

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 986 Session of  
1995

INTRODUCED BY ROONEY, FICHTER, JAROLIN, MELIO, MIHALICH, TIGUE,  
GORDNER, YOUNGBLOOD, WOGAN, DeLUCA, CLARK, STABACK, TRELLO,  
LAUGHLIN, THOMAS, WOZNIAC AND JAMES, MARCH 6, 1995

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further regulating use of  
3 certified medical charts or records.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Sections 6152(a) and (c), 6155(b) and 6159 of  
7 Title 42 of the Pennsylvania Consolidated Statutes are amended  
8 to read:

9 § 6152. Subpoena of records.

10 (a) Election.--[When] Unless an original record is  
11 specifically required to be produced under section 6159  
12 (relating to obtaining production of original record), when a  
13 subpoena duces tecum is served upon an employee of any health  
14 care facility licensed under the laws of this Commonwealth,  
15 requiring the production of any medical charts or records at any  
16 action or proceeding, it shall be deemed a sufficient response  
17 to the subpoena if the health care facility notifies the  
18 attorney for the party causing service of the subpoena, within

1 three days of receipt of the subpoena, of the health care  
2 facility's election to proceed under this subchapter and of the  
3 estimated actual and reasonable expenses of reproducing the  
4 charts or records. The cost borne by the party causing the  
5 service of the subpoena for the reproduction of the records or  
6 charts may not exceed 25¢ per page plus the actual costs to mail  
7 the documents.

8 \* \* \*

9 (c) Delivery of records.--Following this election, the  
10 health care facility shall hold the originals available, and,  
11 upon payment of its estimated reproduction expenses by the party  
12 causing service of the subpoena, or by any other party, shall  
13 within [ten] 30 days deliver, by certified mail, return receipt  
14 requested, or by personal delivery, legible and durable copies,  
15 certified by the health care facility of all medical charts or  
16 records specified in the subpoena.

17 \* \* \*

18 § 6155. Rights of patients.

19 \* \* \*

20 (b) Rights to records generally.--A patient shall have the  
21 right of access to all of his medical charts and records and to  
22 photocopy the same for his own use at a cost not to exceed 25¢  
23 per page.

24 § 6159. Obtaining production of original record.

25 The production of the original record shall be required if  
26 the subpoena duces tecum so specifies and shall be delivered  
27 within 30 days of receipt of the request.

28 Section 2. This act shall take effect in 60 days.