

WSR 21-11-087

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 18, 2021, 11:27 a.m., effective June 18, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-08-400 Health care provider charges for searching and duplicating records, the department of health is amending an inaccurately referenced RCW citation. This amendment ensures the rule maintains its accuracy and clarity as statutes are updated.

Citation of Rules Affected by this Order: Amending WAC 246-08-400.

Statutory Authority for Adoption: RCW 43.70.040.

Other Authority: RCW 70.02.010.

Adopted under notice filed as WSR 21-04-069 on January 29, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: May 14, 2021.

Jessica Todorovich
Chief of Staff
for Umair A. Shah, MD, MPH
Secretary

OTS-2824.1

AMENDATORY SECTION (Amending WSR 20-10-025, filed 4/27/20, effective 5/28/20)

WAC 246-08-400 Health care providers charging for searching and duplicating health care records. ((RCW 70.02.010(38) allows health care providers to charge fees)) A health care provider may charge a reasonable fee as defined in RCW 70.02.010 for searching and duplicating health care records. In accordance with RCW 70.02.010 the fees a provider may charge cannot exceed the fees listed below:

(1) Copying charge per page:

(a) No more than one dollar and twenty-four cents per page for the first thirty pages;

(b) No more than ninety-four cents per page for all other pages.

(2) Additional charges:

(a) The provider can charge a twenty-eight dollar clerical fee for searching and handling records;

(b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.

(3) HIPAA covered entities as defined in 45 C.F.R. Sec. 103 may not charge fees or costs that are not authorized by, or are prohibited by, Federal HIPAA regulation 45 C.F.R. Sec. 164.

[Statutory Authority: RCW 70.02.010(38) and 43.70.040. WSR 20-10-025, § 246-08-400, filed 4/27/20, effective 5/28/20. Statutory Authority: RCW 70.02.010(37) and 43.70.040. WSR 17-17-019, § 246-08-400, filed 8/7/17, effective 9/7/17; WSR 15-14-073, § 246-08-400, filed 6/26/15, effective 7/27/15. Statutory Authority: RCW 70.02.010(15) and 43.70.040. WSR 13-14-092, § 246-08-400, filed 7/1/13, effective 8/1/13; WSR 11-12-027, § 246-08-400, filed 5/24/11, effective 7/1/11; WSR 09-13-102, § 246-08-400, filed 6/17/09, effective 7/1/09; WSR 07-12-029, § 246-08-400, filed 5/30/07, effective 7/1/07. Statutory Authority: RCW 70.02.010(14) and 43.70.040. WSR 06-11-166, § 246-08-400, filed 5/24/06, effective 6/24/06. Statutory Authority: RCW 70.02.010(12) and 43.70.040. WSR 05-12-013, § 246-08-400, filed 5/20/05, effective 7/1/05. Statutory Authority: RCW 70.02.010(12), 43-70-040 [43.70.040] and 70.02.900. WSR 03-14-036, § 246-08-400, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 70.02.010 and 43.70.040. WSR 01-16-009, § 246-08-400, filed 7/19/01, effective 8/19/01; WSR 99-13-083, § 246-08-400, filed 6/14/99, effective 7/15/99. Statutory Authority: RCW 70.02.010(12) and 43.70.040. WSR 97-12-087, § 246-08-400, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040 and 70.02.101(12). WSR 95-20-080, § 246-08-400, filed 10/4/95, effective 11/4/95.]