

BILL ANALYSIS

C.S.H.B. 2965
By: Coleman
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

S.B. 667, 74th Legislature, Regular Session, 1995, authorized a hospital to charge a per-page price for copies of medical records to reflect the human costs of record retrieval at that time. This pricing scheme should not be applied to today's digital records because the charging of the same per-page price for digital records is unrealistic. This bill updates the charge for medical records to reflect hospitals' current practice of providing medical records in a digital format.

C.S.H.B. 2965 sets the fee at the sum of a maximum \$75 retrieval or processing fee and the actual cost of delivering the records if the requested records are stored and delivered in an electronic format.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2965 amends the Health and Safety Code to add to the limitations on the amount a hospital or its agent is authorized to charge for providing a patient's recorded health care information for requested records that are stored on a digital or other electronic medium and requested to be delivered in a digital or electronic medium, including electronic mail. The bill sets the amount of such a charge to be the sum of a retrieval or processing fee, which is prohibited from exceeding \$75, and the actual cost of mailing, shipping, or otherwise delivering the provided copies.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2965 differs from the original by prohibiting a retrieval or processing fee from exceeding \$75, whereas the original prohibits the fee from exceeding \$50.