

Sixty-second
Legislative Assembly
of North Dakota

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 requested in paper or
17 facsimile format at a charge of ~~no more than~~ twenty dollars for the first twenty-five
18 pages and seventy-five cents per page after twenty-five pages or in an electronic,
19 digital, or other computerized format at a charge of thirty dollars for the first twenty-five
20 pages and twenty-five cents per page after twenty-five pages. This charge includes
21 any administration fee, retrieval fee, and postage expense. ~~If this charge exceeds fifty~~
22 ~~dollars and the health care provider is capable of providing the copies in an electronic,~~
23 ~~digital, or other computerized format, the health care provider shall provide the copies~~
24 ~~to the requesting party in that alternative format for a flat fee not to exceed fifty dollars.~~

1 ~~3. Except as provided in subsections 1 and 2, if medical records and bills are provided~~
2 ~~solely by facsimile transmission or some other format of transmission as provided~~
3 ~~under subsection 2, the health care provider shall provide the copies at a charge not~~
4 ~~to exceed twenty dollars for the first twenty five pages and seventy five cents per page~~
5 ~~thereafter.~~

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

8 **26.1-41-12. Discovery of facts about an injured person.**

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

1 format to a basic no-fault insurer pursuant to this chapter. In an electronic, digital, or
2 other computerized format, a person may not charge more than thirty dollars for the
3 first twenty-five pages and twenty-five cents per page after twenty-five pages for
4 providing a copy of medical records or medical bills to a basic no-fault insurer pursuant
5 to this chapter. This charge includes any administrative fee, retrieval fee, and postage
6 expense. ~~If this charge exceeds fifty dollars and the health care provider is capable of~~
7 ~~providing the copies in an electronic, digital, or other computerized format, the health~~
8 ~~care provider shall provide the copies to the requesting party in that alternative format~~
9 ~~for a flat fee not to exceed fifty dollars.~~

10 ~~5. Except as provided in subsection 4, if medical records and bills are provided solely by~~
11 ~~facsimile transmission or some other format of transmission as provided under~~
12 ~~subsection 4, the health care provider shall provide the copies at a charge not to~~
13 ~~exceed twenty dollars for the first twenty five pages and seventy five cents per page~~
14 ~~thereafter.~~