



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
Tumwater, WA 98501

Date: May 10, 2011

Time: 8:00 AM

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) 05/10/2011

Assistance for persons with disabilities: Contact

Sherry Thomas by 05/03/2011

TTY (800) 833-6388 or () 711

Date of intended adoption: 05/11/2011

(Note: This is NOT the effective date)

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

The purpose is to adjust the maximum fees medical providers are allowed to charge for searching and duplicating medical records. The adjustment is required to occur every two years, according to the change in the Consumer Price Index (CPI) for the Seattle-Tacoma metropolitan statistical 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 two years. The CPI for the Seattle-Tacoma area changed from 222.5880 in December 2008 to 226.862 in December 2010, which is a 1.9% 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?

Yes No

Federal Court Decision?

Yes No

State Court Decision?

Yes No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **March 31, 2011**

TIME: **3:48 PM**

WSR **11-08-025**

DATE 03/31/11

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

(COMPLETE REVERSE SIDE)

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	360-246-4612
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)(3), 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 09-13-102, filed 6/17/09, effective 7/1/09)

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 one dollar and (~~two~~) four cents per page for the first thirty pages;

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

(2) Additional charges:

(a) The provider can charge a 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, (~~2009~~) 2011, through June 30, (~~2011~~) 2013.

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