

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 701

By: Aldridge

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5
6 AS INTRODUCED

7 An Act relating to medical records; amending 76 O.S.
8 2001, Section 19, as last amended by Section 1,
9 Chapter 88, O.S.L. 2005 (76 O.S. Supp. 2010, Section
10 19), which relates to access to medical records and
copies; allowing certain persons to access specified
11 records; establishing costs for records provided in
12 certain form; and providing an effective date.

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

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

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

22 2. Any person who is or has been a patient of a doctor,
23 hospital, or other medical institution shall be furnished copies of
24 all records, including any x-ray or other photograph or image,

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

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

23 B. 1. In cases involving a claim for personal injury or death
24 against any practitioner of the healing arts or a licensed hospital,

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

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

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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