

1 patient's medical records, including any x-ray or other photograph
2 or image.

3 2. Any person who is or has been a patient of a doctor,
4 hospital, or other medical institution shall be furnished copies of
5 all records, including any x-ray or other photograph or image,
6 pertaining to that person's case upon request and upon the tender of
7 the expense of the copy or copies. The cost of each copy, including
8 a copy by facsimile, to such person or to the legal representative
9 or surviving next of kin of such person, not including any x-ray or
10 other photograph or image, shall not exceed One Dollar (\$1.00) for
11 the first page and fifty cents (\$0.50) for each subsequent page.
12 The physician, hospital or other medical professionals and
13 institutions may produce the records in digital form at a cost not
14 to exceed ten cents (\$0.10) per page or a total of Fifty Dollars
15 (\$50.00), whichever is less. The cost of each x-ray or other
16 photograph or image to such person or to the legal representative or
17 surviving next of kin of such person shall not exceed Five Dollars
18 (\$5.00) or the actual cost of reproduction, whichever is less. The
19 physician, hospital, or other medical professionals and institutions
20 may charge a patient for the actual cost of mailing the patient's
21 requested medical records, but may not charge a fee for searching,
22 retrieving, reviewing, and preparing medical records of the person.
23 No mailing fee shall be charged for copies provided by facsimile.

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

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

1 Psychological, psychiatric, mental health and substance abuse
2 treatment records and information from psychological, psychiatric,
3 mental health and substance abuse treatment practitioners may only
4 be obtained provided the requirements of Section 1-109 of Title 43A
5 of the Oklahoma Statutes are met.

6 2. Any person who obtains any document pursuant to the
7 provisions of this section shall provide copies of the document to
8 any opposing party in the proceeding upon payment of the expense of
9 copying the document pursuant to the provisions of this section.

10 C. This section shall not apply to the records of an inmate in
11 a correctional institution when the correctional institution
12 believes the release of such information to be a threat to the
13 safety or security of the inmate or the institution.

14 SECTION 2. This act shall become effective November 1, 2011.

15

16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-22-2011 - DO
17 PASS, As Amended.

18

19

20

21

22

23

24

25