



POLICY BRIEF | HB 1147 PATIENT ACCESS TO RECORDS

Patients should have full access to their medical records. **HB 1147** ensures that Floridians gain that access in a standardized, timely manner.

HB 1147 (Payne) PATIENT ACCESS TO RECORDS: standardizes the timeframe that health care providers and facilities must produce or allow inspection of records and empowers patients to control their own records in the form most convenient for them.

- A patient will receive treatment from many health care providers throughout their life and each provider will create and maintain a record of that treatment. It is crucial that each of the patient's current and future providers have prior treatment records for the patient to receive the best care.
- Requesting records should be a straightforward process. For patients, the process is often inconsistent, confusing, and subject to repeated delays. This bill would address this problem by ensuring that:
 - Regardless of provider type, each practitioner and facility must:
 - Produce all requested records in their possession within 14 working days.
 - Allow inspection of all records in their possession within 10 working days.
- Providers and facilities must produce the records in the form the patient selects, including paper and electronic format and, if the provider has an electronic health records system, with access through a web-based portal or direct submission to a patient's electronic personal health record.

Frequently asked questions about patient access to medical records:

Q: The bill requires health care providers and facilities to allow inspection within 10 days and to produce copies within 14 days of a request, do you think that these timeframes are fair to the providers and facilities?

A: *Yes, the majority of health care providers and facilities use electronic health records that can be produced instantaneously. Two weeks is plenty of time, even for those who only have paper records. What is unfair is making a patient needlessly wait a month or longer for their records, especially if those records are needed for treatment reasons.*

Q: HIPAA requires production of records within 30 days— does the bill violate HIPAA by requiring records to be produced in 14 days?

A: *No, HIPAA establishes the outer limit. States are allowed to set a shorter time period.*

Q: Can a health care provider or facility comply with the requirements of your bill if they do not have an electronic health records system?

A: *Yes, only providers and facilities with electronic health record systems are required to comply with the bill's electronic production of records requirements.*

Please refer to the [bill text and staff analyses](#) for further information.