronic form. Labor required for copying such records and
23 reports is limited to the labor for creating and delivering the
24 electronic copy or paper copy in the format requested or agreed
25 upon by the requestor and does not include the cost of reviewing
26 the request and searching for, retrieving, and otherwise
27 preparing the records and reports for copying;

28 2. Supplies used to create a paper copy or if requested,
29 the electronic media necessary to furnish an electronic copy on
30 portable media;

31 3. Postage, if the person requests that the records and
32 reports be mailed; and

33 4. Preparing an explanation or summary of the patient
34 records, if agreed to by the person requesting the records.

35 (b) In lieu of calculating the labor costs individually
36 for each request, a licensed facility, or a business operating
37 on behalf of such facility, may develop a schedule of costs for
38 labor based on the average labor costs to fulfill standard types
39 of requests, so long as the labor costs included in the schedule
40 are limited pursuant to subparagraph (a)1.

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41 (c) A licensed facility, or a business operating on behalf
42 of such facility, may charge a flat fee of no more than \$6.50 in
43 lieu of calculating the actual costs pursuant paragraph (a), for
44 a request for an electronic copy of patient records and reports
45 maintained electronically, inclusive of all labor, supplies, and
46 applicable postage. Such fee may not include costs associated
47 with updates to or maintenance of systems and data, capital for
48 data storage and maintenance, labor associated with ensuring
49 compliance with 45 C.F.R. s. 164.524 and other applicable laws,
50 administrative costs, other costs associated with outsourcing
51 the response to individual requests for patient records and
52 reports, or other costs not included in this subsection ~~may~~
53 ~~include sales tax and actual postage, and, except for nonpaper~~
54 ~~records that are subject to a charge not to exceed \$2, may not~~
55 ~~exceed \$1 per page. A fee of up to \$1 may be charged for each~~
56 ~~year of records requested.~~ These charges shall apply to all
57 records furnished, whether directly from the facility or from a
58 copy service providing these services on behalf of the facility.
59 However, a patient whose records are copied or searched for the
60 purpose of continuing to receive medical care is not required to
61 pay a charge for copying or for the search. The licensed
62 facility shall further allow any such person to examine the
63 original records in its possession, or microforms or other
64 suitable reproductions of the records, upon such reasonable

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65 terms as shall be imposed to assure that the records will not be
66 damaged, destroyed, or altered.

67 Section 2. Subsection (17) of section 456.057, Florida
68 Statutes, is amended to read:

69 456.057 Ownership and control of patient records; report
70 or copies of records to be furnished; disclosure of
71 information.—

72 (17) (a) A health care practitioner or records owner, or a
73 business operating on behalf of such practitioner or owner, that
74 furnishes ~~furnishing~~ copies of reports or records or makes
75 ~~making~~ the reports or records available for digital scanning
76 pursuant to this section to a patient, patient's guardian,
77 curator, or personal representative, or in the absence of such
78 person, to the next of kin of a decedent or the parent of a
79 minor, or to anyone designated by such listed persons in
80 writing, shall charge no more than the actual cost of:

81 1. Labor required for copying the patient records and
82 reports requested by the person whether on paper or in
83 electronic form. Labor required for copying such records and
84 reports is limited to the labor for creating and delivering the
85 electronic copy or paper copy in the format requested or agreed
86 upon by the requestor and does not include the cost of reviewing
87 the request and searching for, retrieving, and otherwise
88 preparing the records and reports for copying; ~~including~~
89 reasonable staff time,

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90 2. Supplies used to create a paper copy or if requested,
91 the electronic media necessary to furnish an electronic copy on
92 portable media;

93 3. Postage, if the person requests that the records and
94 reports be mailed; and

95 4. Preparing an explanation or summary of the patient
96 records, if agreed to in advance by the person requesting the
97 records.

98 (b) In lieu of calculating the labor costs individually
99 for each request, the health care practitioner or records owner,
100 or business operating on behalf of such practitioner or owner,
101 may develop a schedule of costs for labor based on the average
102 labor costs to fulfill standard types of requests, so long as
103 the labor costs included in the schedule are limited pursuant to
104 subparagraph (a)1.

105 (c) A health care practitioner or records owner, or
106 business operating on behalf of such practitioner or owner, may
107 charge a flat fee of no more than \$6.50, in lieu of calculating
108 the actual costs pursuant to paragraph (a), for a request for an
109 electronic copy of patient records and reports maintained
110 electronically, inclusive of labor, supplies, and applicable
111 postage. Such fee may not include costs associated with updates
112 to or maintenance of systems and data, capital for data storage
113 and maintenance, labor associated with ensuring compliance with
114 45 C.F.R. s. 164.524 and other applicable laws, administrative

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Bill No. HB 569 (2017)

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115 | costs, other costs associated with outsourcing the response to
116 | individual requests for patient records and reports, or other
117 | costs not included in this subsection ~~or the amount specified in~~
118 | ~~administrative rule by the appropriate board, or the department~~
119 | ~~when there is no board.~~