

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 875]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 54.1-2405 of the Code of Virginia is amended and reenacted as follows:**8 § 54.1-2405. Transfer of patient records in conjunction with closure, sale, or relocation of practice;
9 notice required.

10 A. No person licensed, registered, or certified by one of the health regulatory boards under the
11 Department shall transfer records pertaining to a current patient in conjunction with the *closure*, sale or
12 relocation of a professional practice until such person has first attempted to notify the patient of the
13 pending transfer, by mail, at the patient's last known address, and by publishing prior notice in a
14 newspaper of general circulation within the provider's practice area, *as specified in § 8.01-324*.

15 The notice shall specify that, at the written request of the patient or an authorized representative;
16 ~~within a reasonable time period~~, the records or copies will be sent, *within a reasonable time*, to any
17 other like-regulated provider of the patient's choice or provided to the patient pursuant to
18 § 32.1-127.1:03. The notice shall also disclose ~~the whether any charges; if any, that~~ will be billed by the
19 ~~practitioner provider for providing~~ supplying the patient *or the provider chosen by the patient with the*
20 *originals or copies of his the patient's records*. Such charges shall not exceed the actual costs of
21 ~~retrieving and copying and mailing or delivering the documents records~~.

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

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

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

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