

IN THE SENATE

SENATE BILL NO. 1346

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO HEALTH; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW
2 CHAPTER 97, TITLE 39, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE THAT A
3 HEALTH CARE PROVIDER SHALL PROVIDE CERTAIN RECORDS UPON REQUEST, TO
4 PROVIDE MAXIMUM FEES FOR RECORDS REQUESTS, AND TO PROVIDE THAT A REQUEST
5 MUST BE FULFILLED WITHIN THIRTY DAYS; AND DECLARING AN EMERGENCY AND
6 PROVIDING AN EFFECTIVE DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 97, Title 39, Idaho Code, and to read as follows:

12 CHAPTER 97

13 MISCELLANEOUS PROVISIONS ON HEALTH

14 39-9701. COPIES OF MEDICAL RECORDS -- COSTS. (1) As used in this sec-
15 tion, "health care provider" means:

16 (a) A physician or other health care practitioner licensed, accred-
17 ited, or certified to perform health care services consistent with
18 state law, or any agent or third-party representative of such practi-
19 tioner; or

20 (b) A health care facility or its agent.

21 (2) Upon the request of a patient or a person authorized by the patient,
22 a health care provider shall provide medical records:

23 (a) In paper format and may charge up to:

24 (i) Fifty cents (50¢) per page for the first twenty-five (25)
25 pages and twenty cents (20¢) per page for each additional page;

26 (ii) The actual reproduction costs of x-rays or other medical
27 records that are difficult or expensive to duplicate; and

28 (iii) The actual cost of sending the records to the patient or the
29 person authorized by the patient; or

30 (b) In electronic format and may charge up to:

31 (i) A flat fee of fifteen dollars (\$15.00);

32 (ii) The actual cost of sending the records to the patient or the
33 person authorized by the patient; and

34 (iii) If the request is fulfilled within ten (10) days and the
35 records are provided in a format that may be immediately viewed or
36 downloaded, an additional fee of ten dollars (\$10.00).

37 (3) A request made under subsection (2) of this section shall be ful-
38 filled within thirty (30) days.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2022.