



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-08-400 Allowable fees for searching and duplicating medical records.

Hearing location(s): Department of Health,  
310 Israel Road SE  
Room 152/153  
Tumwater, WA 98501

Date: May 26, 2009

Time: 2:00 PM

Submit written comments to:

Name: Sherry Thomas  
Address: Department of Health, P.O. Box 47850, Olympia,  
WA 98504-7850

Website: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-4626 by (date) 05/22/2009

Assistance for persons with disabilities: Contact

Sherry Thomas by 04/21/2009

TTY (800) 833-6388 or () 711

Date of intended adoption: 05/26/2009

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this proposal is to adjust the maximum fees medical providers are allowed to charge for searching and duplicating medical records. The adjustment is required by law to occur biennially, according to the change in the Consumer Price Index (CPI) for the Seattle area. The fees will increase to allow for inflation.

Reasons supporting proposal:

The proposed rule sets reasonable fees providers are allowed to charge for cost recovery. This adjustment is required by law to occur every biennium. The CPI for the Seattle-Tacoma-Bremerton area changed from 209.3 in December 2006 to 222.580 in December 2008, which is a 6.3% increase.

Statutory authority for adoption:  
RCW 70.02.010(15) and RCW 43.70.040

Statute being implemented:  
RCW 70.02.010(15)

Is rule necessary because of a:

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE 04/07/09

NAME (type or print)  
Mary C. Selecky

SIGNATURE

TITLE  
Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 07, 2009

TIME: 4:19 PM

WSR 09-09-036

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Department of health

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Sherry Thomas	310 Israel Road, Tumwater, WA	360-236-4612
Implementation....Sherry Thomas	310 Israel Road, Tumwater, WA	360-236-4612
Enforcement.....N/A	N/A	N/A

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(e), a SBEIS is not required for a proposed rule where the content of the rule is explicitly and specifically dictated by statute.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

AMENDATORY SECTION (Amending WSR 07-12-029, filed 5/30/07, effective 7/1/07)

**WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records?** RCW 70.02.010(15) allows medical providers to charge fees for searching and duplicating medical records. The fees a provider may charge cannot exceed the fees listed below:

(1) Copying charge per page:

(a) No more than (~~ninety-six~~) one dollar and two cents per page for the first thirty pages;

(b) No more than (~~seventy-three~~) seventy-eight cents per page for all other pages.

(2) Additional charges:

(a) The provider can charge a (~~twenty-two~~) twenty-three dollar clerical fee for searching and handling records;

(b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.

(3) This section is effective July 1, (~~2007~~) 2009, through June 30, (~~2009~~) 2011.

(4) HIPAA covered entities: See HIPAA regulation Section 164.524 (c) (4) to determine applicability of this rule.