

FEB 17 2000

HUMAN RESOURCES

HOUSE FILE

2343

BY FOEGE

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to fees charged for release of an individual
2 patient's health record.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2343

1 Section 1. NEW SECTION. 147.25A INDIVIDUAL RECORD --
2 FEE.

3 1. For the purposes of this section, unless the context
4 otherwise requires, "health care provider" means a licensed or
5 certified professional who is subject to an examining board
6 and maintains a patient health record, a hospital licensed
7 under chapter 135B, a health care facility licensed under
8 chapter 135C, and a program or service regulated by the
9 department of public health, human services, or inspections
10 and appeals that maintains a patient health record.

11 2. A health care provider shall not charge a fee for a
12 copy of a patient health record in the provider's possession
13 that is requested by a patient or former patient or by an
14 attorney or other authorized representative of the patient or
15 former patient, for use in supporting an application for
16 workers' compensation or other disability benefits, for an
17 appeal relating to denial of workers' compensation or other
18 disability benefits, or for an appeal relating to denial of
19 benefits or assistance under any of the following:

- 20 a. Medical assistance under chapter 249A.
21 b. Title II of the federal Social Security Act.
22 c. Title XVI of the federal Social Security Act.
23 d. Title XVIII of the federal Social Security Act.

24 3. A health care provider may charge a fee for a copy of a
25 patient health record in the provider's possession that is
26 requested by a state or federal agency relating to a patient
27 or former patient's application for benefits or assistance
28 under subsection 2, paragraphs "a" through "d", or the
29 agency's appeal relating to denial of such benefits or
30 assistance.

31 4. A health care provider may charge a fee for a copy of a
32 patient health record in the provider's possession that is
33 requested by a patient or former patient or by an attorney or
34 other authorized representative of the patient or former
35 patient, for uses other than those specified in subsection 2.

1 5. The fee charged by a health care provider in accordance
2 with this section shall not exceed the maximum amount
3 established by the labor commissioner for payment to medical
4 providers for furnishing of duplicate medical records or
5 reports in association with workers' compensation cases.
6 However, a fee shall not be charged to any patient whose
7 annual income is less than one hundred percent of the federal
8 poverty level under the most recently revised guidelines
9 issued by the United States department of health and human
10 services.

11

EXPLANATION

12 This bill relates to fees charged for release of an
13 individual patient's health record.

14 New Code section 147.25A establishes the fee requirements
15 as part of the Code chapter of general provisions for health-
16 related professions. The bill applies to any health care
17 provider licensed or registered under that chapter who
18 maintains patient health records, hospitals, health care
19 facilities, and a program or service regulated by the
20 department of public health, human services, or inspections
21 and appeals that maintains a patient health record. The bill
22 prohibits a charge for a health record requested by a patient
23 or former patient or the attorney of the patient or former
24 patient who requests the record for use in supporting an
25 application or appeal for workers' compensation or other
26 disability benefits, or for appeals relating to denial of
27 benefits or other assistance under the medical assistance
28 program or various other programs under the federal Social
29 Security Act.

30 The bill sets a maximum fee for providing a patient health
31 record equal to the maximum amount established by the labor
32 commissioner for payment to medical providers for furnishing
33 of duplicate medical records or reports in association with
34 workers' compensation cases. However, a fee is not to be
35 charged to any patient whose annual income is less than 100

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1 percent of the federal poverty level under the most recently
2 revised guidelines issued by the United States department of
3 health and human services.

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