

HOUSE BILL NO. 5222

November 07, 2019, Introduced by Reps. Hood, Koleszar, Sabo, Hoadley, Sowerby, Lasinski, Chirkun, Cherry, Manoogian, Ellison, Clemente, Hope, Tate, Warren, Stone, Haadsma, Shannon, Brixie, Sneller, Kennedy, Pohutsky, Tyrone Carter, Bolden, Hammoud, Whitsett, Jones, Anthony and Coleman and referred to the Committee on Health Policy.

A bill to amend 2004 PA 47, entitled
"Medical records access act,"
by amending section 9 (MCL 333.26269).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) Except as otherwise provided in this section, if a
2 patient or his or her authorized representative makes a request for
3 a copy of all or part of his or her medical record under section 5,
4 the health care provider, health facility, or medical records
5 company to which the request is directed may charge the patient or
6 his or her authorized representative a fee that is not more than



1 the following amounts:

2 (a) An initial fee of \$20.00 per request for a copy of the
3 record.

4 (b) Paper copies as follows:

5 (i) One dollar per page for the first 20 pages.

6 (ii) Fifty cents per page for pages 21 through 50.

7 (iii) Twenty cents for pages 51 and over.

8 (c) If the medical record is in some form or medium other than
9 paper, the actual cost of preparing a duplicate.

10 (d) Any postage or shipping costs incurred by the health care
11 provider, health facility, or medical records company in providing
12 the copies.

13 (e) Any actual costs incurred by the health care provider,
14 health facility, or medical records company in retrieving medical
15 records that are 7 years old or older and not maintained or
16 accessible on-site.

17 (2) A health care provider, health facility, or medical
18 records company may refuse to retrieve or copy all or part of a
19 medical record for a patient or his or her authorized
20 representative until the applicable fee is paid.

21 (3) A health care provider, health facility, or medical
22 records company shall not charge a fee for retrieving, copying, or
23 mailing all or part of a medical record other than a fee allowed
24 under subsection (1). Except as otherwise provided in subsection
25 (4), a health care provider, health facility, or medical records
26 company shall waive all fees for ~~a~~**the following individuals:**

27 (a) **A** medically indigent individual. The health care provider,
28 health facility, or medical records company may require the patient
29 or his or her authorized representative to provide proof that the



1 patient is a ~~recipient of assistance as described in this~~
2 ~~subsection.~~ **medically indigent individual.**

3 **(b) A veteran, his or her attorney, or other authorized**
4 **representative if the medical record is necessary to support a**
5 **claim or an appeal under 38 USC 101 to 8528.**

6 (4) A medically indigent individual ~~that~~ **or a veteran who**
7 receives copies of medical records at no charge under subsection
8 (3) is limited to 1 set of copies per health care provider, health
9 facility, or medical records company. Any additional requests for
10 the same records from the same health care provider, health
11 facility, or medical records company ~~shall be~~ **is** subject to the fee
12 provisions under subsection (1).

13 (5) Notwithstanding subsection (1), a health care provider,
14 health facility, or medical records company shall not charge a
15 patient an initial fee for his or her medical record.

16 (6) Beginning ~~2 years after the effective date of this act,~~
17 **April 1, 2006,** the department of ~~community health~~ **and human**
18 **services** shall adjust on an annual basis the fees prescribed by
19 subsection (1) by an amount determined by the state treasurer to
20 reflect the cumulative annual percentage change in the Detroit
21 ~~consumer price index.~~ **Consumer Price Index.**

22 **(7) As used in this section, "veteran" means that term as**
23 **defined in section 1 of 1965 PA 190, MCL 35.61.**

