

IN THE SENATE

SENATE BILL NO. 1395

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO MEDICAL RECORDS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION
2 OF A NEW CHAPTER 73, TITLE 39, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
3 GARDING THE COSTS FOR REQUESTING COPIES OF MEDICAL RECORDS, TO DEFINE
4 A TERM, TO PROVIDE AN EXCEPTION FOR SOCIAL SECURITY ACT BENEFITS, AND
5 TO REQUIRE FULFILLMENT WITHIN AN ESTABLISHED TIMELINE; AND DECLARING AN
6 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 73, Title 39, Idaho Code, and to read as follows:

12 CHAPTER 73

13 MISCELLANEOUS HEALTH PROVISIONS

14 39-7301. COPIES OF MEDICAL RECORDS -- COSTS. (1) As used in this sec-
15 tion, "health care provider" means:

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

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

21 (2) Upon the request of a patient or person authorized by the patient,
22 a health care provider shall provide medical records and may charge fees,
23 which shall be the lesser of the fees allowed pursuant to the provisions of 45
24 CFR 164.524(c) (4) or pursuant to paragraphs (a) and (b) of this subsection.

25 (a) If medical records are provided in paper format, reasonable fees
26 shall not exceed:

27 (i) A flat fee of thirty dollars (\$30.00);

28 (ii) Fifty-three cents (53¢) per page for the first forty (40)
29 pages and thirty-two cents (32¢) per page for each additional
30 page;

31 (iii) The actual reproduction costs of x-rays or other medical
32 records that are difficult or expensive to duplicate; or

33 (iv) The actual costs of sending the records to the patient of the
34 person authorized by the patient.

35 (b) If medical records are provided in electronic format, reasonable
36 fees shall not exceed:

37 (i) A flat fee of thirty dollars (\$30.00);

38 (ii) Twenty-seven cents (27¢) per page for the first forty (40)
39 pages and sixteen cents (16¢) per page for each additional page;

40 (iii) The actual reproduction costs of x-rays or other medical
41 records that are difficult or expensive to duplicate;

1 (iv) The actual costs of sending the records to the patient or the
2 person authorized by the patient; or

3 (v) If the request is fulfilled within ten (10) days and the
4 records are provided in a format that may be immediately viewed or
5 downloaded, an additional fee of twenty dollars (\$20.00).

6 (c) The entire fee charged pursuant to paragraph (b) of this subsec-
7 tion shall not exceed one hundred fifty dollars (\$150) regardless of the
8 number of pages provided or the original format of the original medical
9 records.

10 (3) A health care provider shall provide one (1) free copy of a pa-
11 tient's medical records, including mental health records, if requested
12 by a patient, former patient, the patient's authorized attorney, or the
13 patient's authorized representative, for a qualified claim or appeal for
14 benefits under any provision of the social security act. For a subsequent
15 copy of the patient's medical records in one (1) calendar year, provided that
16 no additional medical services have been rendered, a health care provider
17 may charge the allowable rate pursuant to subsection (2) of this section.

18 (4) Any request made pursuant to this section shall:

19 (a) Specify the format, either paper or electronic, in which the
20 records are preferred to be received by the patient or the person autho-
21 rized by the patient, provided that the records are not required to be
22 provided in the preferred format if the records are not available in the
23 preferred format; and

24 (b) Be fulfilled within thirty (30) days.

25 SECTION 2. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after
27 July 1, 2024.