

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1174**

Introduced by

Representatives Keiser, Ruby

Senators Andrist, Klein

1 A BILL for an Act to amend and reenact sections 23-12-14 and 26.1-41-12 of the North Dakota
2 Century Code, relating to copies of medical records and medical bills.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-12-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-12-14. Copies of medical records and medical bills.**

7 1. As used in this section, "health care provider" means a licensed individual or licensed
8 facility providing health care services. Upon the request of a health care provider's
9 patient or any person authorized by a patient, the provider shall provide a free copy of
10 a patient's health care records to a health care provider designated by the patient or
11 the person authorized by the patient if the records are requested for the purpose of
12 transferring that patient's health care to another health care provider for the
13 continuation of treatment.

14 2. Except as provided in subsection 1, upon the request for medical records or medical
15 bills with the signed authorization of the patient, the health care provider shall either
16 provide medical records and any associated medical bills in paper or facsimile format
17 at a charge of no more than twenty dollars for the first twenty-five pages and
18 seventy-five cents per page after twenty-five pages or in an electronic, digital, or other
19 computerized format at a charge of thirty dollars for the first twenty-five pages and
20 twenty-five cents per page after twenty-five pages. This charge includes any
21 administration fee, retrieval fee, and postage expense.

22 **SECTION 2. AMENDMENT.** Section 26.1-41-12 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **26.1-41-12. Discovery of facts about an injured person.**

- 2 1. Every employer or claimant, if a written request is made by a basic no-fault insurer
3 against whom a claim has been made, shall furnish forthwith, in a form approved by
4 the insurance commissioner, a sworn statement of the earnings, since the time of the
5 accidental bodily injury and for a twelve-month period before the injury, of the
6 individual upon whose injury the claim is based.
- 7 2. Every physician, coroner or medical officer, hospital, clinic, or other medical institution
8 providing, before or after an accidental bodily injury upon which a claim for basic or
9 optional excess no-fault benefits is based, any products, services, or accommodations
10 in relation to the injury, or in relation to a condition claimed to be connected with the
11 injury, if requested in writing to do so by the basic no-fault insurer against whom the
12 claim has been made, shall:
- 13 a. Promptly furnish a written report of the history, condition, treatment, and dates
14 and costs of treatment.
- 15 b. Permit the inspection and copying of its records regarding the history, condition,
16 treatment, and dates and costs of treatment.
- 17 c. Promptly furnish autopsy reports.
- 18 3. In the event of any dispute regarding a basic no-fault insurer's right to discovery of
19 facts about an injured person's earnings or about history, condition, treatment, and
20 dates and costs of such treatment, a court of record may enter an order for such
21 discovery as justice requires.
- 22 4. A person may not charge more than twenty dollars for the first twenty-five pages and
23 seventy-five cents per page for every page beyond twenty-five pages for providing a
24 copy of medical records ~~provided~~or medical bills in paper or facsimile format to a basic
25 no-fault insurer pursuant to this chapter. In an electronic, digital, or other computerized
26 format, a person may not charge more than thirty dollars for the first twenty-five pages
27 and twenty-five cents per page after twenty-five pages for providing a copy of medical
28 records or medical bills to a basic no-fault insurer pursuant to this chapter. This charge
29 includes any administrative fee, retrieval fee, and postage expense.