

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

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

1 AMEND House Committee Substitute for House Bill No. 144, Page 1, Section A, Line 3, by inserting  
2 immediately after all of said section and line the following:

3  
4 "191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners  
5 in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally  
6 authorized representative of a patient, furnish a copy of his or her record of that patient's health history and  
7 treatment rendered to the person submitting a written request, except that such right shall be limited to access  
8 consistent with the patient's condition and sound therapeutic treatment as determined by the provider.  
9 Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the  
10 request therefor and upon payment of a fee as provided in this section.

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

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

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

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

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

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

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

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

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

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

35 5. Effective February first of each year, the fees listed in subsection 2 of this section shall be  
36 increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average,  
37 annual average inflation rate of the medical care component of the Consumer Price Index for All Urban  
38 Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics  
39 of the United States Department of Labor, shall be used as the reference base. For purposes of this

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

1 subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in  
 2 January and ending in December of each preceding calendar year. The department of health and senior  
 3 services shall report the annual adjustment and the adjusted fees authorized in this section on the  
 4 department's internet website by February first of each year.

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

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

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

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

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

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

26 (6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he  
 27 or she is the guardian ad litem of the minor child of the deceased.

28 193.245. It shall be unlawful for any person to permit inspection of, or to disclose information  
 29 contained in, vital records or to copy or issue a copy of all or part of any such record except as authorized by  
 30 this law and by regulation or by order of a court of competent jurisdiction or in the following situations:

31 ~~(1) [A listing of persons who are born or who die on a particular date may be disclosed upon~~  
 32 ~~request, but no information from the record other than the name and the date of such birth or death shall be~~  
 33 ~~disclosed;~~

34 ~~———(2)]~~ The department may authorize the disclosure of information contained in vital records for  
 35 legitimate research purposes;

36 ~~[(3)]~~ (2) To a qualified applicant as provided in section 193.255;

37 ~~[(4)]~~ (3) Copies of death records over fifty years old may be disclosed upon request."; and

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