

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 232

93RD GENERAL ASSEMBLY

Reported from the Committee on Aging, Families, Mental and Public Health, April 14, 2005, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0293S.06C

TERRY L. SPIELER, Secretary.

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Section A. Section 191.227, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.227, to read as follows: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] **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) **Copying, in an amount not more than seventeen dollars and five cents plus forty 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 this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

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