

1 **H. B. 2457**

2  
3 (By Delegates Marcum, R. Phillips, Ferro, Diserio,  
4 Eldridge, Manchin, Skaff, Fleischauer, Marshall,  
5 Tomblin and Barill)  
6

7 [Introduced February 14, 2013; referred to the  
8 Committee on Health and Human Resources then the  
9 Judiciary.]

10 A BILL to amend and reenact §16-29-2 of the Code of West Virginia,  
11 1931, as amended, relating to health care records; requiring  
12 health care providers to furnish records to patients at no  
13 cost; and limiting the request for free records to once a  
14 year.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §16-29-2 of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 29. HEALTH CARE RECORDS.**

19 **§16-29-2. Reasonable expenses to be reimbursed.**

20 (a) The provider shall be reimbursed by the person requesting  
21 in writing a copy of the records at the time of delivery for all  
22 reasonable expenses incurred in complying with this article:  
23 *Provided,* That the cost may not exceed \$0.75 per page for the  
24 copying of any record or records which have already been reduced to  
25 written form and a search fee may not exceed \$10.

1 (b) Notwithstanding the provisions of subsection (a) of this  
2 section, a provider shall not impose a charge on an indigent person  
3 or his or her authorized representative if the medical records are  
4 necessary for the purpose of supporting a claim or appeal under any  
5 provisions of the Social Security Act, 42 U.S.C. §301 et seq.

6 (c) For purposes of this section, a person is considered  
7 indigent if he or she:

8 (1) Is represented by an organization or affiliated pro bono  
9 program that provides legal assistance to indigents; or

10 (2) Verifies on a medical records request and release form  
11 that the records are requested for purposes of supporting a social  
12 security claim or appeal and submits with the release form  
13 reasonable proof that the person is financially unable to pay full  
14 copying charges by reason of unemployment, disability, income below  
15 the federal poverty level, or receipt of state or federal income  
16 assistance.

17 (d) Any person requesting free copies of written medical  
18 records pursuant to the provisions of subsection (b) of this  
19 section is limited to one set of copies per provider. Any  
20 additional requests for the same records from the same provider  
21 shall be subject to the fee provisions of subsection (a).

22 (e) Notwithstanding the provisions of this section to the  
23 contrary, any person may receive free copies of written medical  
24 records not to exceed once a year for such a request.

NOTE: The purpose of this bill is to require health care providers to furnish records to patients at no cost, limiting the request for free records to once a year.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.