

## 2003 SESSION

INTRODUCED

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### SENATE BILL NO. 799

Offered January 8, 2003

Prefiled January 6, 2003

*A BILL to amend and reenact § 54.1-2405 of the Code of Virginia, relating to transfer or copies of patient records upon the sale or relocation of a practice.*

Patron—Reynolds

Referred to Committee on Education and Health

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 54.1-2405 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-2405. Transfer of patient records in conjunction with sale or relocation of practice; notice required.

A. No person licensed, registered, or certified by one of the health regulatory boards under the Department shall transfer records pertaining to a current patient in conjunction with the sale or relocation of a professional practice until such person has first attempted to notify the patient of the pending transfer, by mail, at the patient's last known address, and by publishing prior notice in a newspaper of general circulation within the provider's practice area. The notice shall specify that, at the written request of the patient or an authorized representative, within a reasonable time period, the records or copies will be sent to any other like-regulated provider of the patient's choice ~~or destroyed or~~ provided to the patient pursuant to § 32.1-127.1:03. The notice shall also disclose the charges, if any, that will be billed by the practitioner for providing the patient copies of his records. Such charges shall not exceed the actual costs of retrieving and copying the documents.

B. The charges for copies of patient records authorized by § 8.01-413 shall only be authorized, pursuant to subsection D of § 8.01-413, for copies provided pursuant to requests made by an attorney, his client or any authorized insurer, in anticipation of litigation or in the course of litigation and such charges shall not be authorized for copies requested because of the sale or relocation of a practice or other reasons relating to a patient's seeking care from another practitioner.

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