

**PUBLIC NOTICE**

**HEALTH**

**HEALTH SYSTEMS BRANCH**

**DIVISION OF CERTIFICATE OF NEED AND LICENSING**

**Notice of Action on Petition for Rulemaking**

**Hospital Licensing Standards**

**Medical Record Patient Services**

**N.J.A.C. 8:43G-15.3**

Petitioner: Stacy Noonan, Esq., Managing Attorney, Community Health Law Project,  
Hamilton, NJ.

**Take notice** that on October 7, 2024, the Department of Health (Department) received a petition for rulemaking from Stacy Noonan, Esq., Managing Attorney, Community Health Law Project (petitioner). The Department filed a notice of receipt of the petition for rulemaking on December 11, 2024, which appeared in the January 6, 2025, issue of the New Jersey Register at 57 N.J.R. 96(a).

**Take further notice** that the Commissioner of the Department, having duly considered the petition pursuant to law, and for the reasons set forth below and by the petitioner, as described in the notice of receipt of the petition, has determined to grant the petition.

N.J.S.A. 26:2H-5n, Hospital to provide medical, billing records; fees, at subsection d(5), prohibits the imposition of otherwise authorized fees for patient records upon a "patient or an attorney representing a patient who has a pending application for, or is currently receiving, [F]ederal Social Security disability benefits provided under Title

II or Title XVI of the [F]ederal Social Security Act.” The petitioner correctly notes that a companion law enacted at N.J.S.A. 45:9-22.27, Health care professional to provide copies of treatment, billing records; fees, at subsection j(4), likewise prohibits a health care professional from imposing otherwise authorized patient records fees upon a patient, or the attorney for a patient, who is applying for, or receiving, Social Security disability benefits. P.L. 2021, c. 359 (approved and effective January 10, 2022) (2021 Act) established these prohibitions against the imposition of fees for access to patient records.

The Hospital Licensing Standards at N.J.A.C. 8:43G-15.3, Medical record patient services, which the Department last amended in 2011, authorizes hospitals to charge a patient, or the patient’s legally authorized representative, fees for copies of the patient’s medical records, without exception. Thus, N.J.A.C. 8:43G-15.3 conflicts with the 2021 Act in that it fails to reflect the fee exemptions that the 2021 Act establishes.

Based on the foregoing, the Department agrees that rulemaking to reflect the fee exemptions that the 2021 Act establishes would be appropriate and warranted. In accordance with the Administrative Procedure Act and N.J.A.C. 1:30-4.2, the Department will initiate a rulemaking within 90 days of granting this petition.

A copy of this notice has been mailed to the petitioner in accordance with N.J.A.C. 1:30-4.2.