

FIRST REGULAR SESSION

# HOUSE BILL NO. 569

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PORTWOOD.

Read 1st time January 24, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1690L.01I

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### AN ACT

To repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to patient care health records.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 191.227, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.227, to read as follows:

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) Copying, in an amount [not more than seventeen] **of eighteen** dollars and [five] **forty-nine** cents plus [forty] **four** cents per page for the cost of supplies and labor;

(2) Postage, to include packaging and delivery cost; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           (3) **Certification and** notary [fee, not to exceed two dollars], if **certification is**  
16 requested.

17           3. Notwithstanding provisions of this section to the contrary, providers may charge for  
18 the reasonable cost of all duplications of health care record material or information which cannot  
19 routinely be copied or duplicated on a standard commercial photocopy machine.

20           4. The transfer of the patient's record done in good faith shall not render the provider  
21 liable to the patient or any other person for any consequences which resulted or may result from  
22 disclosure of the patient's record as required by this section.

23           5. Effective February first of each year, the fees listed in subsection 2 of this section shall  
24 be increased or decreased annually based on the annual percentage change in the unadjusted,  
25 U.S. city average, annual average inflation rate of the medical care component of the Consumer  
26 Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as  
27 published by the Bureau of Labor Statistics of the United States Department of Labor, shall be  
28 used as the reference base. For purposes of this subsection, the annual average inflation rate  
29 shall be based on a twelve-month calendar year beginning in January and ending in December  
30 of each preceding calendar year. The department of health and senior services shall report the  
31 annual adjustment and the adjusted fees authorized in this section on the department's Internet  
32 web site by February first of each year.

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