

IN THE SENATE

SENATE BILL NO. 1395, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO MEDICAL RECORDS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION  
2 OF A NEW CHAPTER 73, TITLE 39, IDAHO CODE, TO ESTABLISH PROVISIONS RE-  
3 GARDING THE COSTS FOR REQUESTING COPIES OF MEDICAL RECORDS, TO DEFINE A  
4 TERM, TO PROVIDE EXCEPTIONS, AND TO PROVIDE REQUIREMENTS FOR FULFILL-  
5 MENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
6

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

8 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended  
9 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
10 ter 73, Title 39, Idaho Code, and to read as follows:

11 CHAPTER 73

12 MISCELLANEOUS HEALTH PROVISIONS

13 39-7301. COPIES OF MEDICAL RECORDS -- COSTS. (1) As used in this sec-  
14 tion, "health care provider" means:

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

19 (b) A health care facility or third-party service. "A third-party ser-  
20 vice" means a service that has entered into a contract with a health care  
21 provider to provide patient records on behalf of a health care provider.

22 (2) Upon the request of a patient, patient's attorney, legal represen-  
23 tative, or third-party service authorized to receive records, a health care  
24 provider, health care facility, or third-party service shall provide medi-  
25 cal records and may charge reasonable fees pursuant to this section or other  
26 applicable law, whichever is less. Such reasonable fees shall not exceed  
27 those provided in this subsection.

28 (a) If medical records are provided in paper format, reasonable fees  
29 shall not exceed:

30 (i) A search fee of thirty dollars (\$30.00);

31 (ii) Sixty cents (60¢) per page for the first forty (40) pages and  
32 thirty-six cents (36¢) per page for each additional page;

33 (iii) The actual reproduction costs of x-rays or other medical  
34 records that are difficult or expensive to duplicate; and

35 (iv) The actual costs of postage to mail the records to the patient  
36 of the person authorized by the patient.

37 (b) If medical records are provided in electronic format, reasonable  
38 fees shall not exceed:

39 (i) A search fee of thirty dollars (\$30.00);

40 (ii) Thirty cents (30¢) per page for the first forty (40) pages and  
41 eighteen cents (18¢) per page for each additional page;

1 (iii) The actual reproduction costs of x-rays or other medical  
2 records that are difficult or expensive to duplicate;

3 (iv) The actual costs of postage to mail the records to the patient  
4 or the person authorized by the patient; and

5 (v) If the request is fulfilled within ten (10) days and the  
6 records are provided in a format that may be immediately viewed or  
7 downloaded, an additional fee of twenty dollars (\$20.00).

8 (c) The entire fee charged pursuant to paragraph (b) of this subsection  
9 shall not exceed one hundred seventy-five dollars (\$175) regardless of  
10 the number of pages provided or the original format of the original med-  
11 ical records.

12 (3) A health care provider, health care facility, or third-party ser-  
13 vice shall provide one (1) free copy of a patient's medical records, includ-  
14 ing mental health records, if requested by a patient, former patient, pa-  
15 tient's attorney, legal representative, or third-party service authorized  
16 to receive records, for a qualified claim or appeal for benefits under any  
17 provision of the social security act. For a subsequent copy of the patient's  
18 medical records in one (1) calendar year, provided that no additional medi-  
19 cal services have been rendered, a health care provider may charge the allow-  
20 able rate pursuant to subsection (2) of this section.

21 (4) Any request made pursuant to this section shall:

22 (a) Specify the format, either paper or electronic, in which the  
23 records are preferred to be received by the patient or the person autho-  
24 rized by the patient, provided that the records are not required to be  
25 provided in the preferred format if the records are not available in the  
26 preferred format;

27 (b) Be delivered in the electronic medium customarily used by the  
28 health care provider, the health care facility, or the health care  
29 provider's third-party service or in a universally readable image, such  
30 as portable document format, if the patient or the patient's attorney,  
31 legal representative, or a third-party service authorized to receive  
32 the records requests the record be delivered in an electronic medium;  
33 and

34 (c) Be fulfilled within thirty (30) days.

35 (5) A health care provider shall be exempt from the provisions of this  
36 section as long as the health care provider has less than fifty (50) em-  
37 ployees, is independently owned, is not associated with a hospital system  
38 or health care system, and does not contract with a third-party service to  
39 provide medical records.

40 (6) When a health care provider is governed by the standards for privacy  
41 of individually identifiable health information, the fees allowed shall be  
42 the lesser of those allowed pursuant to 45 CFR 164.524(c) (4) or the provi-  
43 sions of this section.

44 SECTION 2. An emergency existing therefor, which emergency is hereby  
45 declared to exist, this act shall be in full force and effect on and after  
46 July 1, 2024.