ALABAMA STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama State Board of Medical Examiners

RULE NO. & TITLE:

540-X-9-.10, Joint Guidelines of the State Board of Medical

Examiners and Medical Licensure Commission for Medical Records

Management

INTENDED ACTION:

To amend the rule

SUBSTANCE OF PROPOSED ACTION:

To amend the rule to add language regarding the cost

for providing medical records in electronic format

TIME, PLACE. MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments concerning the proposed amendment in writing to Patricia E. Shaner, Office of General Counsel, Alabama State Board of Medical Examiners, Post Office Box 946, 848 Washington Avenue (36104), Montgomery, Alabama 36101-0946, by mail or in person between the hours of 8:30 a.m and 4:30 p.m., Monday through Friday, until and including December 5, 2013. Persons wishing to obtain copies of the text of this rule should contact Patricia E. Shaner, Office of General Counsel, (334-242-4116), P.O. Box 946, 848 Washington Avenue (36104), Montgomery, Alabama 36101-0946.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 5, 2013

CONTACT PERSON AT AGENCY:

Patricia E. Shaner

Larry D. Dixon, Executive Director

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 540 Department or Ager	ncy <u>Alabama S</u>	tate Board of M	edical Examiners
Rule No. <u>540-X-910</u>			
Rule Title: <u>Joint Guidelines of the</u>	e State Board	of Medical Exa	miners and Medical Licensure
Commission for Medical Records M		D 1	
NewX Am	end	Repeal	Adopt by Reference
Would the absence of the proposed r	mula		
significantly harm or endanger the proposed in			
health, welfare, or safety?	uone		YES
invariant, wellare, or surely.			TES .
Is there a reasonable relationship bet	tween the		
state's police power and the protection			
public health, safety, or welfare?			YES
• • •			
Is there another, less restrictive meth	nod of		
regulation available that could adequ	uately		
protect the public?	•		NO
Does the proposed rule have the effe			
directly or indirectly increasing the c			
of any goods or services involved an	nd, if so,		
to what degree?			NO
T .1 *	2.1		
Is the increase in cost, if any, more h			
tot he public than the harm that migh			
from the absence of the proposed ru	le?		NO
Are all facets of the rulemaking prod			
designed solely for the purpose of, a			
they have, as their primary effect, th			
protection of the public?	ie.		VEC
protection of the public:			YES
*********	*****	*****	**********
Does the proposed rule have an econ			NO
1 1			
If the proposed rule has an economic	c impact, the p	roposed rule is	
required to be accompanied by a fisc			e with
subsection (f) of Section 41-22-23, g	Code of Alabar	na 1975.	
***********	******	******	**********
Certification of Authorized Official			
I certify that the attached proposed rule has	s been proposed in	full	
compliance with the requirements of Chapte filing requirements of the Administrative Programments of the Administrative Programment of the Administrative Programment of the Programment	rocedure Division	ue of Alabama 1975 of the Legislative	o, and that it conforms to all applicable Reference Service
o		or the pogistative	reference service.
Signature of certifying officer		<u> </u>	
Date: Oct. 21, 2013	I would be	YVV	
Date. Oct. 21, 2013			

540-X-9-.10 <u>Joint Guidelines of The State Board of Medical Examiners And</u>

<u>Medical Licensure Commission For Medical Records Management.</u>

- (1) Physicians should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Medical records should be maintained by the treating physician for such period as may be necessary to treat the patient and for such additional time as may be required for medical-legal purposes.
- (2)Access. On the request of a patient, and with the authorization of the patient, a physician should provide a copy or a summary of the medical record to the patient or to another physician, attorney or other person designated by the patient. By state law, a physician is allowed to condition the release of copies of medical records on the payment of the requesting party of the reasonable costs of reproducing the record. Reasonable cost as defined by law may not exceed one dollar (\$1.00) per page for the first twenty-five (25) pages, fifty cents (\$.50) per page for each page in excess of twenty-five (25) pages, a search fee of five dollars (\$5.00) plus the actual cost of mailing the record. In addition, the actual cost of reproducing x-rays or other special records may be included. For medical records provided in an electronic file, a flat fee that would not exceed the cost of providing the records in paper form may be charged. Records subpoenaed by the State Board of Medical Examiners are exempt from this law. Physicians charging for the cost of reproduction of medical records should give primary consideration to the ethical and professional duties owed to other physicians and their patients, and waive copying charges when appropriate.
 - (3) Transfer or Disposal. When a physician retires, terminates employment

or otherwise leaves a medical practice, he or she is responsible for ensuring that active patients receive reasonable notification and are given the opportunity to arrange for the transfer of their medical records. A physician or physician group should not withhold information from a departing physician which is necessary for notification of patients. A physician or the estate of a deceased physician transferring medical records in connection with the sale of a medical practice should notify the physician's active patients that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the medical record.

Author: Alabama Board of Medical Examiners.

Statutory Authority: Code of Alabama, 1975. §34-24-53.

History: Approved for Publication: January 21, 1998. Approved/Adopted: April 15, 1997. Effective Date: Thursday, May 21, 1998. Amended/Approved:

October 16, 2013.