

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY
HOUSE OF DELEGATES

Resolution 28-18

INTRODUCED BY: Montgomery County Medical Society

SUBJECT: EMR Access Fees After Practice Closure or Physician Retirement or Death

1 Whereas, physicians who close their practice or retire, or the estate of a physician who is deceased, are
2 required to notify patients of their ability to access copies of their paper or electronic medical records; and
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4 Whereas, many patients take advantage of this opportunity to get a copy of their pertinent medical record, or
5 have the record sent to a new physician assuming their care; and
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7 Whereas, EMR systems are costly to implement and maintain costing as much as \$70,000.00 per physician
8 to initiate and often charge monthly and/or maintenance fees; and
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10 Whereas, EMR companies have been known to charge physicians who have ceased to use the particular
11 EMR system due to closure and/or retirement or death as much as \$700.00 for each instance the EMR
12 company has to “open” the EMR files to access patient information when requested by a patient; and
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14 Whereas, Maryland has a law that dictates appropriate fees for accessing a medical record in a digital or
15 paper formatⁱ; therefore be it
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17 Resolved, that MedChi initiate development of legislation and/or regulation which would limit the fees that
18 EMR companies can charge to a physician who has ceased to use the EMR for his/her practice due to
19 closure, retirement or his/her estate to the current fees that are charged under Maryland law as if the
20 physician was still using the EMR and provided those records to a provider or a person other than the patient
21 or the patient’s personal representative.
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24 At its meeting on September 22, 2018, the House of Delegates referred Resolution 28-18 to the Board of
25 Trustees.
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ⁱCurrent Maryland Law

Medical Records Copying Fee as of January 2018

Certain provisions of Maryland law that went into effect on October 1, 2016 address medical records in an electronic format. House Bill 724 (Chapter 724 of 2016) to learn about medical records used or maintained in an electronic format and requested in an electronic format. Under Health-General Article, §4-304, Annotated Code of Maryland, health care providers are permitted to charge patients (or the patient’s authorized representative) a fee for copying medical records. The fee for copying records in electronic format is 75% of the per-page fee (see below) and may not exceed \$81.63, as well as the actual cost of postage and handling. Health care providers may charge a preparation fee of \$22.88, if the records are sent to a provider or a person other than the patient or the patient’s personal representative. Federal HIPAA regulations do not allow a charge for a preparation fee for records provided directly to the patient.

The fee for copying paper records is not to exceed .83 cents for each page of the medical record and the actual cost of postage and handling. Health care providers may charge a preparation fee of \$22.88, if the records are sent to another provider or a person other than the patient or the patient’s personal representative. Federal HIPAA regulations do not allow a charge for a preparation fee for records provided directly to the patient.