

By: Representative Sanford

To: Judiciary A

HOUSE BILL NO. 245

1 AN ACT TO AMEND SECTION 11-1-52, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT HEALTH CARE PROVIDERS AND FACILITIES SHALL COMPLY
 3 WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY
 4 ACT (HIPAA) IN CHARGING FEES FOR PROVIDING AN INDIVIDUAL'S
 5 PROTECTED HEALTH INFORMATION TO THE INDIVIDUAL; TO PROVIDE THAT
 6 HEALTH CARE PROVIDERS AND FACILITIES SHALL BE SUBJECT TO THE FEE
 7 SCHEDULE IN THIS SECTION IN CHARGING FEES FOR PHOTOCOPYING AND
 8 PROVIDING AN INDIVIDUAL'S PROTECTED HEALTH INFORMATION TO A THIRD
 9 PARTY; TO SET THE MAXIMUM AMOUNTS OF FEES THAT HEALTH CARE
 10 PROVIDERS AND FACILITIES MAY CHARGE FOR SENDING AN INDIVIDUAL'S
 11 PROTECTED HEALTH INFORMATION ELECTRONICALLY TO OR REPRODUCING THE
 12 INFORMATION IN ELECTRONIC FORMAT FOR A THIRD PARTY; AND FOR
 13 RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** Section 11-1-52, Mississippi Code of 1972, is
 16 amended as follows:

17 11-1-52. (1) In charging fees for providing to an
 18 individual his or her protected health information as requested by
 19 the individual or his or her personal representative, a covered
 20 entity shall comply with the federal Health Insurance Portability
 21 and Accountability Act of 1996 (HIPAA), as amended, and its
 22 implementing regulations.



23 (2) In charging fees for providing an individual's protected
24 health information to a third party at the direction of the
25 individual or his or her personal representative, or for providing
26 an individual's protected health information to a third party that
27 has been authorized to access the individual's protected health
28 information by a HIPAA authorization form signed by the individual
29 or his or her authorized representative:

30 (a) * * * A medical provider or hospital or nursing
31 home or other medical facility shall charge no more than the
32 following amounts to * * * individuals or their personal
33 representatives for photocopying any * * * protected health
34 information of the individual:

35 (i) Twenty Dollars (\$20.00) for pages one (1)
36 through twenty (20); One Dollar (\$1.00) per page for the next
37 eighty (80) pages; Fifty Cents (50¢) per page for all pages
38 thereafter.

39 (ii) Ten percent (10%) of the total charge may be
40 added for postage and handling.

41 (iii) Fifteen Dollars (\$15.00) may be recovered by
42 the medical provider or hospital or nursing home or other medical
43 facility for retrieving medical records in archives at a location
44 off the premises where the facility/office is located.

45 (b) A medical provider or hospital or nursing home or
46 other medical facility shall charge no more than the following
47 amounts to individuals or their personal representatives for



48 providing electronic records of any protected health information
49 of the individual to third parties as described in subsection (2)
50 of this section:

51 (i) If the individual's protected health
52 information is maintained electronically by or on behalf of the
53 provider or facility and the individual or his or her
54 representative requests the information to be sent electronically
55 to or reproduced in electronic format for a third party, Thirty
56 Dollars (\$30.00) regardless of the number of pages, plus the
57 actual cost of any supplies needed to reproduce the information in
58 portable electronic media (e.g. a CD or USB drive), and the actual
59 cost of any postage if the portable electronic media is mailed.

60 (ii) If the individual's protected health
61 information is not maintained electronically by or on behalf of
62 the provider or facility and the individual or his or her
63 representative requests the information to be sent electronically
64 to or reproduced in electronic format for a third party, the
65 actual cost of the provider or facility for time and labor in
66 converting the information to electronic format but not exceeding
67 Twenty-five Cents (25¢) per page, plus the actual cost of any
68 supplies needed to reproduce the information in portable
69 electronic media (e.g. a CD or USB drive), and the actual cost of
70 any postage if the portable electronic media is mailed.



71 (* * *3) A physician shall only charge normal, reasonable
72 and customary charges for a deposition related to a patient that
73 the physician is treating or has treated.

74 (* * *4) Any medical provider, hospital, nursing home or
75 other medical facility shall charge no more than Twenty-five
76 Dollars (\$25.00) for executing a medical record affidavit, when
77 the affidavit is requested by the patient or the patient's
78 representative.

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80 **SECTION 2.** This act shall take effect and be in force from
81 and after July 1, 2023.

