

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2198 Session of 2024

INTRODUCED BY KRUEGER, BRENNAN, PROBST, MALAGARI, KHAN, GIRAL, GUENST, BURGOS, BOYD, WARREN, KINSEY, CEPEDA-FREYTIZ, KEEFER, SANCHEZ, HOWARD, HARKINS, McNEILL, HANBIDGE, MUNROE, T. DAVIS, FREEMAN, SCHWEYER, ROZZI, STURLA, BOROWSKI, BURNS, RABB, SCHLOSSBERG, WEBSTER, NEILSON, PARKER, HILL-EVANS, D. MILLER, DELLOSO, D. WILLIAMS, FLEMING, CERRATO, SHUSTERMAN, KENYATTA AND PASHINSKI, APRIL 9, 2024

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 9, 2024

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in rules of evidence,  
3 further providing for subpoena of records and for rights of  
4 patients.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Sections 6152(a)(2) and 6155(b)(1) of Title 42 of  
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 6152. Subpoena of records.

10 (a) Election.--

11 \* \* \*

12 (2) (i) Except as provided in subparagraph (ii), the  
13 health care provider or facility or a designated agent  
14 shall be entitled to receive payment of the amounts under  
15 this subsection before producing the charts or records  
16 pursuant to a subpoena. [The] If paper copies are

1 requested, the payment shall be \$20.62 for searching for  
2 and retrieving the records, \$1.39 per page for the first  
3 20 pages, \$1.03 per page for pages 21 through 60 and 34¢  
4 per page for pages 61 and thereafter for paper copies or  
5 reproductions on electronic media whether the records are  
6 stored on paper or in electronic format; \$2.04 per page  
7 for copies from microfilm; plus the actual cost of  
8 postage, shipping or delivery. No other charges for the  
9 retrieval, copying and shipping or delivery of medical  
10 records other than those set forth in this paragraph  
11 shall be permitted without prior approval of the party  
12 requesting the copying of the medical records. The  
13 amounts which may be charged for paper copies shall be  
14 adjusted annually beginning on January 1, 2013, by the  
15 Secretary of Health of the Commonwealth based on the most  
16 recent changes in the consumer price index reported  
17 annually by the Bureau of Labor Statistics of the United  
18 States Department of Labor.

19 (i.1) If the charts or records are maintained in an  
20 electronic format and a request is made for the charts or  
21 records to be produced in an electronic format, the  
22 payment shall be \$6.50 in responding to the request for  
23 the charts or records.

24 (ii) Payment to a health care provider or facility  
25 for searching for, retrieving and reproducing medical  
26 charts or records requested by a district attorney shall  
27 be \$20.62, search and retrieval fee, plus the actual cost  
28 of postage, shipping or delivery as described in  
29 subparagraph (i), as adjusted by the Secretary of Health  
30 of the Commonwealth, unless otherwise agreed to by the

1 district attorney.

2 \* \* \*

3 § 6155. Rights of patients.

4 \* \* \*

5 (b) Rights to records generally.--

6 (1) A patient or his designee, including his attorney,  
7 shall have the right of access to his medical charts and  
8 records and to obtain photocopies of the same, without the  
9 use of a subpoena duces tecum, for his own use. A health care  
10 provider or facility shall not charge a patient or his  
11 designee, including his attorney, a fee in excess of the  
12 amounts set forth in section 6152(a)(2)(i) and (i.1)  
13 (relating to subpoena of records).

14 \* \* \*

15 Section 2. This act shall take effect in 60 days.