

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 39,  
2 Section 190.939, Line 5, by 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  
8 that such right shall be limited to access consistent with the patient's condition and sound  
9 therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall  
10 be furnished within a reasonable time of the receipt of the request therefor and upon payment of a  
11 fee as provided 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-four dollars and eighty-five  
16 cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor  
17 plus, if the health care provider has contracted for off-site records storage and management, any  
18 additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six  
19 cents, as 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 eight dollars and eighty-  
22 eight cents total, whichever 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;  
26 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;

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

31 3. For purposes of subsections 1 and 2 of this section, "a copy of his or her record of that  
32 patient's health history and treatment rendered" or "the patient's health care records" include a  
33 statement or record that no such health history or treatment record responsive to the request exists.

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           [4.] 5. The transfer of the patient's record done in good faith shall not render the provider  
2 liable to the patient or any other person for any consequences which resulted or may result from  
3 disclosure of the patient's record as required by this section.

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

14           [6.] 7. A health care provider may disclose a deceased patient's health care records or  
15 payment records to the executor or administrator of the deceased person's estate, or pursuant to a  
16 valid, unrevoked power of attorney for health care that specifically directs that the deceased  
17 person's health care records be released to the agent after death. If an executor, administrator, or  
18 agent has not been appointed, the deceased prior to death did not specifically object to disclosure of  
19 his or her records in writing, and such disclosure is not inconsistent with any prior expressed  
20 preference of the deceased that is known to the health care provider, a deceased patient's health care  
21 records may be released upon written request of a person who is deemed as the personal  
22 representative of the deceased person under this subsection. Priority shall be given to the deceased  
23 patient's spouse and the records shall be released on the affidavit of the surviving spouse that he or  
24 she is the surviving spouse. If there is no surviving spouse, the health care records may be released  
25 to one of the following persons:

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

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

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

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

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

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

39  
40 Further amend said bill by amending the title, enacting clause, and intersectional references  
41 accordingly.  
42