

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1007, Page 13,
Section 172.850, Line 7 by inserting after all of said line the following:

“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. For purposes of this chapter, a written request may include an electronic communication, to the extent that the provider chooses to and is prepared to respond to an electronic communication requesting the patient's health history and treatment record. Any request or release of such records shall comply with applicable privacy and security provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its regulations and applicable state law and regulations.

3. 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 dollars and five cents plus forty cents per page for the cost of supplies and labor;

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

(3) Notary fee, not to exceed two dollars, if requested.

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

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

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

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.