

JUDICIAL CODE (42 PA.C.S.) - SUBPOENA OF RECORDS

Act of Jul. 5, 2012, P.L. 1138, No. 139

Cl. 42

Session of 2012

No. 2012-139

SB 1535

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in rules of evidence, further providing for subpoena of records.

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

Section 1. Section 6152(a)(1) and (2) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 6152. Subpoena of records.

(a) Election.--

(1) When a subpoena duces tecum is served upon any health care provider or an employee of any health care facility licensed under the laws of this Commonwealth, requiring the production of any medical charts or records at any action or proceeding, it shall be deemed a sufficient response to the subpoena if the health care provider or health care facility notifies the attorney for the party causing service of the subpoena, within three days of receipt of the subpoena, of the health care provider's or facility's election to proceed under this subchapter [and of the estimated actual and reasonable expenses of reproducing the charts or records]. However, when medical charts or records are requested by a district attorney or by an independent or executive agency of the Commonwealth, notice pursuant to this section shall not be deemed a sufficient response to the subpoena duces tecum.

(2) (i) Except as provided in subparagraph (ii), the health care provider or facility or a designated agent shall be entitled to receive payment of [such expenses] **the amounts under this subsection** before producing the charts or records **pursuant to a subpoena**. The payment shall [not exceed \$15] **be \$20.62** for searching for and retrieving the records, [\$1] **\$1.39** per page [for paper copies] for the first 20 pages, [75¢] **\$1.03** per page for pages 21 through 60 and [25¢] **34¢** per page for pages 61 and thereafter **for paper copies or reproductions on electronic media whether the records are stored on paper or in electronic format**; [\$1.50] **\$2.04** per page for copies from microfilm; plus the actual cost of postage, shipping or delivery. No other charges for the retrieval, copying and shipping or delivery of medical records other than those set forth in this paragraph shall be permitted without prior approval of the party requesting the copying of the medical records. The amounts which may be charged shall be adjusted annually beginning on January 1, [2000] **2013**, by the Secretary of Health of the Commonwealth based on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor.

(ii) Payment to a health care provider or facility for searching for, retrieving and reproducing medical charts or records requested by a district attorney shall [not exceed \$15] **be \$20.62**, search and retrieval fee, plus the actual cost of postage, shipping or delivery as described in subparagraph (i), as adjusted by the Secretary of Health of the Commonwealth, unless otherwise agreed to by the district attorney.

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

APPROVED--The 5th day of July, A.D. 2012.

TOM CORBETT