

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 53

*An Act to amend and reenact § 54.1-2405 of the Code of Virginia, relating to copies of patient records when professional practice is closed, sold or relocated; notice; charges.*

[H 875]

Approved March 4, 2004

**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 closure, 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 *closure*, 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, *as specified in § 8.01-324*.

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, *within a reasonable time*, to any other like-regulated provider of the patient's choice or provided to the patient pursuant to § 32.1-127.1:03. The notice shall also disclose ~~the whether any charges, if any, that~~ will be billed by the ~~practitioner~~ provider for ~~providing~~ supplying the patient *or the provider chosen by the patient with the originals or copies of his the patient's records*. Such charges shall not exceed the actual costs of ~~retrieving and copying and mailing or delivering the documents records~~.

B. ~~The charges for retrieval, copying, and mailing medical records set forth in § 8.01-413 shall not apply to requests for medical records because of a sale or relocation of a professional practice. For the purposes of this section:~~

*"Current patient" means a patient who has had a patient encounter with the provider or his professional practice during the two-year period immediately preceding the date of the record transfer.*

*"Relocation of a professional practice" means the moving of a practice located in Virginia from the location at which the records are stored at the time of the notice to another practice site that is located more than 30 miles away or to another practice site that is located in another state or the District of Columbia.*