



## **ANNUAL ADJUSTMENT TO THE FEE FOR SEARCH AND DUPLICATION OF A MEDICAL RECORD**

The Department of Health and Environmental Control (DHEC) is responsible for calculating an annual adjustment to the fee charged for the search and duplication of medical records in accordance with S.C. Code §§44-7-325 and 44-115-80. Specifically, the annual adjustment is based the Consumer Price Index for all Urban Consumers, South Region (CPI-U).

**Please be aware the HIPAA privacy rules limit fees covered entities may charge for producing copies of medical records to reasonable, cost-based fees. Please see the following information:**

### Fees for Copies

The Privacy Rule permits a covered entity to impose a reasonable, cost-based fee if the individual requests a copy of the PHI (or agrees to receive a summary or explanation of the information). The fee may include only the cost of: (1) labor for copying the PHI requested by the individual, whether in paper or electronic form; (2) supplies for creating the paper copy or electronic media (e.g., CD or USB drive) if the individual requests that the electronic copy be provided on portable media; (3) postage, when the individual requests that the copy, or the summary or explanation, be mailed; and (4) preparation of an explanation or summary of the PHI, if agreed to by the individual. See 45 CFR 164.524(c)(4). The fee may not include costs associated with verification; documentation; searching for and retrieving the PHI; maintaining systems; recouping capital for data access, storage, or infrastructure; or other costs not listed above even if such costs are authorized by State law.

**SECTION 44-7-325.** Fee for search and duplication of medical record; time limits for compliance with request for record.

(A)(1) A health care facility, as defined in Section 44-7-130, and a health care provider licensed pursuant to Title 40 may charge a fee for the search and duplication of a medical record, whether in paper format or electronic format, but the fee may not exceed:

(a) for records requested to be produced in an electronic format, the total charge to the requestor may not exceed one hundred fifty dollars per request regardless of the number of records produced or number of times the patient has been admitted to the health care facility. The charge, not to exceed one hundred fifty dollars, shall be calculated as follows: sixty-five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page costs may not exceed a total of one hundred fifty dollars per request, and to which may be added actual postage and applicable sales tax;

(b) for paper requests, sixty-five cents per page for the first thirty printed pages and fifty cents per page for all other printed pages, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page print costs may not exceed two hundred dollars per admission to the health care facility, and to which may be added actual postage and applicable sales tax. The patient may have more than one admission on file when the record request is made. If multiple admissions exist, the print fee applies per admission, but only one clerical fee may be charged. Multiple emergency room records without an admission to the hospital are considered one admission;

(c) notwithstanding whether the records are requested in print or electronic format, the search and handling fees in subitems (a) and (b) are permitted even though no medical record is found as a result of the search, except where the request is made by the patient; and

(d) all of the fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published by the U.S. Department of Labor. The Department of Health and Environmental Control is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.

(2) Notwithstanding the provisions of subsection (A), no fee may be charged for records copied at the request of a health care provider or for records sent to a health care provider at the request of the patient for the purpose of continuing medical care.

(3) The facility or provider 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.

(B) Except for those requests for medical records pursuant to Section 42-15-95:

(1) A health care facility shall comply with a request for copies of a medical record:

(a) no later than forty-five days after the patient has been discharged or forty-five days after the request is received, whichever is later; and

(b) in a printed format or in an electronic format if requested to be delivered in electronic format, but only if the record is stored in an electronic format at the time of the request and the health care facility has the ability to produce the medical record in an electronic format without incurring additional cost.

(2) Nothing in this section may compel a health care facility to release a copy of a medical record prior to thirty days after discharge of the patient.

**SC CODE OF LAW SECTION 44-7-325 Fee for search and duplication of medical record: time limits for compliance with request for Record**

**Consumer Price Index for All Urban Consumers (CPI-U): South Region**

File	Date	CPI	Inflation	Period Ending	Maximum Per Electronic Record	Maximum Per Paper Record	1st 30 pages Price Per Page	>=31 pages Price Per Page	Clerical
cpi-u-201807	Jul-18	243.776	1.02884	July 1, 2018	\$ 157.80	\$ 210.40	\$ 0.68	\$ 0.52	\$ 26.30
	Jul-17	236.942							
cpi-u-201707	Jul-17	236.942	1.01565	July 1, 2017	\$ 153.38	\$ 204.50	\$ 0.66	\$ 0.51	\$ 25.56
	Jul-16	233.292							
cpi-u-201607	Jul-16	233.287	1.00677	July 1, 2016	\$ 151.02	\$ 201.35	\$ 0.65	\$ 0.50	\$ 25.17
	Jul-15	231.719							
cpi-u-201507	Jul-15	231.719		BASE YR	\$ 150.00	\$ 200.00	\$ 0.65	\$ 0.50	\$ 25.00

**CPI ADJUSTED AS OF  
July 31, 2018**

**ELECTRONIC RECORDS**

\$	0.68	per page up to 30 pages
\$	0.52	per page in excess of 30 pages
\$	26.30	Clerical fee maximum
<u>Total not to Exceed: \$157.80</u>		Total is regardless of the number of admissions
		+ add Postage
		+ add Sales tax
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GRAND TOTAL \$		

If no records are found, a  
\$25.00 maximum clerical fee  
may be charged

**PAPER RECORDS**

	\$0.65	per page up to 30 pages per admission
	\$0.50	per page in excess of 30 pages per admission
	\$25.00	Clerical fee maximum (only one clerical fee may be charged even if there is more then one admission to a health care facility)
<u>Total not to Exceed: \$210.40</u>		Total is per admission
		+ add Postage
		+ add Sales tax
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GRAND TOTAL \$		

If no records are found, a  
\$25.00 maximum clerical fee  
may be charged