

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 508, Page 2, Section 43.530, Line 23, by
2 inserting after all of said section and line the following:

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

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

15 (1) (a) Search and retrieval, in an amount not more than [twenty-two] twenty-three dollars
16 and [eighty-two] thirty-eight cents plus copying in the amount of [fifty-three] fifty-four cents per
17 page for the cost of supplies and labor plus, if the health care provider has contracted for off-site
18 records storage and management, any additional labor costs of outside storage retrieval, not to
19 exceed twenty-one dollars and [thirty-six] eighty-nine cents, as adjusted annually pursuant to
20 subsection 5 of this section; or

21 (b) The records shall be furnished electronically upon payment of the search, retrieval, and
22 copying fees set under this section at the time of the request or one hundred two dollars and forty-six
23 cents total, whichever is less, if such person:

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

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

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

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

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

31 3. Notwithstanding provisions of this section to the contrary, providers may charge for the

Action Taken _____ Date _____

1 reasonable cost of all duplications of health care record material or information which cannot
 2 routinely be copied or duplicated on a standard commercial photocopy machine.

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

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

16 6. A health care provider may furnish a copy of a deceased patient's medical records or
 17 payment records or specific information contained in medical records or payment records to the
 18 patient's health care decision maker after the patient's death. A health care provider may also furnish
 19 a copy of a deceased patient's medical records or payment records or specific information contained
 20 in medical records or payment records to the personal representative or administrator of the estate of
 21 a deceased patient, or if a personal representative or administrator has not been appointed, to the
 22 following persons:

23 (1) The deceased patient's spouse on the affidavit of the surviving spouse that he or she is the
 24 surviving spouse;

25 (2) The acting trustee of a trust created by the deceased patient either alone or with the
 26 deceased patient's spouse;

27 (3) An adult child of the deceased patient on the affidavit of the adult child that he or she is
 28 the adult child of the deceased;

29 (4) A parent of the deceased patient on the affidavit of the parent that he or she is the parent
 30 of the deceased;

31 (5) An adult brother or sister of the deceased patient on the affidavit of the adult brother or
 32 sister that he or she is the adult brother or sister of the deceased;

33 (6) A guardian or conservator of the deceased patient at the time of the patient's death on the
 34 affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased;
 35 or

36 (7) A guardian ad litem of a decedent's minor child based on the affidavit of the guardian
 37 that he or she is the guardian ad litem of the minor child of the decedent."; and

38
 39 Further amend said bill by amending the title, enacting clause, and intersectional references
 40 accordingly.
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