



PROPOSED RULE MAKING

CR-102 (June 2012)

(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) or 34.05.330(1).

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

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

WAC 246-08-400, How much can a health care provider charge for searching and duplicating health care records, pursuant to RCW 70.02.010(37).

Hearing location(s): Department of Health
111 Israel Road, Town Center 2
Room 158
Tumwater, WA 98501

Date: 5/29/2015

Time: 9:00

Submit written comments to:

Name: Sherry Thomas

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

e-mail: <http://www3.doh.wa.gov/policyreview/>

fax 360-236-4626 by (date) 05/29/2015

Assistance for persons with disabilities: Contact

Sherry Thomas by 05/22/2015

TTY (800) 833-6388 or () 711

Date of intended adoption: 06/05/2015

(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 health care providers are allowed to charge for searching and duplicating health care records. The adjustment is legislatively required to occur every two years, and must be based on the change in the Consumer Price Index (CPI) for the Seattle-Tacoma area (see attachment A).

Reasons supporting proposal:

The proposed rule sets reasonable fees that providers are allowed to charge for cost recovery for searching and duplicating health care records. The CPI for the Seattle-Tacoma area changed from 237.993 in 2012 to 245.050 in 2014, which is a 3.0 percent increase.

Statutory authority for adoption:

RCW 70.02.010(37) and RCW 43.70.040

Statute being implemented:

RCW 70.02.010(37)

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: April 09, 2015

TIME: 3:40 PM

WSR 15-09-038

DATE 04/09/2015

NAME (type or print)

John Wiesman, DrPH, MPH

SIGNATURE

, DrPH, MPH

TITLE

Secretary of Health

(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	111 Israel Road, Tumwater, WA 98501	360-236-4612
Implementation....Sherry Thomas	111 Israel Road, Tumwater, WA 98501	360-236-4612
Enforcement.....Sherry Thomas	111 Israel Road, Tumwater, WA 98501	360-236-4612

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

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 34.05.310(4)(f), a SBEIS is not required for a proposed rule that sets or adjusts fees or rates pursuant to legislative standards.

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)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

Attachment A

Consumer Price Index- All Urban Consumers Original Data Value

Series Id: CUURA423SA0
Not Seasonally Adjusted
Area: Seattle-Tacoma-Bremerton, WA
Item: All items
Base 1982-84=100
Period:
Years: 2012 to 2014

<u>Year</u>	<u>Dec</u>
2012	237.993
2013	241.055
2014	245.050

Consumer Price Index - All Urban Consumers 12-Month Percent Change

Series Id: CUURA423SA0
Not Seasonally Adjusted
Area: Seattle-Tacoma-Bremerton, WA
Item: All items
Base 1982-84=100
Period:
Years: 2012 to 2014

<u>Year</u>	<u>Dec</u>	<u>Annual</u>
2012	1.4	2.5
2013	1.3	1.2
2014	1.7	1.8

AMENDATORY SECTION (Amending WSR 13-14-092, filed 7/1/13, effective 8/1/13)

WAC 246-08-400 How much can a health care provider charge for searching and duplicating health care records? RCW 70.02.010(~~(+15+)~~) (37) allows health care providers to charge fees for searching and duplicating health care 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 (~~(nine)~~) twelve cents per page for the first thirty pages;

(b) No more than (~~(eighty-two)~~) eighty-four cents per page for all other pages.

(2) Additional charges:

(a) The provider can charge a (~~(twenty-four)~~) twenty-five 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, (~~(2013)~~) 2015, through June 30, (~~(2015)~~) 2017.

(4) HIPAA covered entities shall refer to HIPAA regulation 45 C.F.R. 164.524 (c)(4).