

**H. B. 2066**

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(By Delegate Ellem)  
[Introduced January 12, 2011; referred to the  
Committee on the Judiciary.]

10 A BILL to amend and reenact §16-29-2 of the Code of West Virginia,  
11 1931, as amended, relating to excluding indigent persons from  
12 receiving health care records free of charge when the indigent  
13 person is represented by an organization or an attorney that  
14 is charging a fee for such representation.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §16-29-2 of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 29. HEALTH CARE RECORDS.**

19 **§16-29-2. Reasonable expenses to be reimbursed.**

20 (a) The provider shall be reimbursed by the person requesting  
21 in writing a copy of the records at the time of delivery for all  
22 reasonable expenses incurred in complying with this article:  
23 *Provided,* That the cost may not exceed \$.75 per page for the  
24 copying of any record or records which have already been reduced to

1 written form and a search fee may not exceed \$10.

2 (b) Notwithstanding the provisions of subsection (a) of this  
3 section, a provider ~~shall~~ may not impose a charge on an indigent  
4 person or his or her authorized representative if the medical  
5 records are necessary for the purpose of supporting a claim or  
6 appeal under any provisions of the Social Security Act, 42 U.S.C.  
7 §301 et seq.

8 (c) For purposes of this section, a person is considered  
9 indigent if he or she:

10 (1) Is represented by an organization or affiliated pro bono  
11 program that provides legal assistance to indigents; or

12 (2) Verifies on a medical records request and release form  
13 that the records are requested for purposes of supporting a social  
14 security claim or appeal and submits with the release form  
15 reasonable proof that the person is financially unable to pay full  
16 copying charges by reason of unemployment, disability, income below  
17 the federal poverty level or receipt of state or federal income  
18 assistance.

19 (d) Any person requesting free copies of written medical  
20 records pursuant to the provisions of subsection (b) of this  
21 section is limited to one set of copies per provider. Any  
22 additional requests for the same records from the same provider  
23 ~~shall be~~ is subject to the fee provisions of subsection (a).

24 (e) For the purpose of this section, a person is not

1 considered indigent if he or she is represented by an organization  
2 or attorney who is charging, or may charge a fee for such  
3 representation.

NOTE: The purpose of this bill is to exclude indigent persons from receiving health care records free of charge when the indigent person is represented by an organization or an attorney that is charging a fee for such representation.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.