



FLORIDA ALLIANCE

FOR CONSUMER PROTECTION

September 29, 2014

via email to allison_dudley@doh.state.fl.us

Allison M. Dudley, J.D.
Executive Director
Florida Board of Medicine
4052 Bald Cypress Way, Bin 03
Tallahassee, FL 32399

RE: Proposed Amendments to *Fla. Admin. Code R. 64B8-10.003*, opposition

Dear Ms. Dudley:

I am writing on behalf of the Florida Alliance for Consumer Protection. We are a statewide, non-profit that advocates on behalf of consumers, particularly low-income consumers. I am writing you today to raise our ongoing concerns about the proposed amendments to *Fla. Admin Code R. 64B8-10.003*. We have previously appeared before both the Rules/Legislative Committee and the full Board to voice our opposition to the different versions of the proposed amendments.

The proposed rule provides that the fee to copy medical records stored and delivered in any format or medium shall not be more than the “reasonable costs” or \$1 per page, whichever is less. Reasonable costs are the “actual costs.”

In my experience as a consumer advocate, industry will always find that reasonable or actual costs are \$1 per page. When you set a dollar amount in the rule as the upper limit that can be charged, in most cases that is the amount industry will charge for the service.

As we have testified to before, \$1 per page for all pages puts Florida at the high end nationally for the fees it charges to copy medical records. The already high fee will become an even greater burden to the consumer.

Through technological advances the costs associated with reproduction of medical records have been dramatically reduced. But by allowing an upper limit of \$1 in the rule, the charge for records will now go up. Under the current suggested rule, the result will be that industries such as HealthPort LLC will receive \$1000 to copy 1000

pages of a consumer's medical records. This creates nothing more than a windfall for third-party copying groups like HealthPort.

In addition to savings in the costs for reproduction due to technological advances, HIPAA requirements are different for patients requesting their own records. When a patient is requesting his or her own records, HIPAA costs such as redaction, are not needed. It is unfair to burden consumers with nonexistent costs and allow industry to reap huge profits.

A compromise we suggest is that the rule change be limited to simply make clear that *Fla. Admin. Code R. 64B8-10.003*, with its current fee structure, applies the same price for electronic copies and paper copies, "stored and delivered in any format or medium." This protects consumers, yet clarifies that issue for industry.

We appreciate the time and effort that the Rules/Legislative Committee and the full Board have put into this ongoing discussion. Thank you for consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Alice Vickers". The signature is written in a cursive, flowing style.

Alice Vickers, Esq.
Director

cc: Jamie G. McNease (Jamie.McNease@flhealth.gov)
Crystal Sanford (Crystal.Sanford@flhealth.gov)
Edward Tellechea, (Ed. Tellechea@myfloridalegal.org)