

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-2405 of the Code of Virginia, relating to health care providers;*
3 *transfer of patient records in conjunction with closure, sale, or relocation of practice; electronic*
4 *notice permitted.*

5 [H 555]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 54.1-2405 of the Code of Virginia is amended and reenacted as follows:**9 **§ 54.1-2405. Transfer of patient records in conjunction with closure, sale, or relocation of**
10 **practice; notice required.**11 A. No person licensed, registered, or certified by one of the health regulatory boards under the
12 Department shall transfer records pertaining to a current patient in conjunction with the closure, sale or
13 relocation of a professional practice until such person has first attempted to notify the patient of the
14 pending transfer, *either electronically or* by mail, at the patient's last known address, and by publishing
15 prior notice in a newspaper of general circulation within the provider's practice area, as specified in
16 § 8.01-324.17 The notice shall specify that, at the written request of the patient or an authorized representative, the
18 records or copies will be sent, within a reasonable time, to any other like-regulated provider of the
19 patient's choice or provided to the patient pursuant to § 32.1-127.1:03. The notice shall also disclose
20 whether any charges will be billed by the provider for supplying the patient or the provider chosen by
21 the patient with the originals or copies of the patient's records. Such charges shall not exceed the actual
22 costs of copying and mailing or delivering the records.

23 B. For the purposes of this section:

24 "Current patient" means a patient who has had a patient encounter with the provider or his
25 professional practice during the two-year period immediately preceding the date of the record transfer.26 "Relocation of a professional practice" means the moving of a practice located in Virginia from the
27 location at which the records are stored at the time of the notice to another practice site that is located
28 more than 30 miles away or to another practice site that is located in another state or the District of
29 Columbia.

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