

HOUSE BILL No. 1438

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-39-9.

Synopsis: Medical record fees. Requires a provider to provide a patient's medical record in the form and format requested by the patient or the patient's legal representative, if readily producible. Provides that a third party may not charge more than \$2.50 for producing a patient's medical record. Prohibits a provider from charging more than \$6.50 for producing a patient's medical record in electronic form. Specifies that certain provisions in current law governing medical record fees apply to a medical record in paper form. Amends the factors the department of insurance may consider in adopting rules governing medical record fees. Limits supply costs for paper copies to \$.05 per page. Prohibits the department from adopting a rule permitting a retrieval fee. Requires a provider to provide one free copy of a patient's medical record to the patient or the patient's legal representative if requesting the medical record to apply for or appeal a denial of Social Security insurance disability benefits or Supplemental Security Insurance. Provides that a certification fee may not exceed \$5. Prohibits a provider from charging a fee for a billing statement.

Effective: July 1, 2025.

Campbell

January 21, 2025, read first time and referred to Committee on Public Health.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1438

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-198.9 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2025]: **Sec. 198.9. "Legal representative", for**
4 **purposes of IC 16-39-9, has the meaning set forth in IC 16-39-9-0.5.**

5 SECTION 2. IC 16-18-2-223.8 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2025]: **Sec. 223.8. "Medical record", for**
8 **purposes of IC 16-39-9, has the meaning set forth in IC 16-39-9-0.5.**

9 SECTION 3. IC 16-39-9-0.5 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2025]: **Sec. 0.5. (a) As used in this chapter, "legal representative"**
12 **includes an attorney.**

13 **(b) As used in this chapter, "medical record" includes a mental**
14 **health record.**

15 SECTION 4. IC 16-39-9-1.5 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2025]: **Sec. 1.5. Upon request, a provider shall provide to a**



1 **patient or a patient's legal representative the patient's medical**
 2 **record in the form and format requested, if the medical record is**
 3 **readily producible in the requested form and format.**

4 SECTION 5. IC 16-39-9-2, AS AMENDED BY P.L.173-2007,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2025]: Sec. 2. (a) A provider may not charge a ~~person~~ **patient**
 7 **or the patient's legal representative** for making and providing copies
 8 of medical records **in paper form** an amount greater than the amount
 9 set in rules adopted by the department of insurance under section 4 of
 10 this chapter.

11 **(b) A provider may not charge a patient or a patient's legal**
 12 **representative a fee that exceeds six dollars and fifty cents (\$6.50)**
 13 **for producing the patient's medical record in electronic form.**

14 **(c) This subsection applies to a provider who uses or contracts**
 15 **with a third party to maintain, retrieve, and produce a patient's**
 16 **medical record. A third party may not charge a patient or a**
 17 **patient's legal representative more than two dollars and fifty cents**
 18 **(\$2.50) for producing the patient's medical record.**

19 SECTION 6. IC 16-39-9-4, AS AMENDED BY P.L.173-2007,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2025]: Sec. 4. (a) As used in this section, "department" refers
 22 to the department of insurance created by IC 27-1-1-1.

23 **(b) Subject to subsection (c), the department may adopt rules under**
 24 **IC 4-22-2 to set the amounts that may be charged for copying records**
 25 **in paper form under this chapter. In adopting rules under this section,**
 26 **the department shall consider the following factors relating to the costs**
 27 **of copying medical records in paper form:**

28 (1) ~~The following labor costs:~~ **Labor for copying.**

29 (A) ~~Verification of requests:~~

30 (B) ~~Logging requests:~~

31 (C) ~~Retrieval:~~

32 (D) ~~Copying:~~

33 (E) ~~Refiling:~~

34 (2) ~~Software costs for logging requests:~~ **Supply costs, not to**
 35 **exceed five cents (\$.05) per page.**

36 (3) ~~Expense costs for copying:~~ **Postage costs when a patient or**
 37 **a patient's legal representative requests that a medical record**
 38 **be mailed.**

39 (4) ~~Capital costs for copying:~~

40 (5) ~~Billing and bad debt expenses:~~

41 (6) ~~Space costs:~~

42 **(c) The department may not adopt a rule under IC 4-22-2**



1 **permitting a fee for retrieving a medical record.**

2 SECTION 7. IC 16-39-9-5 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2025]: **Sec. 5. Upon request, a provider shall provide one (1) free**
5 **copy of a patient's medical record to the patient or the patient's**
6 **legal representative if the patient or the patient's legal**
7 **representative requests the medical record to:**

8 **(1) apply for; or**

9 **(2) appeal a denial of;**

10 **Social Security disability insurance benefits or Supplemental**
11 **Security Income under the federal Social Security Act.**

12 SECTION 8. IC 16-39-9-6 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2025]: **Sec. 6. (a) This section applies to a request by a patient or**
15 **a patient's legal representative for a provider to certify the**
16 **patient's medical record.**

17 **(b) A provider may not charge a patient or a patient's legal**
18 **representative more than five dollars (\$5) for certifying the**
19 **patient's medical record.**

20 SECTION 9. IC 16-39-9-7 IS ADDED TO THE INDIANA CODE
21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2025]: **Sec. 7. A provider may not charge a patient or a patient's**
23 **legal representative a fee for producing a billing statement.**

