

REVISED
MAXIMUM FEES ALLOWED FOR PROVIDING HEALTH CARE INFORMATION
EFFECTIVE SEPTEMBER 9, 2011

This notice supersedes the publication in the September 9, 2011 issue of the Texas Register (36 TexReg 6047. The fee listed in Health and Safety Code, §241.154(c)(2), is corrected to read "written responses to a written set of questions, not to exceed \$10.00 for a set." No additional revisions are contained in this revised notice and the relevant information contained in the original notice is reflected for reference.

The Department of State Health Services licenses general and special hospitals in accordance with Health and Safety Code, Chapter 241. In 1995, the Texas Legislature amended the law to address the release and confidentiality of health care information. In 2009, the Texas Legislature amended the law to change the definition of health care information and to add a category of fees for records provided on and delivered in a digital or other electronic media.

In accordance with Health and Safety Code, §241.154(e), the fee effective as of September 9, 2011, for providing a patient's health care information has been adjusted by increasing by 4.1% the 2010 rate to reflect the most recent changes to the consumer price index that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers as published by the Bureau of Labor Statistics of the United States Department of Labor.

Health and Safety Code, §241.154(b) - (d) Provisions:

(b) Except as provided by subsection (d), the hospital or its agent may charge a reasonable fee for providing the health care information except payment information and is not required to permit the examination, copying, or release of the information requested until the fee is paid unless there is a medical emergency. The fee may not exceed the sum of:

(1) a basic retrieval or processing fee, which must include the fee for providing the first 10 pages of copies and which may not exceed \$43.78; and

(A) a charge for each page of:

(i) \$1.47 for the 11th through the 60th page of provided copies;

(ii) \$.73 for the 61st through the 400th page of provided copies;

(iii) \$.38 for any remaining pages of the provided copies; and

(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies;

(2) if the requested records are stored on microform, a retrieval or processing fee, which must include the fee for providing the first 10 pages of the copies and which may not exceed \$66.70; and

(A) \$1.47 per page thereafter; and

(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies; or

(3) if the requested records are provided on a digital or other electronic medium and the requesting party requests delivery in a digital or electronic medium, including electronic mail:

(A) a retrieval or processing fee, which may not exceed \$79.32; and

(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies.

(c) In addition, the hospital or its agent may charge a reasonable fee for:

(1) execution of an affidavit or certification of a document, not to exceed the charge authorized by Civil Practice and Remedies Code, §22.004; and

(2) written responses to a written set of questions, not to exceed \$10.00 for a set.

(d) A hospital may not charge a fee for:

(1) providing health care information under subsection (b) to the extent the fee is prohibited under Health and Safety Code, Chapter 161, Subchapter M;

(2) a patient to examine the patient's own health care information;

(3) providing an itemized statement of billed services to a patient or third-party payer, except as provided under §311.002(f); or

(4) health care information relating to treatment or hospitalization for which workers' compensation benefits are being sought, except to the extent permitted under Labor Code, Chapter 408.

This information is provided only as a courtesy to licensed hospitals. Hospitals are responsible for verifying that fees for health care information are charged in accordance with Health and Safety Code, Chapters 241, 311, and 324.

The statutes referenced in this notice may be found on the Internet at:

Health and Safety Code, <http://www.statutes.legis.state.tx.us?link=HS>

Labor Code, <http://www.statutes.legis.state.tx.us?link=LA>

Civil Practice and Remedies Code, <http://www.statutes.legis.state.tx.us?link=CP>

Should you have questions, you may contact the Department of State Health Services, Facility Licensing Group, Mail Code 2835, P.O. Box 149347, Austin, Texas 78714-9347, telephone (512) 834-6648.