

HOUSE BILL REPORT

SHB 2074

As Passed House:
February 13, 2014

Title: An act relating to fees for health records.

Brief Description: Concerning fees for health records.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Sawyer, Rodne, Jinkins, Pedersen, Kirby, Cody, Hansen and Hargrove).

Brief History:

Committee Activity:

Health Care & Wellness: 1/27/14, 2/3/14 [DPS].

Floor Activity:

Passed House: 2/13/14, 84-13.

Brief Summary of Substitute Bill

- Prohibits health care providers from charging a fee for responding to a request for documentation related to a patient's bills owed to the provider.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Clibborn, Green, Jinkins, Manweller, Moeller, Morrell, Tharinger and Van De Wege.

Minority Report: Do not pass. Signed by 4 members: Representatives Harris, Assistant Ranking Minority Member; DeBolt, G. Hunt and Ross.

Staff: Chris Blake (786-7392).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Uniform Health Care Information Act governs the disclosure of health care information by health care providers and their agents or employees in Washington. Health care providers may charge a reasonable fee for providing copies of health care records.

A "reasonable fee" is established in statute as 65 cents per page for the first 30 pages and 50 cents per page for any additional pages. A clerical fee of \$15 may also be charged for searching and handling. The amounts must be adjusted every two years according to changes in the Consumer Price Index, as determined by the Secretary of Health. The current adjusted rates, as adopted in rule by the Secretary of Health, are \$1.09 per page for the first 30 pages, 82 cents per page for all other pages, and a clerical fee of up to \$24.

Summary of Substitute Bill:

It is clarified that the only fees that a health care provider may charge for the reproduction of health care information and associated clerical activities are the charges established under the Uniform Health Care Information Act. Health care providers are prohibited from charging a fee for responding to a request for documentation related to a patient's bills owed to the provider and for furnishing payment for those bills.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The medical records fee statutes were created at a time when medical records were more concise. This statute was last amended in the days when people had to hand pick and copy records, and things have changed dramatically. Society has moved toward having fast and low-cost access to information, except in the case of medical records. Electronic medical records produce many pages for a patient's health record and the per-page basis for charging for records becomes expensive and prices people out of access to justice. This bill addresses a barrier to accessing information about what happened to a patient while they were unconscious during surgery. People who are concerned about the quality of care that they have received need to look at a complete medical record; costs to obtain records have soared since entities have transitioned to electronic medical records.

The state statute needs to come into compliance with the Health Information Technology for Economic and Clinical Health Act, which states that patients have a right to obtain their medical records and that fees shall not be more than the cost of responding to a records request. Washington is one of the most expensive states for obtaining one's own medical records. Insurers, local governments, and the Office of the Attorney General have to pay these same costs. Different hospitals charge very different rates for medical records.

(Opposed) The rate for paper records should be returned to current rates. This bill creates a lower rate for electronic requests. Electronic medical records are complex to reproduce

because of hospitals using multiple electronic records systems. Records must be reviewed for any legally required redactions. Because electronic records are harder to reproduce, there is no reason for a lower per page rate for electronic records. Delivering records in an electronic format is not always practical or the preference of the requestor. Electronic medical records are not produced by simply pushing a button. Washington rates are about average compared to other states. It is very difficult for a small clinic or individual practitioner to have to produce these records. To comply with a records request may require a health care provider to go to several different sources and review the records individually.

Persons Testifying: (In support) Representative Sawyer, prime sponsor; and Larry Shannon, Elizabeth Hanley, and Angela Macy-Cushman, Washington State Association for Justice.

(Opposed) Lisa Thatcher, Washington State Hospital Association; Sheila Green-Shook, Evergreen Hospital; Brian Whiteside, IOD Incorporated; and Carl Nelson, Washington State Medical Association.

Persons Signed In To Testify But Not Testifying: None.