**A** **BILL**

TO AMEND SECTION 44‑115‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHT OF A PATIENT TO RECEIVE A COPY OF HIS MEDICAL RECORD OR HAVE IT TRANSFERRED TO ANOTHER PHYSICIAN, SO AS TO PROVIDE THE PATIENT MAY CHOOSE TO RECEIVE THE RECORD EITHER AS A PHOTOCOPY REPRODUCTION OR IN AN ELECTRONIC FORMAT STORED ON DIGITAL MEDIA; AND TO AMEND SECTION 44‑115‑80, RELATING TO FEES PHYSICIANS MAY CHARGE TO SEARCH AND DUPLICATE A MEDICAL RECORD, SO AS TO SPECIFY WHAT FEES MAY BE CHARGED FOR A PHOTOCOPY REPRODUCTION AND FOR AN ELECTRONIC REPRODUCTION, AND TO PROVIDE AN EXEMPTION FROM FEES FOR REPRODUCTIONS REQUESTED TO SATISFY A REQUIREMENT OF AN INSURER OR GOVERNMENTAL ENTITY THAT PROVIDES BENEFITS RELATED TO THE MEDICAL NEEDS OF THE PATIENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑115‑30 of the 1976 Code is amended to read:

“Section 44‑115‑30. A patient or his legal representative has a right to receive a copy of his medical record, or have the record transferred to another physician, upon request, when accompanied by a written authorization from the patient or his representative to release the record. The patient or his legal representative is entitled to receive a copy of the record either in an electronic format stored on digital media or as a photocopied reproduction, and the physician or other owner of the record shall provide the record in the format requested by the patient or his legal representative; provided, however, that if the physician or other owner of the record does not possess an electronic version of the record, it may satisfy the request by providing a photocopied reproduction.”

SECTION 2. Section 44‑115‑80 of the 1976 Code is amended to read:

“Section 44‑115‑80. (A) A physician, or other owner of medical records as provided for in Section 44‑115‑130, may charge a fee for the search and duplication of a medical record, but the fee may not exceed:

(1) sixty‑five cents per page for the first thirty pages and fifty cents per page for all other pages, and a clerical fee for searching and handling not to exceed fifteen dollars per request plus actual postage and applicable sales tax; or

(2) for a reproduction provided in a digital format stored on digital media, no per page fee may be charged but a clerical fee for searching and handling not to exceed fifteen dollars per request plus actual postage and applicable sales tax may be charged.

(B) A physician, health care provider, or other owner of medical records must provide a patient’s medical records at no charge when the patient is referred by the physician, health care provider, or an employee, agent, or contractor of the owner of the record to another physician or health care provider for continuation of treatment for a specific condition or conditions, or when the patient or his legal representative requests the records to satisfy a request from an insurer or governmental entity that provides benefits related to the medical needs of the patient.

(C) The physician may charge a patient or the patient’s representative no more than the actual cost of reproduction of an X‑ray. Actual cost means the cost of materials and supplies used to duplicate the X‑ray and the labor and overhead costs associated with the duplication.”

SECTION 3. This act takes effect upon approval by the Governor.

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