

Maximum Fees Allowed for Providing Health Care Information

Effective September 22, 2006

The Texas Department of State Health Services licenses general and special hospitals in accordance with the Health and Safety Code, Chapter 241. In 1995, the Texas Legislature amended the law to address the release and confidentiality of health care information. In accordance with §241.154(e) of the Health and Safety Code, the fee for providing a patient's health care information has been adjusted 4.3% to reflect the most recent changes to the consumer price index as published by the Bureau of Labor Statistics (BLS) of the United States Department of Labor. The BLS measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers.

§241.154

(b) Except as provided by subsection (d), the hospital or its agent may charge a reasonable fee for providing the health care information and is not required to permit the examination, copying, or release of the information requested until the fee is paid unless there is a medical emergency. The fee may not exceed the sum of:

(1) a basic retrieval or processing fee, which must include the fee for providing the first 10 pages of copies and which may not exceed \$39.35; and

(A) a charge for each page of:

(i) \$1.33 for the 11th through the 60th page of provided copies;

(ii) \$.66 for the 61st through the 400th page of provided copies;

(iii) \$.34 for any remaining pages of the provided copies; and

(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies; or

(2) if the requested records are stored on any microform or other electronic medium, a retrieval or processing fee, which must include the fee for providing the first 10 pages of the copies and which may not exceed \$59.95; and

(A) \$1.33 per page thereafter; and

(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies.

(c) In addition, the hospital or its agent may charge a reasonable fee for:

(1) execution of an affidavit or certification of a document, not to exceed the charge authorized by Section 22.004, Civil Practice and Remedies Code; and

(2) written responses to a written set of questions, not to exceed \$13.31 for a set.

(d) A hospital may not charge a fee for:

(1) providing health care information under Subsection (b) to the extent the fee is prohibited under Subchapter M, Chapter 161;

(2) a patient to examine the patient's own health care information;

(3) providing an itemized statement of billed services to a patient or third-party payor, except as provided under Section 311.002(f); or

(4) health care information relating to treatment or hospitalization for which workers' compensation benefits are being sought, except to the extent permitted under Chapter 408, Labor Code.

This is published only as a courtesy to licensed hospitals. Hospitals are responsible for verifying that any fees charged for health care information are in accordance with the Health and Safety Code, Chapter 241.

To locate Section 22.004, Civil Practice and Remedies Code go to:

<http://tlo2.tlc.state.tx.us/statutes/cp.toc.htm>

Chapter 161 and Chapter 311.002 go to <http://tlo2.tlc.state.tx.us/statutes/hs.toc.htm>; and Chapter 408 Labor Code to <http://tlo2.tlc.state.tx.us/statutes/la.toc.htm>.

If you have any questions, please contact the Texas Department of State Health Services, Facility Licensing Group, telephone number 512/834-6648.