

SB 1624

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THE STATE SENATE
Monday, February 22, 2010

Senate Bill No. 1624

As Amended

SENATE BILL NO. 1624 - By: Paddock of the Senate and Thomsen of the House.

[medical records - access - placing cap on certain charges - effective date]

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

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

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

2. Any person who is or has been a patient of a doctor, hospital, or other medical institution shall be furnished copies of all records, including any x-ray or other photograph or image, pertaining to that person's case upon request and upon the tender of the expense of the copy or copies. The cost of each copy to such person or to the legal representative of such person, not including any x-ray or other photograph or image, shall not exceed One Dollar

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

18 3. The provisions of paragraphs 1 and 2 of this subsection
19 shall not apply to psychological, psychiatric, mental health or
20 substance abuse treatment records. In the case of psychological,
21 psychiatric, mental health or substance abuse treatment records,
22 access to information contained in the records shall be obtained
23 pursuant to Section 1-109 of Title 43A of the Oklahoma Statutes.

1 B. 1. In cases involving a claim for personal injury or death
2 against any practitioner of the healing arts or a licensed hospital,
3 or a nursing facility or nursing home licensed pursuant to Section
4 1-1903 of Title 63 of the Oklahoma Statutes arising out of patient
5 care, where any person has placed the physical or mental condition
6 of that person in issue by the commencement of any action,
7 proceeding, or suit for damages, or where any person has placed in
8 issue the physical or mental condition of any other person or
9 deceased person by or through whom the person rightfully claims,
10 that person shall be deemed to waive any privilege granted by law
11 concerning any communication made to a physician or health care
12 provider with reference to any physical or mental condition or any
13 knowledge obtained by the physician or health care provider by
14 personal examination of the patient; provided that, before any
15 communication, medical or hospital record, or testimony is admitted
16 in evidence in any proceeding, it must be material and relevant to
17 an issue therein, according to existing rules of evidence.
18 Psychological, psychiatric, mental health and substance abuse
19 treatment records and information from psychological, psychiatric,
20 mental health and substance abuse treatment practitioners may only
21 be obtained provided the requirements of Section 1-109 of Title 43A
22 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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-16-10 - DO
11 PASS, As Amended and Coauthored.