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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1535 Session of  
2012

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

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REFERRED TO JUDICIARY, MAY 29, 2012

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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 before producing the charts or records pursuant to a  
12 subpoena or authorization under the Health Insurance  
13 Portability and Accountability Act of 1996 (Public Law  
14 104-191, 110 Stat. 1936). The payment shall [not exceed  
15 \$15] \$20.62 for searching for and retrieving the  
16 records, [\$1] \$1.39 per page [for paper copies] for the  
17 first 20 pages, [75¢] \$1.03 per page for pages 21 through  
18 60 and [25¢] 34¢ per page for pages 61 and thereafter for  
19 paper copies or reproductions on electronic media whether  
20 the records are stored on paper or in electronic format;  
21 [\$1.50] \$2.04 per page for copies from microfilm; plus  
22 the actual cost of postage, shipping or delivery. No  
23 other charges for the retrieval, copying and shipping or  
24 delivery of medical records other than those set forth in  
25 this paragraph shall be permitted without prior approval  
26 of the party requesting the copying of the medical  
27 records. The amounts which may be charged shall be  
28 adjusted annually beginning on January 1, [2000] 2013, by  
29 the Secretary of Health of the Commonwealth based on the  
30 most recent changes in the consumer price index reported

1           annually by the Bureau of Labor Statistics of the United  
2           States Department of Labor.

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

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