

§1711. Patient access to hospital medical records

If a patient of an institution licensed as a hospital by the State, after discharge from such institution, makes written request for copies of the patient's medical records, the copies must, if available, be made available to the patient in accordance with the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a hospital not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time unless, in the opinion of the hospital, it would be detrimental to the health of the patient to obtain the records. If the hospital is of the opinion that release of the records to the patient would be detrimental to the health of the patient, the hospital shall advise the patient that copies of the records will be made available to the patient's authorized representative upon presentation of a proper authorization signed by the patient. The hospital may exclude from the copies of medical records released any information related to a clinical trial sponsored, authorized or regulated by the federal Food and Drug Administration. [PL 2019, c. 503, Pt. F, §1 (AMD).]

If an authorized representative for a patient requests, in writing, that a hospital provide the authorized representative with a copy of the patient's medical records and presents a proper authorization from the patient for the release of the information, copies must be provided to the authorized representative in accordance with the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) or for a hospital not subject to the requirements of 45 Code of Federal Regulations, Section 164.524 (2019) within a reasonable time. [PL 2019, c. 503, Pt. F, §1 (AMD).]

A written request or authorization for release of medical records under this section satisfies the requirements of section 1711-C, subsection 3. [PL 1997, c. 793, Pt. A, §1 (NEW); PL 1997, c. 793, Pt. A, §10 (AFF).]

A patient or, if the patient is a minor who has not consented to health care treatment in accordance with the laws of this State, the minor's parent, legal guardian or guardian ad litem may submit to a hospital health care information that corrects or clarifies the patient's treatment record, which must be retained with the medical record by the hospital. If the hospital adds to the medical record a statement in response to the submitted correction or clarification, the hospital shall provide a copy to the patient or, if the patient is a minor who has not consented to health care treatment in accordance with the laws of this State, the minor's parent, legal guardian or guardian ad litem. [PL 1999, c. 512, Pt. A, §1 (AMD); PL 1999, c. 512, Pt. A, §7 (AFF); PL 1999, c. 790, Pt. A, §§58, 60 (AFF).]

Reasonable costs incurred by the hospital in making and providing paper copies of medical records and additions to medical records may be assessed as charges to the requesting person and the hospital may require payment prior to responding to the request. The charge for paper copies of records may not exceed \$5 for the first page and 45¢ for each additional page, up to a maximum of \$250 for the entire medical record. [PL 2013, c. 158, §1 (AMD).]

If a medical record exists in a digital or electronic format, the hospital shall provide an electronic copy of the medical record if an electronic copy is requested and it is reasonably possible to provide it. The hospital may assess as charges reasonable actual costs of staff time to create or copy the medical record and the costs of necessary supplies and postage. Actual costs may not include a retrieval fee or the costs of new technology, maintenance of the electronic record system, data access or storage infrastructure. Charges assessed under this paragraph may not exceed \$150. [PL 2013, c. 158, §2 (NEW).]

Release of a patient's medical records to a person other than the patient or, if the patient is a minor who has not consented to health care treatment in accordance with the laws of this State, the minor's parent, legal guardian or guardian ad litem is governed by section 1711-C. [PL 1999, c. 512, Pt. A, §2 (AMD); PL 1999, c. 512, Pt. A, §7 (AFF); PL 1999, c. 790, Pt. A, §§58, 60 (AFF).]

SECTION HISTORY

PL 1977, c. 122 (NEW). PL 1997, c. 793, Pt. A, §1 (AMD). PL 1997, c. 793, Pt. A, §10 (AFF). PL 1999, c. 3, §§3, 5 (AFF). PL 1999, c. 512, Pt. A, §§1, 2 (AMD). PL 1999, c. 512, Pt. A, §6 (AFF). PL 1999, c. 790, Pt. A, §§58, 60 (AFF). PL 2003, c. 418, §1 (AMD). PL 2013, c. 32, §1 (AMD). PL 2013, c. 158, §§1, 2 (AMD). PL 2019, c. 503, Pt. F, §1 (AMD).

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