

HOUSE _____ AMENDMENT NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 739, Page 1,
2 Section A, Line 2, by inserting after all of said section and
3 line the following:

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

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

21 (1) (a) [Copying] Search and retrieval, in an amount not
22 more than [twenty-one] twenty-two dollars and [thirty-six cents]
23 one cent plus copying in an amount of fifty two cents per page
24 for the cost of supplies and labor plus, if the health care
25 provider has contracted for off-site records storage and
26 management, any additional labor costs of outside storage
27 retrieval, not to exceed twenty dollars, as adjusted annually
28 pursuant to subsection 5 of this section; or

29 (b) [If the health care provider stores records in an
30 electronic or digital format, and provides the requested records
31 and affidavit, if requested, in an electronic or digital format,
32 not more than five dollars plus fifty cents per page or
33 twenty-five dollars total, whichever is less] The records shall
34 be furnished electronically upon payment of the search, retrieval
35 and copying fees set under this section at the time of the
36 request or one hundred dollars total, whichever is less, if such

1 person:

2 a. Requests health records to be delivered electronically
3 in a format of the health care provider's choice;

4 b. The health care provider stores such records completely
5 in an electronic health record; and

6 c. The health care provider is capable of providing the
7 requested records and affidavit, if requested, in an electronic
8 format;

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

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

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

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

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

35
36 Further amend said bill by amending the title, enacting clause,
37 and intersectional references accordingly.