

1 Section 19. A. 1. Any person who is or has been a patient of
2 a doctor, hospital, or other medical institution shall be entitled,
3 upon request, to obtain access to the information contained in the
4 patient's medical records, including any x-ray or other photograph
5 or image or pathology slide. Disclosure regarding a deceased
6 patient shall require either a court order or a written release of
7 an executor, administrator or personal representative appointed by
8 the court, or if there is no such appointment, by the spouse of the
9 patient or, if none, by any responsible member of the family of the
10 patient. As used in this paragraph, "responsible family member"
11 shall mean the parent, adult child, adult sibling or other adult
12 relative who was actively involved in providing care to or
13 monitoring the care of the patient as verified by the doctor,
14 hospital or other medical institution responsible for the care and
15 treatment of such person.

16 2. Any person who is or has been a patient of a doctor,
17 hospital, or other medical institution shall be furnished copies of
18 all records, including any x-ray ~~or~~, other photograph or image~~7~~ or
19 pathology slide, pertaining to that person's case upon request and
20 upon the tender of the expense of the copy or copies. The cost of
21 each copy to such person or to the legal representative, spouse or
22 responsible family member of such person, not including any x-ray or
23 other photograph or image or pathology slide, shall not exceed One

1 Dollar (\$1.00) for the first page and fifty cents (\$0.50) for each
2 subsequent page. The physician, hospital or other medical
3 professionals and institutions may produce the records in digital
4 form at a cost not to exceed twelve cents (\$0.12) per digital page.
5 The cost of each x-ray ~~ex~~, other photograph or image, or pathology
6 slide 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 physician, hospital, or other
9 medical professionals and institutions may charge a patient for the
10 actual cost of mailing the patient's requested medical records, but
11 may not charge a fee for searching, retrieving, reviewing, and
12 preparing medical records of the person. No mailing fee shall be
13 charged for copies provided by facsimile.

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

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

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

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

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1 C. This section shall not apply to the records of an inmate in
2 a correctional institution when the correctional institution
3 believes the release of such information to be a threat to the
4 safety or security of the inmate or the institution.

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

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7 COMMITTEE REPORT BY: COMMITTEE ON COMMITTEE REPORT BY: COMMITTEE ON
8 PUBLIC HEALTH, dated 03-30-2011 - DO PASS, As Amended.
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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.