

1 ENGROSSED SENATE
2 BILL NO. 701

By: Aldridge of the Senate
and
Sullivan of the House

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7 [medical records - access - costs - effective date]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 76 O.S. 2001, Section 19, as last
12 amended by Section 1, Chapter 88, O.S.L. 2005 (76 O.S. Supp. 2010,
13 Section 19), is amended to read as follows:

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

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

1 any x-ray or other photograph or image, shall not exceed One Dollar
2 (\$1.00) for the first page and fifty cents (\$0.50) for each
3 subsequent page. The physician, hospital or other medical
4 professionals and institutions may produce the records in digital
5 form at a cost not to exceed Fifty Dollars (\$50.00). The cost of
6 each x-ray or other photograph or image to such person or to the
7 legal representative of such person shall not exceed Five Dollars
8 (\$5.00) or the actual cost of reproduction, whichever is less. The
9 physician, hospital, or other medical professionals and institutions
10 may charge a patient for the actual cost of mailing the patient's
11 requested medical records, but may not charge a fee for searching,
12 retrieving, reviewing, and preparing medical records of the person.

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

19 B. 1. In cases involving a claim for personal injury or death
20 against any practitioner of the healing arts or a licensed hospital,
21 or a nursing facility or nursing home licensed pursuant to Section
22 1-1903 of Title 63 of the Oklahoma Statutes arising out of patient
23 care, where any person has placed the physical or mental condition
24 of that person in issue by the commencement of any action,

1 proceeding, or suit for damages, or where any person has placed in
2 issue the physical or mental condition of any other person or
3 deceased person by or through whom the person rightfully claims,
4 that person shall be deemed to waive any privilege granted by law
5 concerning any communication made to a physician or health care
6 provider with reference to any physical or mental condition or any
7 knowledge obtained by the physician or health care provider by
8 personal examination of the patient; provided that, before any
9 communication, medical or hospital record, or testimony is admitted
10 in evidence in any proceeding, it must be material and relevant to
11 an issue therein, according to existing rules of evidence.

12 Psychological, psychiatric, mental health and substance abuse
13 treatment records and information from psychological, psychiatric,
14 mental health and substance abuse treatment practitioners may only
15 be obtained provided the requirements of Section 1-109 of Title 43A
16 of the Oklahoma Statutes are met.

17 2. Any person who obtains any document pursuant to the
18 provisions of this section shall provide copies of the document to
19 any opposing party in the proceeding upon payment of the expense of
20 copying the document pursuant to the provisions of this section.

21 C. This section shall not apply to the records of an inmate in
22 a correctional institution when the correctional institution
23 believes the release of such information to be a threat to the
24 safety or security of the inmate or the institution.

