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**TITLE 760 DEPARTMENT OF INSURANCE**

**Proposed Rule**  
LSA Document #05-26

**DIGEST**

Adds 760 IAC 1-71 regarding the costs that can be charged for providing copies of medical records. Effective 30 days after filing with the secretary of state.

**760 IAC 1-71**

SECTION 1. 760 IAC 1-71 IS ADDED TO READ AS FOLLOWS:

**Rule 71. Copies of Medical Records**

**760 IAC 1-71-1 Applicability and scope**

**Authority:** IC 16-39-9-4

**Affected:** IC 16-39

**Sec. 1. This rule applies to all providers and medical records companies.** (*Department of Insurance; 760 IAC 1-71-1*)

**760 IAC 1-71-2 Definitions**

**Authority:** IC 16-39-9-4

**Affected:** IC 16-18-2-295; IC 16-39

**Sec. 2. The following definitions apply throughout this rule:**

(1) "Medical records company" means a company that contracts with providers to make copies of patient medical records.

(2) "Personal representative" means a person who:

(A) holds a health care power of attorney; or

(B) otherwise has the authority to make health care decisions;

on behalf of a patient.

(3) "Provider" has the meaning set forth in IC 16-18-2-295.

(*Department of Insurance; 760 IAC 1-71-2*)

**760 IAC 1-71-3 General requirements**

**Authority:** IC 27-15-13-2

**Affected:** IC 27-15-13

**Sec. 3. (a) A provider or medical records company that receives a request from a patient or a patient's personal representative for a copy of a patient's medical record shall charge not more than the following:**

(1) One dollar (\$1) per page for the first ten (10) pages.

(2) Fifty cents (\$0.50) per page for pages eleven (11) through fifty (50).

(3) Twenty-five cents (\$0.25) per page for pages fifty-one (51) and higher.

(4) The actual costs of mailing the copy.

**(b) A provider or medical records company that receives a request for a copy of a patient's medical record from a person other than a patient or the patient's personal representative shall charge no more than the following:**

(1) The per page copying and mailing fees set forth in subsection (a).

(2) A labor fee in the amount of twenty dollars (\$20).

The provider or the medical records company may collect an additional ten dollars (\$10) if the request is for copies to be

provided within two (2) working days. (*Department of Insurance; 760 IAC 1-71-3*)

**760 IAC 1-71-4 Waiver of charges**

**Authority: IC 16-39-9-4**

**Affected: IC 16-39**

**Sec. 4. A provider or a medical records company shall consider waiving or reducing the charges for copies of a patient's medical record under the following situations:**

**(1) A request from a provider to whom the patient was referred for treatment or from whom the patient is seeking a second opinion.**

**(2) The patient requested the records for his or her own use, and the charges will cause an undue financial hardship upon the patient.**

*(Department of Insurance; 760 IAC 1-71-4)*

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on May 26, 2005 at 11:00 a.m., at the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana the Department of Insurance will hold a public hearing on a proposed new rule regarding the costs that may be charged for copying medical records. Copies are available on the Department of Insurance's Web site at [www.state.in.us/idoi](http://www.state.in.us/idoi). Copies of these rules are now on file at the Department of Insurance, 311 West Washington Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Jim Atterholt  
Commissioner  
Department of Insurance