

1                                   A bill to be entitled  
 2           An act relating to medical records; amending s.  
 3           395.3025, F.S.; revising provisions relating to the  
 4           reproduction of patient reports or records by a  
 5           hospital, ambulatory surgical center, or mobile  
 6           surgical facility; providing that the fee for  
 7           reproduction may not exceed certain specified costs;  
 8           authorizing licensed facilities to charge a specified  
 9           flat fee for an electronic copy of patient records;  
 10          amending s. 456.057, F.S.; revising provisions  
 11          relating to the reproduction of patient reports or  
 12          records by a health care practitioner or records owner  
 13          to include businesses operating on behalf of such  
 14          practitioner or records owner; providing that the fee  
 15          for reproduction may not exceed certain specified  
 16          costs or a specified flat fee; removing rulemaking  
 17          authority of a board or department to determine the  
 18          cost of reproduction of patient reports or records;  
 19          providing an effective date.

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 21   Be It Enacted by the Legislature of the State of Florida:

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 23           Section 1. Subsection (1) of section 395.3025, Florida  
 24   Statutes, is amended to read:  
 25           395.3025   Patient and personnel records; copies;

26 examination.-

27 (1) (a) Any licensed facility shall, upon written request,  
 28 and only after discharge of the patient, furnish, in a timely  
 29 manner, without delays for legal review, to any person admitted  
 30 therein for care and treatment or treated thereat, or to any  
 31 such person's guardian, curator, attorney, or personal  
 32 representative, or in the absence of one of those persons, to  
 33 the next of kin of a decedent or the parent of a minor, or to  
 34 anyone designated by such listed persons ~~person~~ in writing, a  
 35 true and correct copy of all patient records and reports,  
 36 including X rays, and insurance information concerning such  
 37 person, which records are in the possession of the licensed  
 38 facility, provided the person requesting such records agrees to  
 39 pay a charge, to be determined by the licensed facility. The  
 40 exclusive charge for furnishing physical copies of patient  
 41 records and reports or making the records and reports available  
 42 for digital scanning pursuant to this section may not exceed a  
 43 reasonable fee based on the actual cost of copying, including  
 44 the cost of:

- 45 1. Labor required for copying the patient records and  
 46 reports requested by the person, whether on paper or in  
 47 electronic form. Labor required for copying such records and  
 48 reports is limited to the labor for creating and delivering the  
 49 electronic copy or paper copy in the format requested or agreed  
 50 upon by the requestor and does not include the cost of reviewing

51 the request and searching for, retrieving, and otherwise  
52 preparing the records and reports for copying;

53 2. Supplies used to create a paper copy or if requested,  
54 the electronic media necessary to furnish an electronic copy on  
55 a portable media device; and

56 3. Postage, if the person requests that the records and  
57 reports be mailed.

58 (b) A licensed facility, or a business operating on behalf  
59 of such facility, may charge a flat fee of no more than \$6.50  
60 for a request for an electronic copy of patient records and  
61 reports maintained electronically, inclusive of all labor,  
62 supplies, and applicable postage. Such fee may not include costs  
63 associated with updates to or maintenance of systems and data,  
64 capital for data storage and maintenance, labor associated with  
65 ensuring compliance with 45 C.F.R. s. 164.524 and other  
66 applicable laws, administrative costs, other costs associated  
67 with outsourcing the response to individual requests for patient  
68 records and reports, and other costs not included in this  
69 ~~subsection may include sales tax and actual postage, and, except~~  
70 ~~for nonpaper records that are subject to a charge not to exceed~~  
71 ~~\$2, may not exceed \$1 per page. A fee of up to \$1 may be charged~~  
72 ~~for each year of records requested. These charges shall apply to~~  
73 all records furnished, whether directly from the facility or  
74 from a copy service providing these services on behalf of the  
75 facility. However, a patient whose records are copied or

76 | searched for the purpose of continuing to receive medical care  
77 | is not required to pay a charge for copying or for the search.  
78 | The licensed facility shall further allow any such person to  
79 | examine the original records in its possession, or microforms or  
80 | other suitable reproductions of the records, upon such  
81 | reasonable terms as shall be imposed to assure that the records  
82 | will not be damaged, destroyed, or altered.

83 | Section 2. Subsection (17) of section 456.057, Florida  
84 | Statutes, is amended to read:

85 | 456.057 Ownership and control of patient records; report  
86 | or copies of records to be furnished; disclosure of  
87 | information.—

88 | (17) A health care practitioner or records owner, or a  
89 | business operating on behalf of such practitioner or owner, that  
90 | furnishes ~~furnishing~~ copies of reports or records or makes  
91 | ~~making~~ the reports or records available for digital scanning  
92 | pursuant to this section to a patient, patient's guardian,  
93 | curator, attorney, or personal representative, or in the absence  
94 | of such person, to the next of kin of a decedent or the parent  
95 | of a minor, or to anyone designated by such listed persons in  
96 | writing, shall charge no more than the actual cost of copying,  
97 | including reasonable staff time, and postage for requests for  
98 | physical copies, or a flat fee of no more than \$6.50 for a  
99 | request for an electronic copy of patient records and reports  
100 | maintained electronically, inclusive of labor, supplies, and

101 | applicable postage ~~or the amount specified in administrative~~  
102 | ~~rule by the appropriate board, or the department when there is~~  
103 | ~~no board.~~

104 |       Section 3. This act shall take effect upon becoming a law.