

Department of Planning and Budget 2017 Fiscal Impact Statement

1. **Bill Number:** HB 1689

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Habeeb

3. **Committee:** Courts of Justice

4. **Title:** Requests for medical records or papers; fee limits; penalty for failure to provide.

5. **Summary:** Provides the requestor of medical records or papers has the option of specifying in which format the records or papers are to be produced. The bill allows a health care provider to produce such records or papers in paper or other hard copy format if the items are requested to be produced in electronic format, but the health care provider does not maintain such items in an electronic format or have the capability to produce items in an electronic format. The bill increases from 15 to 30 days the time allowed for health care providers to comply with a request received for records or papers. The bill imposes maximum charges for the production of requested medical records or papers, which vary depending on the format in which the records are produced. The bill sets a maximum total fee of \$150 for requests made on or after July 1, 2017, but before July 1, 2021, and \$160 for requests made on or after July 1, 2021. The bill directs a provider to comply with a subpoena duces tecum by returning the specified records or papers either on the return date on the subpoena, or five days after receipt of a certification sent by the issuing party, whichever is later. If a court finds that such records or papers are not produced (i) for a reason other than compliance with privacy requirements or (ii) due to an inability to retrieve or access such records or papers, the subpoenaing party shall be entitled to a rebuttable presumption that expenses and attorney fees related to the failure to produce such records shall be awarded by the court.

6. **Budget Amendment Necessary:** No.

7. **No Fiscal Impact.**

8. **Fiscal Implications:** This bill would not have a fiscal impact on the Commonwealth.

9. **Specific Agency or Political Subdivisions Affected:** None.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.