**South Carolina General Assembly**

120th Session, 2013-2014

**A294, R328, H4354**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Harrell, Cobb‑Hunter, G.M. Smith, Long, Douglas, Felder, R.L. Brown and Goldfinch

Document Path: l:\council\bills\ms\7335ab14.docx

Introduced in the House on January 14, 2014

Introduced in the Senate on April 15, 2014

Last Amended on June 19, 2014

Passed by the General Assembly on June 19, 2014

Governor's Action: June 23, 2014, Signed

Summary: Right of patients regarding medical records

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/3/2013 House Prefiled

 12/3/2013 House Referred to Committee on **Judiciary**

 12/4/2013 Scrivener's error corrected

 1/14/2014 House Introduced and read first time ([House Journal‑page 46](file:///H%3A%5CHJ%20Archive%5C2014%5C01-14-14.docx))

 1/14/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 46](file:///H%3A%5CHJ%20Archive%5C2014%5C01-14-14.docx))

 3/4/2014 House Member(s) request name added as sponsor: R.L.Brown, Goldfinch

 4/2/2014 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 106](file:///H%3A%5CHJ%20Archive%5C2014%5C04-02-14.docx))

 4/3/2014 Scrivener's error corrected

 4/10/2014 House Amended ([House Journal‑page 31](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/10/2014 House Read second time ([House Journal‑page 31](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/10/2014 House Roll call Yeas‑95 Nays‑0 ([House Journal‑page 35](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/10/2014 House Unanimous consent for third reading on next legislative day ([House Journal‑page 36](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/11/2014 House Read third time and sent to Senate ([House Journal‑page 2](file:///H%3A%5CHJ%20Archive%5C2014%5C04-11-14.docx))

 4/15/2014 Senate Introduced and read first time ([Senate Journal‑page 12](file:///H%3A%5CSJ%20Archive%5C2014%5C04-15-14.docx))

 4/15/2014 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 12](file:///H%3A%5CSJ%20Archive%5C2014%5C04-15-14.docx))

 5/20/2014 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 13](file:///H%3A%5CSJ%20Archive%5C2014%5C05-20-14.docx))

 5/21/2014 Scrivener's error corrected

 5/21/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 60](file:///H%3A%5CSJ%20Archive%5C2014%5C05-21-14.docx))

 5/22/2014 Scrivener's error corrected

 5/29/2014 Senate Amended ([Senate Journal‑page 54](file:///H%3A%5CSJ%20Archive%5C2014%5C05-29-14.docx))

 5/29/2014 Senate Read second time ([Senate Journal‑page 54](file:///H%3A%5CSJ%20Archive%5C2014%5C05-29-14.docx))

 5/29/2014 Senate Roll call Ayes‑38 Nays‑4 ([Senate Journal‑page 54](file:///H%3A%5CSJ%20Archive%5C2014%5C05-29-14.docx))

 6/3/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 24](file:///H%3A%5CSJ%20Archive%5C2014%5C06-03-14.docx))

 6/4/2014 House Non‑concurrence in Senate amendment ([House Journal‑page 26](file:///H%3A%5CHJ%20Archive%5C2014%5C06-04-14.docx))

 6/4/2014 House Roll call Yeas‑0 Nays‑104 ([House Journal‑page 26](file:///H%3A%5CHJ%20Archive%5C2014%5C06-04-14.docx))

 6/4/2014 Senate Senate insists upon amendment and conference committee appointed Cleary, Davis, Johnson ([Senate Journal‑page 13](file:///H%3A%5CSJ%20Archive%5C2014%5C06-04-14.docx))

 6/5/2014 House Conference committee appointed Horne, Cobb‑Hunter, Newton ([House Journal‑page 9](file:///H%3A%5CHJ%20Archive%5C2014%5C06-05-14.docx))

 6/16/2014 Scrivener's error corrected

 6/17/2014 House Free conference powers granted

 6/17/2014 House Free conference committee appointed Horne, Cobb‑Hunter, Newton

 6/17/2014 House Free conference report received and adopted

 6/17/2014 House Roll call Yeas‑100 Nays‑0

 6/19/2014 Senate Free conference powers granted ([Senate Journal‑page 24](file:///H%3A%5CSJ%20Archive%5C2014%5C06-19-14.docx))

 6/19/2014 Senate Free conference committee appointed Cleary, Davis, Johnson ([Senate Journal‑page 24](file:///H%3A%5CSJ%20Archive%5C2014%5C06-19-14.docx))

 6/19/2014 Senate Free conference report adopted ([Senate Journal‑page 25](file:///H%3A%5CSJ%20Archive%5C2014%5C06-19-14.docx))

 6/19/2014 Senate Roll call Ayes‑39 Nays‑2 ([Senate Journal‑page 25](file:///H%3A%5CSJ%20Archive%5C2014%5C06-19-14.docx))

 6/19/2014 House Ordered enrolled for ratification

 6/20/2014 Ratified R 328

 6/23/2014 Signed By Governor

 7/8/2014 Effective date 06/23/14

 7/9/2014 Act No. 294

**VERSIONS OF THIS BILL**

[12/3/2013](file:///p%3A%5Cpprever%5C2013-14%5C4354_20131203.docx)

[12/4/2013](file:///p%3A%5Cpprever%5C2013-14%5C4354_20131204.docx)

[4/2/2014](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140402.docx)

[4/3/2014](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140403.docx)

[4/10/2014](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140410.docx)

[5/20/2014](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140520.docx)

[5/21/2014](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140521.docx)

[5/21/2014-A](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140521A.docx)

[5/22/2014](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140522.docx)

[5/29/2014](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140529.docx)

[6/16/2014](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140616.docx)

[6/19/2014](file:///p%3A%5Cpprever%5C2013-14%5C4354_20140619.docx)

(A294, R328, H4354)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑115‑15 SO AS TO PROVIDE THAT FOR THE PURPOSES OF THE PHYSICIANS’ PATIENT RECORDS ACT, THE TERM “MEDICAL RECORDS” INCLUDES MEDICAL BILLS; TO AMEND SECTION 44‑7‑325, RELATING TO THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, AND SECTIONS 44‑115‑30 AND 44‑115‑80, BOTH RELATING TO THE PHYSICIANS’ PATIENT RECORDS ACT, ALL SO AS TO PROVIDE CIRCUMSTANCES IN WHICH ELECTRONIC RECORDS MUST BE PROVIDED, TO REVISE RELATED FEES, TO PERMIT FEES EVEN WHEN RECORDS REQUESTED BY A PATIENT ARE NOT FOUND, AND TO REQUIRE ANNUAL ADJUSTMENTS OF THESE FEES IN A CERTAIN MANNER.**

Be it enacted by the General Assembly of the State of South Carolina:

**Obligation of health care facilities, fees**

SECTION 1. Section 44‑7‑325 of the 1976 Code is amended to read:

 “Section 44‑7‑325. (A)(1) A health care facility, as defined in Section 44‑7‑130, and a health care provider licensed pursuant to Title 40 may charge a fee for the search and duplication of a medical record, whether in paper format or electronic format, but the fee may not exceed:

 (a) for records requested to be produced in an electronic format, the total charge to the requestor may not exceed one hundred fifty dollars per request regardless of the number of records produced or number of times the patient has been admitted to the health care facility. The charge, not to exceed one hundred fifty dollars, shall be calculated as follows: sixty‑five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty‑five dollars for searching and handling, which combined with the per page costs may not exceed a total of one hundred fifty dollars per request, and to which may be added actual postage and applicable sales tax;

 (b) for paper requests, sixty‑five cents per page for the first thirty printed pages and fifty cents per page for all other printed pages, plus a clerical fee not to exceed twenty‑five dollars for searching and handling, which combined with the per page print costs may not exceed two hundred dollars per admission to the health care facility, and to which may be added actual postage and applicable sales tax. The patient may have more than one admission on file when the record request is made. If multiple admissions exist, the print fee applies per admission, but only one clerical fee may be charged. Multiple emergency room records without an admission to the hospital are considered one admission;

 (c) notwithstanding whether the records are requested in print or electronic format, the search and handling fees in subitems (a) and (b) are permitted even though no medical record is found as a result of the search, except where the request is made by the patient; and

 (d) all of the fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI‑U), published by the U.S. Department of Labor. The Department of Health and Environmental Control is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.

 (2) Notwithstanding the provisions of subsection (A), no fee may be charged for records copied at the request of a health care provider or for records sent to a health care provider at the request of the patient for the purpose of continuing medical care.

 (3) The facility or provider may charge a patient or the patient’s representative no more than the actual cost of reproduction of an X‑ray. Actual cost means the cost of materials and supplies used to duplicate the X‑ray and the labor and overhead costs associated with the duplication.

 (B) Except for those requests for medical records pursuant to Section 42‑15‑95:

 (1) A health care facility shall comply with a request for copies of a medical record:

 (a) no later than forty‑five days after the patient has been discharged or forty‑five days after the request is received, whichever is later; and

 (b) in a printed format or in an electronic format if requested to be delivered in electronic format, but only if the record is stored in an electronic format at the time of the request and the health care facility has the ability to produce the medical record in an electronic format without incurring additional cost.

 (2) Nothing in this section may compel a health care facility to release a copy of a medical record prior to thirty days after discharge of the patient.”

**Rights of patient or representative, legal representative specified**

SECTION 2. Section 44‑115‑30 of the 1976 Code is amended to read:

 “Section 44‑115‑30. A patient or his legal representative has a right to receive a copy of his medical record, or have the record transferred to another physician, upon request, when accompanied by a written authorization from the patient or his legal representative to release the record. The patient or his legal representative is entitled to receive a copy of the record either in a printed format or an electronic format but only if the record is stored in an electronic format at the time of the request and the physician or other owner of the record has the ability to produce the medical record in an electronic format without incurring additional cost.”

**Obligations of physicians, health care providers, and other record owners, fees**

SECTION 3. Section 44‑115‑80 of the 1976 Code is amended to read:

 “Section 44‑115‑80. (A) A physician, or other owner of medical records as provided for in Section 44‑115‑130, may charge a fee for the search and duplication of a paper or electronic medical record, but the fee may not exceed:

 (1) Sixty‑five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty‑five dollars for searching and handling, which combined with the per page costs may not exceed one hundred fifty dollars per request, but to which may be added actual postage and applicable sales tax. The search and handling fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.

 (2) Sixty‑five cents per page for the first thirty printed pages and fifty cents per page for all other printed pages, plus a clerical fee not to exceed twenty‑five dollars for searching and handling, which combined with the per page print costs may not exceed two hundred dollars per request, and to which may be added actual postage and applicable sales tax. The search and handling fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.

 (3) All fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI‑U), published by the U.S. Department of Labor. The Department of Health and Environmental Control is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.

 (B) A physician, health care provider, or other owner of medical records must provide a patient’s medical records at no charge when the patient is referred by the physician, health care provider, or an employee, agent, or contractor of the owner of the record to another physician or health care provider for continuation of treatment for a specific condition or conditions.

 (C) The physician may charge a patient or the patient’s legal representative no more than the actual cost of reproduction of an X‑ray. Actual cost means the cost of materials and supplies used to duplicate the X‑ray and the labor and overhead costs associated with the duplication.”

**Scope of term**

SECTION 4. Chapter 115, Title 44 of the 1976 Code is amended by adding:

 “Section 44‑115‑15. For purposes of this chapter, ‘medical records’ includes the patient’s medical bills.”

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 20th day of June, 2014.

Approved the 23rd day of June, 2014.

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