



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 07, 2017

TIME: 10:47 PM

WSR 17-17-019

Agency: Department of Health

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: WAC 246-08-400 How much can a health care provider charge for searching and duplicating health care records? The adopted rule increases the amounts health care providers may charge by 4.8 percent, based on the change in the Consumer Price Index for the Seattle-Tacoma area, as required in RCW 70.02.010(37). The adopted rule also deletes unnecessary effective dates and makes clarifications for HIPAA covered entities.

Citation of rules affected by this order:

New: None

Repealed: None

Amended: 246-08-400

Suspended: None

Statutory authority for adoption: RCW 70.02.010(37) and 43.70.040

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 17-08-096 on 04/05/2017 (date).

Describe any changes other than editing from proposed to adopted version: The department added a reference to the Code of Federal Regulations (C.F.R) definition of HIPAA covered entity in subsection (3).

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

Date adopted: 08/01/2017

Name: Jessica Todorovich for John Wiesman, DrPH, MPH

Title: Chief of Staff for Secretary of Health

Signature:



AMENDATORY SECTION (Amending WSR 15-14-073, filed 6/26/15, effective 7/27/15)

WAC 246-08-400 How much can a health care provider charge for searching and duplicating health care records? RCW 70.02.010(37) allows health care providers to charge fees for searching and duplicating health care records. The fees a provider may charge cannot exceed the fees listed below:

(1) Copying charge per page:

(a) No more than one dollar and ~~((twelve))~~ seventeen cents per page for the first thirty pages;

(b) No more than ~~((eighty-four))~~ eighty-eight cents per page for all other pages.

(2) Additional charges:

(a) The provider can charge a ~~((twenty-five))~~ twenty-six dollar clerical fee for searching and handling records;

(b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.

(3) ~~((This section is effective July 1, 2015, through June 30, 2017.~~

~~(4))~~ HIPAA covered entities ~~((shall refer to))~~ as defined in 45 C.F.R. Sec. 103 may not charge fees or costs that are not authorized by, or are prohibited by, Federal HIPAA regulation 45 C.F.R. ~~((164.524 (e)(4))~~ Sec. 164.