

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Bill No. 0090, Page 3, Section 103.089, Line 21, by inserting after all of said section and 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] 2011, such record shall be furnished within [a reasonable time] fifteen business days of the receipt of the request therefor and upon payment of a fee as provided in this section. If a provider is unable to provide such record within fifteen business days for good cause, the provider shall notify the person requesting the record of the delay in providing the medical record and the reason for such delay, and shall provide the record within a reasonable time based on the circumstances; except that, in no event shall a reasonable time exceed ninety calendar days.

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 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.

5. Effective February first of each year, the fees listed in subsection 2 of this section shall

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

10 6. Any provider who fails to provide a medical record within the time period required
11 under subsection 1 of this section or fails to notify a person of a delay in the provision of such
12 records as required under subsection 1 of this section shall forfeit the collection of any medical
13 record fees authorized under subsection 2 of this section. Any provider who is more than thirty
14 calendar days delinquent in providing a medical record requested within the time periods
15 established under this section shall be liable to the requester in the amount of three times the
16 allowable fee for copying such medical records under subsection 2 of this section.

17 7. (1) A provider shall, upon written request of a patient, or guardian or legal
18 representative of a patient, furnish a copy of any statement of medical expenses incurred for
19 services rendered by the provider. Such statement shall be furnished within fifteen business days
20 of the receipt of the request.

21 (2) Any provider who fails to provide a statement of expenses incurred for services
22 rendered by the provider within fifteen business days shall be liable to the requester in the amount
23 of three times the allowable fee for copying medical records under subsection 2 of this section.”;
24 and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.