

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1535 Session of
2012

INTRODUCED BY GREENLEAF, FERLO, RAFFERTY, PIPPY, BOSCOLA,
ARGALL, YUDICHAK, BAKER AND MENSCH, MAY 29, 2012

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 18,
2012

AN ACT

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

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

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

8 § 6152. Subpoena of records.

9 (a) Election.--

10 (1) When a subpoena duces tecum is served upon any
11 health care provider or an employee of any health care
12 facility licensed under the laws of this Commonwealth,
13 requiring the production of any medical charts or records at
14 any action or proceeding, it shall be deemed a sufficient
15 response to the subpoena if the health care provider or
16 health care facility notifies the attorney for the party
17 causing service of the subpoena, within three days of receipt
18 of the subpoena, of the health care provider's or facility's

1 election to proceed under this subchapter [and of the
2 estimated actual and reasonable expenses of reproducing the
3 charts or records]. However, when medical charts or records
4 are requested by a district attorney or by an independent or
5 executive agency of the Commonwealth, notice pursuant to this
6 section shall not be deemed a sufficient response to the
7 subpoena duces tecum.

8 (2) (i) Except as provided in subparagraph (ii), the
9 health care provider or facility or a designated agent
10 shall be entitled to receive payment of [such expenses] ←

11 THE AMOUNTS UNDER THIS SUBSECTION before producing the
12 charts or records pursuant to a subpoena or authorization ←
13 under the Health Insurance Portability and Accountability
14 Act of 1996 (Public Law 104 191, 110 Stat. 1936). The

15 payment shall [not exceed \$15] be \$20.62 for searching
16 for and retrieving the records, [\$1] \$1.39 per page [for
17 paper copies] for the first 20 pages, [75¢] \$1.03 per
18 page for pages 21 through 60 and [25¢] 34¢ per page for
19 pages 61 and thereafter for paper copies or reproductions
20 on electronic media whether the records are stored on
21 paper or in electronic format; [\$1.50] \$2.04 per page for
22 copies from microfilm; plus the actual cost of postage,
23 shipping or delivery. No other charges for the retrieval,
24 copying and shipping or delivery of medical records other
25 than those set forth in this paragraph shall be permitted
26 without prior approval of the party requesting the
27 copying of the medical records. The amounts which may be
28 charged shall be adjusted annually beginning on January
29 1, [2000] 2013, by the Secretary of Health of the
30 Commonwealth based on the most recent changes in the

1 consumer price index reported annually by the Bureau of
2 Labor Statistics of the United States Department of
3 Labor.

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

12 * * *

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