

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 716,
2 Page 1, Section A, Line 2, by inserting after all of said section and line the following:

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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 dollars and eighty-two
16 cents plus copying in the amount of fifty-three cents per page for the cost of supplies and labor plus,
17 if the health care provider has contracted for off-site records storage and management, any additional
18 labor costs of outside storage retrieval, not to exceed twenty-one dollars and thirty-six cents, as
19 adjusted annually pursuant to subsection 5 of this section; or

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

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

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

6. A health care provider may disclose a deceased patient's medical records or payment records or the information contained in medical records or payment records to the patient's health care decision maker after the patient's death. A health care provider may also disclose a deceased patient's medical records or payment records or the information contained in medical records or payment records to the personal representative or administrator of the estate of a deceased patient, or if a personal representative or administrator has not been appointed, to the following persons in the following order of priority, unless the deceased patient during the deceased patient's lifetime or a person in a higher order of priority has notified the health care provider in writing that the deceased patient opposed the release of the medical records or payment records:

(1) The deceased patient's spouse, unless the patient and the patient's spouse were legally separated at the time of the patient's death;

(2) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse if the trust was a revocable inter vivos trust during the deceased patient's lifetime and the deceased patient was a beneficiary of the trust during the deceased patient's lifetime;

(3) An adult child of the deceased patient;

(4) A parent of the deceased patient;

(5) An adult brother or sister of the deceased patient;

(6) A guardian or conservator of the deceased patient at the time of the patient's death."; and

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