

HOUSE _____ **AMENDMENT NO.** _____**Offered By**

1 AMEND House Committee Substitute for Senate Bill No. 0090, Section 103.089, Page 3, Line 21, by
2 inserting after all of said section and line the following:

3 “191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed
4 practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or
5 legally authorized representative of a patient, furnish a copy of his or her record of that patient's health
6 history and treatment rendered to the person submitting a written request, except that such right shall be
7 limited to access consistent with the patient's condition and sound therapeutic treatment as determined by
8 the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the
9 receipt of the request therefor and upon payment of a fee as provided in this section.

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

13 (1) Copying, in an amount not more than [seventeen] twenty-one dollars and [five] thirty-six
14 cents plus [forty] fifty cents per page for the cost of supplies and labor as adjusted annually per subsection
15 5 of this section;

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

17 (3) Notary fee, not to exceed two dollars, if requested; and

18 (4) Any retrieval fee and handling fee charged by an outsourced records storage service with
19 which the health care provider has contracted for off-site records storage and management; except that, in
20 no case shall the cost of the retrieval fee or handling fee exceed thirty dollars.

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

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

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

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