



Jennifer A. Parker

Bill Analysis
Legislative Service Commission

S.B. 74

123rd General Assembly
(As Introduced)

Sen. Blessing

BILL SUMMARY

- Specifies how much a hospital, physician, or chiropractor can charge a patient for copying the patient's medical record or permitting the patient to examine the record.
- Requires a medical records company operating in Ohio to be formed as a domestic corporation and registered with the Director of Commerce.
- Requires the Director of Commerce to adopt rules establishing standards, procedures, and penalties applicable to medical records companies.

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 physicians and chiropractors, as well as hospitals. "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. 3701.74(B) and 3701.741)

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 hospital, physician, or chiropractor 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 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) Any other public entity, if the entity utilizes the record in the performance of any of its duties, except that the entity may agree to pay for the record;

(4) 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 any other patient or patient's representative, the health care provider may charge not more than the sum of (1) 15¢ per page plus any applicable sales or use tax *and* (2) the actual cost of any related postage incurred by the health care provider or its agent.

Regulation of medical records companies

(secs. 1333.45, 3701.74(A)(4), and 3701.742)

The bill prohibits any person from establishing, operating, or performing the services of a medical records company without being registered with the Director of Commerce. Only companies formed as a domestic corporation under the General Corporation Law (Chapter 1701.) may be registered. 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.

The Director is required to adopt rules, in accordance with the Administrative Procedure Act, that establish the following:

(1) Procedures for the registration of medical records companies;

(2) Standards for health care providers and medical records companies that furnish medical records to a patient or patient's representative, including standards for a properly executed medical records release form, as well as fines and penalties for violations of those standards;

(3) Fines and penalties for persons who violate the registration requirement established by the bill.

Health care providers are prohibited from transacting business with a medical records company unless the company is registered with the Director as provided by the bill.

HISTORY



ACTION	DATE	JOURNAL ENTRY
Introduced	02-17-99	p. 138

S0074-I.123/jc

