

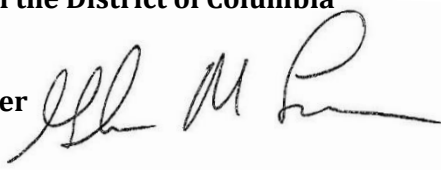
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: November 15, 2022

SUBJECT: Fiscal Impact Statement – Personal Medical Record Fee Amendment Act of 2022

REFERENCE: Bill 24-133, Draft Committee Print as provided to the Office of Revenue Analysis on November 10, 2022

Conclusion

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

Background

The bill limits¹ fees health care entities may charge for copies of personal medical records when the records are requested by persons authorized or designated to receive information by a patient or client. Personal medical records include medical bills and records with individually identifiable health information. Health care entities are limited to charging:

- For electronic formats:
 - a search and handling fee of \$22.88;
 - a per page fee not exceeding \$0.66 cents per page; and
 - a maximum of \$86.54 per request.
- For non-electronic formats:
 - a search and handling fee of \$22.88;
 - a per page fee not exceeding \$0.88 cents; and
 - the actual cost for postage and handling of the personal medical record.

¹ By amending The District of Columbia Health Occupations Revision Act of 1985, March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 et seq.).

The Honorable Phil Mendelson

FIS: Bill 24-133, "Personal Medical Record Fee Amendment Act of 2022," Draft Committee Print as provided to the Office of Revenue Analysis on November 10, 2022

Medical record fees and fines must be adjusted for inflation on an annual basis starting on January 1, 2024, using growth in the Consumer Price Index (CPI) for the District as calculated by the United States Department of Labor, Bureau of Labor Statistics. The Department of Health (DC Health) must calculate the CPI adjustments and publish the adjusted fee amounts on the Department's website no later than February 1 of each year.

The bill requires health care entities to transmit, within 30 days from the date of a request, a complete and current copy of personal medical records to authorized persons. If the records cannot be produced within 30 days, health care entities must issue a written statement on the reason for delay and provide an updated delivery date. If a health care entity is unable to provide medical records within 60-days of a request, the entity must pay a fine of \$15.00 per each day of non-compliance to the requester. No fine will be assessed when a health care entity has a legal basis for withholding a personal medical record. The fine cannot exceed the amount charged by entities to produce the request.

The bill also extends how long medical records must be maintained. Records must be maintained for a minimum of five years from the date of last contact for an adult and in the case of a minor, at least until they are 23 years of age.

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The fees and fines required in the bill are applicable to private transactions. No additional resources are required to set maximum fees for producing medical records to persons authorized or designated to receive information by a patient or client. DC Health can update the fee and fine amounts using CPI on an annual basis with current resources.