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4769H02.02F
4769H02.12H
SB 635

House _____ Amendment NO. _____

Offered By Comez 64

1 AMEND House Committee Substitute for Senate Bill No. 635, Page 1, Section A, Line 4, 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-four dollars
16 and [eighty-two] fifty-seven cents plus copying in the amount of [fifty-three] fifty-six cents per page
17 for the cost of supplies and labor plus, if the health care provider has contracted for off-site records
18 storage and management, any additional labor costs of outside storage retrieval, not to exceed
19 [twenty-one dollars and thirty-six cents,] twenty-three dollars 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 seven dollars and sixty-
23 seven 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;
27 and

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

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

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

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

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

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1 of the patient's record as required by this section.

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

11 6. A health care provider may disclose a deceased patient's health care records or payment
12 records to the executor or administrator of the deceased person's estate, or pursuant to a valid,
13 unrevoked power of attorney for health care that specifically directs that the deceased person's
14 health care records be released to the agent after death. If an executor, administrator, or agent has
15 not been appointed, the deceased prior to death did not specifically object to disclosure of his or her
16 records in writing, and such disclosure is not inconsistent with any prior expressed preference of the
17 deceased that is known to the health care provider, a deceased patient's health care records shall be
18 released upon written request of a person who is deemed as the personal representative of the
19 deceased person under this subsection. Priority shall be given to the deceased patient's spouse and
20 the records shall be released on the affidavit of the surviving spouse that he or she is the surviving
21 spouse. If there is no surviving spouse, the health care records shall be released to the following
22 persons:

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

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

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

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

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

34 (6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian
35 that he or she is the guardian ad litem of the minor child of the deceased."; and

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