

1 HOUSE BILL NO. 360

2 INTRODUCED BY M. REGIER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FEES FOR HEALTH CARE INFORMATION;
5 PROVIDING DEFINITIONS; AMENDING SECTIONS 50-16-504, 50-16-540, 50-16-803, AND 50-16-816, MCA;
6 AND PROVIDING AN EFFECTIVE DATE."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 50-16-504, MCA, is amended to read:

11 **"50-16-504. Definitions.** As used in this part, unless the context indicates otherwise, the following
12 definitions apply:

13 (1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider
14 by a person not employed by or affiliated with the provider, to determine compliance with:

15 (a) statutory, regulatory, fiscal, medical, or scientific standards;

16 (b) a private or public program of payments to a health care provider; or

17 (c) requirements for licensing, accreditation, or certification.

18 (2) "Directory information" means information disclosing the presence and the general health
19 condition of a patient who is an inpatient in a health care facility or who is receiving emergency health care in a
20 health care facility.

21 (3) "Electronic health record" means an electronic version of a patient's medical history that is
22 maintained by a health care provider over time and may include all of the key administrative clinical data
23 relevant to that person's care by the provider, including but not limited to demographics, progress notes,
24 problems, medications, vital signs, past medical history, immunizations, laboratory data, and radiology reports.

25 ~~(3)~~(4) "General health condition" means the patient's health status described in terms of critical, poor,
26 fair, good, excellent, or terms denoting similar conditions.

27 ~~(4)~~(5) "Health care" means any care, service, or procedure provided by a health care provider,
28 including medical or psychological diagnosis, treatment, evaluation, advice, or other services that affect the

1 structure or any function of the human body.

2 ~~(5)(6)~~ "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place
3 where a health care provider provides health care to patients.

4 ~~(6)(7)~~ "Health care information" means any information, whether oral or recorded in any form or
5 medium, that identifies or can readily be associated with the identity of a patient and relates to the patient's
6 health care. The term includes any record of disclosures of health care information.

7 ~~(7)(8)~~ "Health care provider" means a person who is licensed, certified, or otherwise authorized by the
8 laws of this state to provide health care in the ordinary course of business or practice of a profession.

9 ~~(8)(9)~~ "Institutional review board" means a board, committee, or other group formally designated by
10 an institution or authorized under federal or state law to review, approve the initiation of, or conduct periodic
11 review of research programs to assure the protection of the rights and welfare of human research subjects.

12 ~~(9)(10)~~ "Maintain", as related to health care information, means to hold, possess, preserve, retain,
13 store, or control that information.

14 ~~(10)(11)~~ "Patient" means an individual who receives or has received health care. The term includes a
15 deceased individual who has received health care.

16 ~~(11)(12)~~ "Peer review" means an evaluation of health care services by a committee of a state or local
17 professional organization of health care providers or a committee of medical staff of a licensed health care
18 facility. The committee must be:

- 19 (a) authorized by law to evaluate health care services; and
20 (b) governed by written bylaws approved by the governing board of the health care facility or an
21 organization of health care providers.

22 ~~(12)(13)~~ "Person" means an individual, corporation, business trust, estate, trust, partnership,
23 association, joint venture, government, governmental subdivision or agency, or other legal or commercial entity.

24 ~~(13)(14)~~ "Reasonable fee" means the charge, as provided for in 50-16-540, for duplicating, searching
25 for, preparing, or handling-delivering recorded health care information."
26

27 **Section 2.** Section 50-16-540, MCA, is amended to read:

28 **"50-16-540. Reasonable fees allowed.** (1) A reasonable fee charged by a health care provider or the

1 provider's agent for providing health care information may not exceed 50 cents for each page for a paper copy
 2 or photocopy and a \$15 administrative fee when the health care provider does not maintain the health care
 3 information in an electronic health record.

4 (2) A When a health care provider maintains the health care information in an electronic health
 5 record, a reasonable fee may include an administrative fee that charged by a health care provider or the
 6 provider's agent for providing health care information may not exceed \$15 for searching and handling for,
 7 preparing, and delivering the recorded health care information by any means, including electronic formats.

8 (3) The fees provided for in this section apply regardless of the means by which the request for health
 9 care information is made."

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11 **Section 3.** Section 50-16-803, MCA, is amended to read:

12 **"50-16-803. Definitions.** As used in this part, unless the context indicates otherwise, the following
 13 definitions apply:

14 (1) "Electronic health record" means an electronic version of a patient's medical history that is
 15 maintained by a health care provider over time and may include all of the key administrative clinical data
 16 relevant to that person's care by the provider, including but not limited to demographics, progress notes,
 17 problems, medications, vital signs, past medical history, immunizations, laboratory data, and radiology reports.

18 (1)(2) "Health care" means care, services, or supplies provided by a health care provider that are
 19 related to the health of an individual. Health care includes but is not limited to the following:

20 (a) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling,
 21 service, assessment, or procedure with respect to an individual's physical or mental condition; or

22 (b) the sale or dispensing of any drug, device, equipment, or other item in accordance with a
 23 prescription.

24 (2)(3) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place
 25 where a health care provider provides health care to patients.

26 (3)(4) "Health care information" means any information, whether oral or recorded in any form or
 27 medium, that:

28 (a) is created or received by a health care provider;

1 (b) relates to the past, present, or future physical or mental health or condition of an individual or to
2 the past, present, or future payment for the provision of health care to the individual; and

3 (c) identifies or with respect to which there is a reasonable basis to believe the information can be
4 used to identify the individual.

5 ~~(4)~~(5) "Health care provider" means a person who is licensed, certified, or otherwise authorized by the
6 laws of this state to provide health care in the ordinary course of business or practice of a profession.

7 ~~(5)~~(6) "Patient" means an individual who receives or has received health care. The term includes a
8 deceased individual who has received health care.

9 ~~(6)~~(7) "Person" means an individual, corporation, business trust, estate, trust, partnership,
10 association, joint venture, government, governmental subdivision or agency, or other legal or commercial entity.

11 ~~(7)~~(8) "Reasonable fee" means the charge, as provided for in 50-16-816, for duplicating, searching
12 for, preparing, or handling-delivering recorded health care information."

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14 **Section 4.** Section 50-16-816, MCA, is amended to read:

15 **"50-16-816. Reasonable fees.** (1) Unless prohibited by federal law, a reasonable fee charged by a
16 health care provider or the provider's agent for providing copies of health care information may not exceed 50
17 cents for each page for a paper copy or photocopy and a \$15 administrative fee when the health care provider
18 does not maintain the information in an electronic health record.

19 (2) A-When a health care provider maintains the health care information in an electronic health
20 record, a reasonable fee may include an administrative fee that charged by a health care provider or the
21 provider's agent for providing health care information may not exceed \$15 for searching ~~and handling for~~,
22 preparing, and delivering the recorded health care information by any means, including electronic formats.

23 (3) The fees provided for in this section apply regardless of the means by which the request for health
24 care information is made."

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26 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2021.

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