

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS65131-LNf-189 (3/12)

Short Title: Increase Fee/Medical Records Copying. (Public)

Sponsors: Senator Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MINIMUM FEE FOR COPYING AND SEARCHING
MEDICAL RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-411 reads as rewritten:

"§ 90-411. Record copy fee.

A health care provider or its third-party copy services provider may charge a reasonable fee to cover the costs incurred in searching, handling, ~~copying, and mailing~~ medical records to the patient or ~~and copying medical records to the patient's designated~~ representative. The ~~maximum~~ fee for each request shall be ~~seventy five cents (75¢)~~ ninety cents (90¢) per page for the first 25 pages, ~~fifty cents (50¢)~~ seventy-five cents (75¢) per page for pages 26 through 100, and twenty-five cents (25¢) for each page in excess of 100 pages, provided that the health care provider or third-party copy services provider may impose a minimum fee of up to ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00), inclusive of copying costs. The fee for each request produced for records stored on microfilm, microfiche, or electronic media shall be one dollar (\$1.00) per page for the first 25 pages, ninety cents (90¢) per page for pages 26-100, and fifty cents (50¢) for each page in excess of 100 pages, provided that the health care provider or third-party copy services provider may impose a minimum fee of up to twenty-five dollars (\$25.00), inclusive of copying costs.

Not later than the first day of January of each year, beginning January 1, 2008, any amounts permitted to be charged under this section shall be increased or decreased by the average percentage of increase or decrease in the Consumer Price Index for all urban consumers (United States City Average, All Items), prepared by the United States Department of Labor, Bureau of Labor Statistics (Bureau), for the 12-calendar-month period prior to the immediately preceding first day of January over the immediately preceding 12-calendar-month period, as reported by the Bureau. The Department of

1 Health and Human Services shall make this determination, adjust the amounts
2 accordingly, and post them on its Web site no later than January 1 of each year
3 beginning in 2008.

4 If requested by the patient or the patient's designated representative, nothing herein
5 shall limit a reasonable professional fee charged by a physician for the review and
6 preparation of a narrative summary of the patient's medical record. This section shall
7 ~~only~~ apply with respect to liability claims for personal injury, ~~and~~ claims for social
8 security disability, subpoenas, and requests by attorneys and insurers for medical
9 records to be used for any purpose, except that charges for medical records and reports
10 related to claims under Article 1 of Chapter 97 of the General Statutes shall be governed
11 by the fees established by the North Carolina Industrial Commission pursuant to
12 G.S. 97-26.1. Actual postage may be charged in each instance. This section shall not
13 apply to requests made by the Department of Health and Human Services Disability
14 Determination Services requests for copies of medical records made on behalf of an
15 applicant for Social Security or Supplemental Security Income disability."

16 **SECTION 2.** G.S. 44-49 reads as rewritten:

17 "**§ 44-49. Lien created; applicable to persons non sui juris.**

18 (a) From and after March 26, 1935, there is hereby created a lien upon any sums
19 recovered as damages for personal injury in any civil action in this State. This lien is in
20 favor of any person, corporation, State entity, municipal corporation or county to whom
21 the person so recovering, or the person in whose behalf the recovery has been made,
22 may be indebted for any drugs, medical supplies, ambulance services, services rendered
23 by any physician, dentist, nurse, or hospital, or hospital attention or services rendered in
24 connection with the injury in compensation for which the damages have been recovered.
25 Where damages are recovered for and in behalf of minors or persons non compos
26 mentis, the liens shall attach to the sum recovered as fully as if the person were sui juris.

27 (b) Notwithstanding subsection (a) of this section, no lien provided for under
28 subsection (a) of this section is valid with respect to any claims whatsoever unless the
29 physician, dentist, nurse, hospital, corporation, or other person entitled to the lien
30 furnishes, without charge to the attorney as a condition precedent to the creation of the
31 lien, upon request to the attorney representing the person in whose behalf the claim for
32 personal injury is made, an itemized ~~statement, hospital record, or medical~~
33 ~~report~~ statement for the use of the attorney in the negotiation, settlement, or trial of the
34 claim arising by reason of the personal injury, and a written notice to the attorney of the
35 lien claimed. The attorney may receive medical records and reports, with proper patient
36 authorization, for a charge as outlined in G.S. 90-411.

37 (c) No action shall lie against any clerk of court or any surety on any clerk's bond
38 to recover any claims based upon any lien or liens created under subsection (a) of this
39 section when recovery has been had by the person injured, and no claims against the
40 recovery were filed with the clerk by any person or corporation, and the clerk has
41 otherwise disbursed according to law the money recovered in the action for personal
42 injuries."

43 **SECTION 3.** This act becomes effective October 1, 2007.