

1 ENGROSSED SENATE
2 BILL NO. 1624

By: Paddack and Johnson
(Constance) of the Senate

3 and

4 Thomsen of the House

5
6
7 [medical records - access - placing cap on certain
8 charges -

9 effective date]

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 76 O.S. 2001, Section 19, as last
14 amended by Section 1, Chapter 88, O.S.L. 2005 (76 O.S. Supp. 2009,
15 Section 19), is amended to read as follows:

16 Section 19. A. 1. Any person who is or has been a patient of
17 a doctor, hospital, or other medical institution shall be entitled,
18 upon request, to obtain access to the information contained in the
19 patient's medical records, including any x-ray or other photograph
20 or image.

21 2. Any person who is or has been a patient of a doctor,
22 hospital, or other medical institution shall be furnished copies of
23 all records, including any x-ray or other photograph or image,
24 pertaining to that person's case upon request and upon the tender of

1 the expense of the copy or copies. The cost of each copy to such
2 person or to the legal representative of such person, not including
3 any x-ray or other photograph or image, shall not exceed One Dollar
4 (\$1.00) for the first page and fifty cents (\$0.50) for each
5 subsequent page. The cost of each x-ray or other photograph or
6 image to such person or to the legal representative of such person
7 shall not exceed Five Dollars (\$5.00) or the actual cost of
8 reproduction, whichever is less. The total cost for copies shall
9 not exceed Fifty Dollars (\$50.00) if such person is applying for
10 Social Security Disability Insurance benefits or Supplemental
11 Security Income benefits or appealing a denial of Social Security
12 Disability Insurance benefits or Supplemental Security Income
13 benefits; provided, however, nothing shall prohibit the State
14 Department of Rehabilitation Services from limiting medical record
15 copy charges below Fifty Dollars (\$50.00) for services performed by
16 the Department. The physician, hospital, or other medical
17 professionals and institutions may charge a patient for the actual
18 cost of mailing the patient's requested medical records, but may not
19 charge a fee for searching, retrieving, reviewing, and preparing
20 medical records of the person.

21 3. The provisions of paragraphs 1 and 2 of this subsection
22 shall not apply to psychological, psychiatric, mental health or
23 substance abuse treatment records. In the case of psychological,
24 psychiatric, mental health or substance abuse treatment records,

1 access to information contained in the records shall be obtained
2 pursuant to Section 1-109 of Title 43A of the Oklahoma Statutes.

3 B. 1. In cases involving a claim for personal injury or death
4 against any practitioner of the healing arts or a licensed hospital,
5 or a nursing facility or nursing home licensed pursuant to Section
6 1-1903 of Title 63 of the Oklahoma Statutes arising out of patient
7 care, where any person has placed the physical or mental condition
8 of that person in issue by the commencement of any action,
9 proceeding, or suit for damages, or where any person has placed in
10 issue the physical or mental condition of any other person or
11 deceased person by or through whom the person rightfully claims,
12 that person shall be deemed to waive any privilege granted by law
13 concerning any communication made to a physician or health care
14 provider with reference to any physical or mental condition or any
15 knowledge obtained by the physician or health care provider by
16 personal examination of the patient; provided that, before any
17 communication, medical or hospital record, or testimony is admitted
18 in evidence in any proceeding, it must be material and relevant to
19 an issue therein, according to existing rules of evidence.

20 Psychological, psychiatric, mental health and substance abuse
21 treatment records and information from psychological, psychiatric,
22 mental health and substance abuse treatment practitioners may only
23 be obtained provided the requirements of Section 1-109 of Title 43A
24 of the Oklahoma Statutes are met.

1 2. Any person who obtains any document pursuant to the
2 provisions of this section shall provide copies of the document to
3 any opposing party in the proceeding upon payment of the expense of
4 copying the document pursuant to the provisions of this section.

5 C. This section shall not apply to the records of an inmate in
6 a correctional institution when the correctional institution
7 believes the release of such information to be a threat to the
8 safety or security of the inmate or the institution.

9 SECTION 2. This act shall become effective November 1, 2010.

10 Passed the Senate the 9th day of March, 2010.

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Presiding Officer of the Senate

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14 Passed the House of Representatives the ____ day of _____,

15 2010.

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Presiding Officer of the House
of Representatives

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