

SB 138 - AS AMENDED BY THE SENATE

03/27/2025 1393s

2025 SESSION

25-1063

05/08

SENATE BILL **138**

AN ACT relative to record requests by health care providers and establishing a committee to study access to medical records in the state of New Hampshire.

SPONSORS: Sen. McGough, Dist 11; Sen. Murphy, Dist 16; Sen. Birdsell, Dist 19; Sen. Innis, Dist 7; Sen. Gannon, Dist 23; Sen. Rosenwald, Dist 13; Rep. Potucek, Rock. 13; Rep. Miles, Hills. 12; Rep. Nagel, Belk. 6; Rep. L. Walsh, Rock. 15; Rep. Porcelli, Rock. 19

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill provides that when a health care provider requests a patient's medical records, the records should be provided within 14 days of the request. The bill also establishes a committee to study patient access to medical records in the state.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to record requests by health care providers and establishing a committee to study access to medical records in the state of New Hampshire.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Medical Records. Amend RSA 332-I:1, I to read as follows:

2 I. All medical information contained in the medical records in the possession of any health
3 care provider, or in the possession of any third-party vendor with whom a health care provider
4 contracts to store, handle, and issue copies of such medical records, shall be deemed to be the
5 property of the patient. The patient or the patient's requestor shall be entitled to a copy of such
6 records upon request, as regulated by the Health Insurance Portability and Accountability Act of
7 1996, as amended ("HIPAA").

8 (a) For purposes of this section, a "requestor" means the patient's personal
9 representative, ***the patient's health care provider***, an individual authorized to access the
10 patient's medical record through a valid power of attorney, or the patient's attorney.

11 (b) For any request made by a requestor, the cost for electronic copies of the patient's
12 medical records, and all related services, shall be charged at a reasonable rate not to exceed \$50.00,
13 and the cost for paper copies of the patient's medical records, and all related services, shall not
14 exceed \$5 for the first page, \$.41 per page for pages 2 through 50, and \$.30 per page for pages 51 and
15 higher. If, however, any redactions to the patient's records are specifically requested by the
16 requestor, such as for example, redactions of sensitive information pertaining to HIV status, drug
17 and alcohol use, mental health, or genetic testing, the requestor may be charged a reasonable cost
18 for the labor necessary to complete those redactions, not to exceed \$25 per hour.

19 (c) If a patient's medical records are stored and available in an electronic format, they
20 shall be provided in that format to the requestor. Records which are stored and available in an
21 electronic format shall not be printed and provided in paper format unless specifically requested in
22 paper format by the requestor.

23 (d) All records being provided pursuant to requests by a requestor shall be provided to
24 the requestor within 30 days of the receipt of the request, and any records not provided within 30
25 days shall be provided at no cost, absent an independent intervening force majeure which renders
26 the requested records inaccessible, irretrievable, or undeliverable within this 30-day timeframe.

27 (e) If an incomplete copy of the requested medical records is provided, and additional
28 requests are required to obtain a complete copy of the originally requested medical records, any
29 records provided pursuant to those additional requests shall be provided at no cost.

1 ***(f) Notwithstanding any other provision of law, when the requestor of medical***
2 ***records is the person's health care provider, the requested transfer must be made within 14***
3 ***days of the request at no cost.***

4 2 Committee to Study Access to Medical Records Established.

5 I. There is established a committee to study access to medical records in the state of New
6 Hampshire.

7 II. Notwithstanding RSA 14:49, the members of the committee shall be as follows:

8 (a) Two members of the house of representatives, appointed by the speaker of the house
9 of representatives.

10 (b) One member of the senate, appointed by the president of the senate.

11 III. Legislative members of the commission shall receive mileage at the legislative rate when
12 attending to the duties of the committee

13 IV. The committee shall study the issues of cost, access, and transparency of patients'
14 medical records in New Hampshire.

15 V. The members of the study committee shall elect a chairperson from among the members.
16 The first meeting of the committee shall be called by the first-named senate member. The first
17 meeting of the committee shall be held within 45 days of the effective date of this section. Two
18 members of the committee shall constitute a quorum.

19 VI. The committee shall report its findings and any recommendations for proposed
20 legislation to the speaker of the house of representatives, the president of the senate, the house
21 clerk, the senate clerk, and the governor on or before November 1, 2025.

22 3 Effective Date.

23 I. Section 1 of this act shall take effect 60 days after its passage.

24 II. The remainder of this act shall take effect upon its passage.