

HOUSE BILL 495

By Baum

AN ACT to amend Tennessee Code Annotated, Title 63
and Title 68, relative to medical records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-304(a)(2)(A), is amended by deleting the subdivision and substituting:

(2)

(A) For records other than those involving workers' compensation cases:

(i) The party requesting the patient's medical records in paper format is responsible to the provider or the provider's third-party release of information provider for the reasonable costs of copying and mailing the patient's records. Such reasonable costs must not exceed:

(a) Twenty-five dollars (\$25.00) for paper copies of medical records five (5) pages or less in length;

(b) Fifty cents (50¢) per page for each page copied after the first five (5) pages;

(c) Twenty dollars (\$20.00) per printed film for producing radiology images in hard copy; and

(d) The actual cost of mailing;

(ii) If a party described in subdivision (a)(2)(A)(i) requests certification or notarization, then a certification or notary fee must be charged as a flat fee of twenty dollars (\$20.00);

(iii) The party requesting the patient's records in electronic format is responsible to the provider or the provider's third-party release of information provider for the following fees:

(a) The reasonable fees for fulfilling a patient's request for the patient's own records are governed by the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (42 U.S.C. § 1320d et seq.), and the Health Information Technology for Economic and Clinical Health (HITECH) Act (42 U.S.C. § 201 et seq.), and those acts implementing regulations, which must not exceed the cost of the following:

(1) Labor for copying the protected health information requested by the individual;

(2) Supplies for creating the paper copy, or electronic media if the individual requests that the electronic copy be provided on portable media; and

(3) Postage, when the individual has requested the copy, summary, or explanation be mailed; and

(b) For all other requesters, the total fees for electronic medical records provided via portable media, electronic mail, or medical record portal, must comply with the following:

(1) The total charges must be no more than five dollars (\$5.00) for records ten (10) pages or less in length;

(2) The total charges must be no more than twenty-five cents (25¢) per page for each page after the first ten (10) pages, up to twenty-five dollars (\$25.00);

(3) The mailing costs and applicable taxes, if any, must be the actual mailing costs and applicable taxes;

(4) The fee for producing electronic copies of radiology images must be no more than twenty-five dollars (\$25.00) per request for CD, DVD, or USB, or fifteen dollars (\$15.00) per request for electronic files emailed or sent via medical record portal;

(5) If certification or notarization is requested, then a certification or notary fee must be charged as a flat fee of twenty dollars (\$20.00);

(6) Charges for copying paper records or faxing paper records are subject to the limits set in subdivisions (a)(2)(A)(i); and

(7) The fees charged for reproducing records of patients involved in a claim or appeal of denial for social security disability benefits must be a flat fee of twenty dollars (\$20.00), only when the records are produced electronically;

(iv) Upon request, a person providing records pursuant to this section shall provide the records in electronic form unless the records are not kept in electronic form in the usual course of business;

(v) A third-party release of information provider of record copying and related services is subject to the fee limits contained in this section and shall not impose a charge or fee for such service in excess of such fee limits; and

(vi) The fees charged for reproducing records of patients involved in a workers' compensation claim are as specified in § 50-6-204.

SECTION 2. Tennessee Code Annotated, Section 68-11-304(d), is amended by deleting the subsection.

SECTION 3. This act takes effect July 1, 2025, the public welfare requiring it.