

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3656

STATE OF NEW JERSEY

DATED: JUNE 14, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3656.

This bill amends the current law concerning the fees that may be charged for copies of medical and billing records. A summary of the amendments to the law pertaining to health care facilities and the amendments to the law pertaining to health care professionals is outlined below.

Health Care Facilities

The bill provides that a current prohibition against a hospital charging a fee to provide an electronic or paper reproduction of a billing record to certain parties will apply to requests by a patient or a patient's legally authorized representative for the record, but will not apply to requests by authorized third parties, which are entities authorized to access the record but are not actually representing the patient. For a request by an authorized third party, the fee for reproducing medical and billing records that are not stored on microfilm or microfiche is to be no more than \$1 per page, and the fee for reproducing records stored on microfilm or microfiche is to be \$1.50 per image.

The bill revises the authorized search fee for patient records from no more than \$10 per request to no more than \$20 per request. As is provided under current law, no search fee may be charged to a patient who is requesting the patient's own record.

Current law provides that the total fees charged for a record may not exceed \$50; the bill clarifies that this cap only applies to records requested by a patient or the patient's legally authorized representative.

The bill clarifies the current definition of "authorized third party" to clarify that the term means a third party who is not a legally authorized representative of the patient. The bill additionally revises the definition of "legally authorized representative" to clarify that the term "insurer" under the definition means an automobile insurer.

The bill removes references to "health care professionals" from section 1 of P.L.2019, c.217 (C.26:2H-5n), as health care

professionals are more properly regulated under other chapters of the statutory law.

Health Care Professionals

The bill revises the requirements concerning the fees that may be charged professional treatment and billing records to reduce the current per-page fee cap of \$200 to \$50, and provides that the revised cap applies regardless of the method used to store the record. The bill additionally revises the authorized fee of up to \$10 per search for of patient treatment and billing records to no more than \$20 per request.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.