

APA-3

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is a correct copy of rules as promulgated and adopted on the 21<sup>st</sup> day of February, 2018, and filed with the agency secretary on the 21<sup>st</sup> day of February, 2018.

AGENCY NAME: Alabama State Board of Medical Examiners

    X     Amendment                                      New                                      Repeal

Rule No. 540-X-9-.10

Rule Title: Joint Guidelines of the State Board of Medical Examiners and Medical Licensure Commission for Medical Records Management

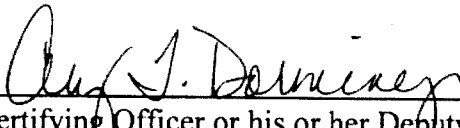
ACTION TAKEN: Rule was adopted with no changes from the proposal. There were no written or oral comments received.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVI, ISSUE NO. 3, AAM, DATED DECEMBER 29, 2017.

Statutory Rulemaking Authority: Ala. Code §§ 12-21-6.1, 34-24-53, 34-24-53.1

(Date Filed)  
(For LRS Use Only)

REC'D & FILED  
FEB 27 2018  
LEGISLATIVE SVC AGENCY

  
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Certifying Officer or his or her Deputy

540-X-9-.10 Joint Guidelines of The State Board of Medical Examiners And  
Medical Licensure Commission For Medical Records Management.

(1) Physicians should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Medical records should be maintained by the treating physician for such period as may be necessary to treat the patient and for such additional time as may be required for medical-legal purposes.

(2) Access. On the request of a patient, and with the authorization of the patient, a physician should provide a copy or a summary of the medical record to the patient or to another physician, attorney or other person designated by the patient. By state law, a physician is allowed to condition the release of copies of medical records on the payment of the requesting party of the reasonable costs of reproducing the record. Reasonable cost as defined by law may not exceed one dollar (\$1.00) per page for the first twenty-five (25) pages, fifty cents (\$.50) per page for each page in excess of twenty-five (25) pages, plus the actual cost of mailing the record. In addition, the actual cost of reproducing x-rays or other special records may be included. For medical records provided in an electronic file, a flat fee that would not exceed the cost of providing the records in paper form may be charged. Records subpoenaed by the State Board of Medical Examiners are exempt from this law. Physicians charging for the cost of reproduction of medical records should give primary consideration to the ethical and professional duties owed to other physicians and their patients, and waive copying charges when appropriate.

(3) Transfer or Disposal. When a physician retires, terminates employment

or otherwise leaves a medical practice, he or she is responsible for ensuring that active patients receive reasonable notification and are given the opportunity to arrange for the transfer of their medical records. A physician or physician group should not withhold information from a departing physician which is necessary for notification of patients. A physician or the estate of a deceased physician transferring medical records in connection with the sale of a medical practice should notify the physician's active patients that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the medical record.

**Author:** Alabama Board of Medical Examiners.

**Statutory Authority:** Ala. Code §§ 12-21-6.1, 34-24-53, 34-24-53.1

**History:** Approved for Publication: January 21, 1998. Approved/Adopted: April 15, 1997. Effective Date: Thursday, May 21, 1998.

Amended/Approved: October 16, 2013. Effective Date: January 16, 2014.

Amended/Approved: December 13, 2017. Amended filed: February 27, 2018. Effective Date: April 13, 2018.