

Senate Bill 30

By: Senators Ray of the 48th, Kemp of the 3rd and Tanksley of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-33-3 of the Official Code of Georgia Annotated, relating to costs
2 of copying and mailing health records, so as to change provisions relating to furnishing
3 copies of records; to change provisions relating to costs of copies; to provide for related
4 matters; to provide for severability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 31-33-3 of the Official Code of Georgia Annotated, relating to costs of copying
8 and mailing health records, is amended by striking the Code section in its entirety and
9 inserting in lieu thereof the following:

10 "31-33-3.

11 (a) The party requesting the patient's records shall be responsible to the provider for the
12 ~~reasonable~~ costs of copying and mailing the patient's record. A charge of up to \$20.00
13 may be collected for search, retrieval, and other direct administrative costs related to
14 compliance with the request under this chapter. A fee for certifying the medical records
15 may also be charged not to exceed \$5.00 for each record certified. The actual cost of
16 postage incurred in mailing the requested records may also be charged. In addition,
17 copying costs for records which are in paper form shall not exceed \$.75 per page for the
18 first 20 pages of the patient's records which are copied; \$.65 per page for pages 21 through
19 100; and \$.50 for each page copied in excess of 100 pages. All of the fees allowed by this
20 Code section may be adjusted annually in accordance with the medical component of the
21 consumer price index. The Governor's Office of Planning and Budget shall be responsible
22 for calculating this annual adjustment, which will become effective on July 1 of each year.
23 To the extent the request for medical records includes portions of records which are not in
24 paper form, including but not limited to radiology films, models, or fetal monitoring strips,
25 the provider shall be entitled to recover the full reasonable cost of such reproduction.
26 Payment of such costs may be required by the provider prior to the records being furnished.

1 This subsection shall not apply to records requested in order to make or complete an
2 application for a disability benefits program.

3 (b) The rights granted to a patient or other person under this chapter are in addition to any
4 other rights a such patient or persons may have relating to access to ~~his~~ a patient's records;
5 however, nothing in this chapter shall be construed as granting to a patient or person any
6 right of ownership in the records, as such records are owned by and are the property of the
7 provider."

8 **SECTION 2.**

9 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
10 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
11 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
12 force and effect as if the section, subsection, sentence, clause, or phrase so declared or
13 adjudged invalid or unconstitutional were not originally a part hereof. The General
14 Assembly declares that it would have passed the remaining parts of this Act if it had known
15 that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

16 **SECTION 3.**

17 All laws and parts of laws in conflict with this Act are repealed.