

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] 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

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

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

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

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

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

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

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

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

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