Kirsten J. Gross *Legislative Service Commission*

H.B. 508

123rd General Assembly
(As Introduced)

Reps. Olman, Willamowski, Patton, Redfern, Allen, Terwilleger, Hartnett, Callender, D. Miller, Britton, Vesper, Perry, Jolivette, Logan, Ogg, Taylor, Gerberry, Peterson, R. Miller, Krupinski, J. Beatty, DePiero, Harris, Corbin, Hoops, Sutton, Hollister, Evans, Bender, Wilson, Womer Benjamin, Jones

BILL SUMMARY

- Allows a patient's representative to request and receive that patient's medical records.
- Specifies under what conditions and how much a health care provider can charge a patient or patient's representative for copying the patient's medical record.
- Specifies that a health care provider must permit a patient or a patient's representative to examine the patient's medical records during normal business hours without charge.
- Requires the Director of Health to adjust certain medical record fees annually in accordance with the U.S. Consumer Price Index.

CONTENT AND OPERATION

Medical records requests

(sec. 3701.74)

Current law

Current law requires a hospital to prepare a finalized medical record for each patient who receives health care treatment at the hospital. A patient who wishes to examine or obtain a copy of a finalized medical record is required to submit a signed, written request to the hospital. If the patient wants a copy of the record, the request must indicate whether the copy should be sent to the patient's

residence or held for the patient at the hospital. Within a reasonable time after receiving the request, the hospital must permit the patient to examine the record or provide a copy of the record.

If a hospital does not furnish a medical record to which a patient is entitled, the patient may bring a civil action to examine or obtain a copy of the record.

The bill

Under the bill, application of the medical records statute is expanded as follows:

--The statute applies to medical records generated and maintained by health care providers. "Health care provider," as defined in the bill, means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, dentist and dentist hygienist, registered and licensed practical nurse, optometrist, lens dispensing optician, pharmacist, physician, physician assistant, certified practitioner of a limited branch of medicine, psychologist, chiropractor, hearing aid dealer or fitter, occupational therapist and occupational therapist assistant, speech-language pathologist, audiologist, physical therapist, physical therapy assistant, professional clinical counselor, professional counselor, social worker, independent social worker licensed, independent social worker registered, respiratory care professional, emergency medical technician-basic, emergency medical technician-intermediate, and an emergency medical technician-paramedic. The definition also includes a general x-ray machine operator, radiographer, radiation therapy technologist, and a nuclear medicine technologist. "Physician" is defined as a person authorized under Ohio law to practice medicine and surgery, osteopathic medicine and surgery, or podiatry.

--It permits a "patient's representative" to also request, examine, and receive copies of a patient's medical records. "Patient's representative" is defined as a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical records. If the patient is deceased, the term means the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated.

--The definition of "patient" includes an individual's guardian.

--It permits a patient or a patient's representative to request that the copy of the patient's medical record be sent to the patient's physician or chiropractor or to the patient's representative.

Charges for medical records

(secs. 3701.741 and 3701.742)

Current law does not specify how much a patient can be charged for examining or copying the patient's medical record.

Under the bill, the health care provider that has the patient's medical records must permit the patient or the patient's representative to examine the record *without charge*. If a copy of the record is requested, the health care provider or medical records company must provide the copy *without charge* to all of the following persons:

(1) A physician or chiropractor who has obtained a properly executed medical records release form from the patient or the patient's representative;

(2) A patient, a patient's representative or employer, the Bureau of Workers' Compensation, or the Industrial Commission, if the person or entity requesting the record provides documentation that the record is necessary for the patient to obtain medical services, benefits, or compensation;

(3) A patient or patient's representative, if the record is necessary to support a claim for Social Security disability benefits and the request is accompanied by documentation that the claim has been or will be filed.

For purposes of the bill, "medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative.

For any other patient or patient's representative, the health care provider may charge not more than an initial fee of $15 which includes the first ten paper copies of data recorded on paper and 20¢ per page for each additional paper copy of data recorded on paper, the actual cost of making a copy of data not recorded on paper, and the actual cost of any related postage incurred by the health care provider or medical records company.

The bill allows for a health care provider or medical records company to enter into a contract with a patient's representative or an insurance company for the copying of medical records at a fee other than for the fees cited above.

The bill also specifies that no later than January 31, 2002, and no later than January 31 every year thereafter, the Director of Health must adjust any fee charges in effort for the prior year in accordance with increases or decreases in the

Consumer Price Index for urban consumers prepared by the United States Department of Labor, Bureau of Labor Statistics.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-23-99	p. 1373

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