



Senate Fiscal Agency  
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BILL ANALYSIS

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House Bill 4706 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative Barb Vander Veen

House Committee: Health Policy

Senate Committee: Health Policy

### **CONTENT**

The bill would create the "Medical Records Access Act" to regulate a patient's access to his or her medical records.

The bill specifies that, except as otherwise provided by law or regulation, a patient or his or her authorized representative would have the right to obtain his or her medical record. A health care provider or health facility would have to take the one of the following actions upon receiving a request from a patient or authorized representative to examine or obtain a copy of the patient's medical records:

- Make the record available or provide a copy.
- Transmit the request to or retrieve the record from the person or medical records company with which the agency or facility contracted to maintain its records.
- Provide the name and address, if known, of the provider or facility that maintained the records.
- If the provider, facility, or medical records company determined that disclosure of the requested record was likely to have an adverse effect on the patient, provide a clear statement supporting that determination and give the record to another provider, facility, or legal counsel designated by the patient or authorized representative.

The provider, facility, or medical records company would have to act within 30 days after receiving the request or, if the record were not maintained or accessible on-site, within 60 days after receiving the request. A provider or facility would be prohibited from inquiring as to the purpose of the request.

The bill would establish the maximum fees that a provider, facility, or records company could charge for copies of medical records. The Department of Community Health would have to adjust the fees annually to reflect the cumulative annual percentage change in the Detroit Consumer Price Index, beginning two years after the bill's effective date. A provider, facility, or records company would have to waive fees for a medically indigent individual.

The proposed Act would not apply to copies of medical records provided to third party payers, insurers, or self-funded plans.

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 3-4-04

Fiscal Analyst: Dana Patterson