

FIRST REGULAR SESSION

HOUSE BILL NO. 232

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTWOOD.

Read 1st time January 13, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0293L.02I

AN ACT

To repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to patient health care records.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 191.227, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.227, to read as follows:

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 [handling fee of fifteen dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine] **reasonable cost-based fee.**

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 reasonable cost-based fee for:**

(1) **Copying, in an amount not less than sixteen dollars and thirty-three cents plus thirty-eight cents per page for the cost of supplies and labor;**

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(3) Notary fee.**

18 **3.** Notwithstanding provisions of this section to the contrary, providers may charge [for
19 the reasonable cost of] **a reasonable cost-based fee for** all duplications of [medical] **health care**
20 record material or information which cannot routinely be copied or duplicated on a standard
21 commercial photocopy machine.

22 [3.] **4.** The transfer of the patient's record done in good faith shall not render the provider
23 liable to the patient or any other person for any consequences which resulted or may result from
24 disclosure of the patient's record as required by this section.

25 [4.] **5.** Effective February first of each year, the [handling fee and per-page fee] **fees**
26 listed in subsection [1] **2** of this section shall be increased or decreased annually based on the
27 annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of
28 the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U).
29 The current reference base of the index, as published by the Bureau of Labor Statistics of the
30 United States Department of Labor, shall be used as the reference base. For purposes of this
31 subsection, the annual average inflation rate shall be based on a twelve-month calendar year
32 beginning in January and ending in December of each preceding calendar year. The department
33 of health and senior services shall report the annual adjustment and the adjusted [handling and
34 per-page] fees **authorized in this section** on the department's Internet website by February first
35 of each year.