

By: Coleman

H.B. No. 2965

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the fee for providing copies of health care
3 information.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 241.154(b), Health and Safety Code, is
6 amended to read as follows:

7 (b) Except as provided by Subsection (d), the hospital or
8 its agent may charge a reasonable fee for providing the health care
9 information and is not required to permit the examination, copying,
10 or release of the information requested until the fee is paid unless
11 there is a medical emergency. The fee may not exceed the sum of:

12 (1) a basic retrieval or processing fee, which must
13 include the fee for providing the first 10 pages of the copies and
14 which may not exceed \$30; and

15 (A) a charge for each page of:

16 (i) \$1 for the 11th through the 60th page of
17 the provided copies;

18 (ii) 50 cents for the 61st through the 400th
19 page of the provided copies; and

20 (iii) 25 cents for any remaining pages of
21 the provided copies; and

22 (B) the actual cost of mailing, shipping, or
23 otherwise delivering the provided copies; ~~or~~

24 (2) if the requested records are stored on ~~any~~

1 microform [~~or other electronic medium~~], a retrieval or processing
2 fee, which must include the fee for providing the first 10 pages of
3 the copies and which may not exceed \$45; and

4 (A) \$1 per page thereafter; and

5 (B) the actual cost of mailing, shipping, or
6 otherwise delivering the provided copies; or

7 (3) if the requested records are stored on digital or
8 other electronic medium and the requesting party requests delivery
9 in digital or electronic medium, including electronic mail:

10 (A) a retrieval or processing fee, which may not
11 exceed \$50; and

12 (B) the actual cost of mailing, shipping, or
13 otherwise delivering the provided copies.

14 SECTION 2. This Act applies only to a request for
15 information received on or after the effective date of this Act. A
16 request received before the effective date of this Act is governed
17 by the law in effect on the date the request is received, and that
18 law is continued in effect for that purpose.

19 SECTION 3. This Act takes effect September 1, 2009.