

AN ACT

RELATING TO MEDICAL RECORDS; ESTABLISHING LIMITS ON FEES  
CHARGED FOR COPYING MEDICAL RECORDS; PROVIDING FOR TRIENNIAL  
ADJUSTMENTS TO FEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 14-6-3 NMSA 1978 (being Laws 1999,  
Chapter 206, Section 1) is amended to read:

"14-6-3. ACCESS TO MEDICAL RECORDS--VIOLATIONS.--

A. Within thirty days of receiving a written  
request from a patient or former patient or from an authorized  
representative of such a patient or former patient, a health  
care provider shall furnish the requestor with a copy of that  
patient's medical records. A fee charged for copying medical  
records shall not exceed:

(1) for search and retrieval, including  
electronic retrieval, and other direct administrative costs  
related to search and retrieval of records, twenty dollars  
(\$20.00); provided that if records are older than five years,  
the fee shall not exceed twenty-five dollars (\$25.00);

(2) for the first fifteen copies, one dollar  
(\$1.00) per page;

(3) for sixteen to forty copies, forty cents  
(\$0.40) per page;

(4) for forty-one copies or more, thirty

cents (\$.30) per page;

(5) for copies from microfilm, twenty dollars (\$20.00) for search and retrieval and one dollar fifty cents (\$1.50) per page;

(6) for mail delivery of the copy or copies, actual postage cost; or

(7) for records such as radiology films, models, photographs or fetal monitoring strips, the full cost of reproduction.

B. As used in this section:

(1) "health care provider" means a person who is licensed, certified or otherwise authorized by law to provide or render health care in the ordinary course of business or practice of a profession and includes a facility employing, or contracting with, such a person; and

(2) "medical records" means information in a medical or mental health patient file, including drug or alcohol treatment records, medical reports, clinical notes, nurses' notes, history of injury, subjective and objective complaints, test contents and results, interpretations of tests, reports and summaries of interpretations of tests and other reports, diagnoses and prognoses, bills, invoices, referral requests, consultative reports and reports of services requested by the health care provider.

C. Nothing in this section shall be interpreted to

grant access for a patient or patient's representative to medical records that are otherwise protected by law.

D. The department of health shall enforce the provisions of this section and may impose a civil penalty in an amount not to exceed one hundred dollars (\$100) for a violation of this section. The department may promulgate rules necessary for the implementation and enforcement of the provisions of this section.

E. The department may adjust fees provided for in this section every three years in accordance with the percent increase or decrease in the medical component of the consumer price index."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007. \_\_\_\_\_