

IN THE SENATE

SENATE BILL NO. 1346, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO HEALTH; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW
2 CHAPTER 97, TITLE 39, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE THAT A
3 HEALTH CARE PROVIDER SHALL PROVIDE CERTAIN RECORDS UPON REQUEST, TO
4 PROVIDE MAXIMUM FEES FOR RECORDS REQUESTS, TO PROVIDE THAT A REQUEST
5 SHALL SPECIFY THE FORMAT IN WHICH THE RECORDS ARE PREFERRED TO BE RE-
6 CEIVED, AND TO PROVIDE THAT A REQUEST MUST BE FULFILLED WITHIN THIRTY
7 DAYS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
12 ter 97, Title 39, Idaho Code, and to read as follows:

13 CHAPTER 97

14 MISCELLANEOUS PROVISIONS ON HEALTH

15 39-9701. COPIES OF MEDICAL RECORDS -- COSTS. (1) As used in this sec-
16 tion, "health care provider" means:

17 (a) A physician or other health care practitioner licensed, accred-
18 ited, or certified to perform health care services consistent with
19 state law, or any agent or third-party representative of such practi-
20 tioner; or

21 (b) A health care facility or its agent.

22 (2) Upon the request of a patient or a person authorized by the patient,
23 a health care provider shall provide medical records in accordance with 45
24 CFR 164.524(c)(4) regarding federal privacy regulations or the following
25 fee schedule, whichever is less:

26 (a) In paper format and may charge up to:

27 (i) Fifty cents (50¢) per page for the first twenty-five (25)
28 pages and twenty cents (20¢) per page for each additional page;

29 (ii) The actual reproduction costs of x-rays or other medical
30 records that are difficult or expensive to duplicate; and

31 (iii) The actual cost of sending the records to the patient or the
32 person authorized by the patient; or

33 (b) In electronic format and may charge up to:

34 (i) A flat fee of fifteen dollars (\$15.00);

35 (ii) The actual cost of sending the records to the patient or the
36 person authorized by the patient; and

37 (iii) If the request is fulfilled within ten (10) days and the
38 records are provided in a format that may be immediately viewed or
39 downloaded, an additional fee of ten dollars (\$10.00).

40 (3) A request made under subsection (2) of this section shall:

- 1 (a) Specify the format, paper or electronic, in which the records are
- 2 preferred to be received, provided that the records are not required to
- 3 be provided in such format if they are not available in such format; and
- 4 (b) Be fulfilled within thirty (30) days.

5 SECTION 2. An emergency existing therefor, which emergency is hereby
6 declared to exist, this act shall be in full force and effect on and after
7 July 1, 2022.