

HOUSE AMENDMENT NO.____
TO
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Offered By

AMEND House Amendment No.____ to Senate Bill No. 194, Page 2, Line 18, by deleting all of said line and inserting in lieu thereof the following:

"August 28, 2002, shall be invalid and void.

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

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

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

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

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

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

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

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

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

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 twelve-
 12 month calendar year beginning in January and ending in December of each preceding calendar year.
 13 The department of health and senior services shall report the annual adjustment and the adjusted
 14 fees authorized in this section on the department's internet website by February first of each year.

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

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

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

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

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

35 (5) A guardian or conservator of the deceased patient at the time of the patient's death on
 36 the affidavit of the guardian or conservator that he or she is the guardian or conservator of the
 37 deceased; or

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

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

43
 44 THIS AMENDMENT AMENDS 0792S01.18H.