

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

POLICY COMMITTEE
RECOMMENDATION

FOR ENGROSSED

SENATE BILL NO. 423

By: Rader of the Senate

and

Caldwell (Chad) of the
House

POLICY COMMITTEE RECOMMENDATION

An Act relating to medical records; amending 76 O.S. 2021, Section 19, which relates to access to medical records; modifying applicability of certain provisions; eliminating certain duties of health care providers; authorizing imposition of certain fees; modifying certain fee limits; and providing an effective date.

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

SECTION 1. AMENDATORY 76 O.S. 2021, 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~~ health care provider

1 or health care facility, or such person's personal representative,
2 shall, as provided under 45 C.F.R., Section 164.502, 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 or
5 image, pathology slide, or the patient's medical bills.

6 2. Disclosure of the information described in paragraph 1 of
7 this subsection regarding a deceased patient shall require either a
8 court order or a written release of an executor, administrator, or
9 personal representative appointed by the court, or if there is no
10 such appointment, by the spouse of the patient or, if none, by any
11 responsible family member of the ~~family of the~~ patient. As used in
12 this paragraph, "responsible family member" shall mean the parent,
13 adult child, adult sibling, or other adult relative who was actively
14 involved in providing care to or monitoring the care of the patient
15 as verified by the ~~doctor, hospital or other medical institution~~
16 health care provider or health care facility responsible for the
17 care and treatment of such person.

18 ~~2. Any person who is or has been a patient of a doctor,~~
19 ~~hospital or other medical institution shall be furnished copies of~~
20 ~~all medical records including any x-ray, other photograph or image,~~
21 ~~pathology slide or all medical bills pertaining to that person's~~
22 ~~case upon request and upon the tender of the expenses enumerated in~~
23 ~~this paragraph. The cost of each copy to such person or to the~~
24 ~~personal representative, spouse or responsible family member of such~~

1 ~~person, not including any x-ray or other photograph or image or~~
2 ~~pathology slide, shall be fifty cents (\$0.50) for each page.~~

3 3. A health care provider or health care facility may impose a
4 reasonable, cost-based fee when patients or their personal
5 representatives request copies of medical records; provided, that
6 the fee includes only the cost of applicable expenses listed in 42
7 C.F.R., Section 164.524(c) (4).

8 4. Requests for medical records and medical bills from, or
9 directed to, attorneys, insurance companies, other third parties,
10 and by way of subpoena shall be charged a base fee of ~~Twenty Dollars~~
11 ~~(\$20.00)~~ Twenty-three Dollars (\$23.00) in addition to ~~the~~ a per page
12 ~~charges required pursuant to this section~~ fee of:

13 a. sixty-seven cents (\$0.67) for paper copies, plus
14 postage or delivery fee, or

15 b. forty cents (\$0.40) for electronic copies.

16 The base fee shall be charged regardless of whether any records
17 related to the request are located. A fee of Fifteen Dollars
18 (\$15.00) shall be charged if a certification or an affidavit by the
19 provider regarding the authenticity of the medical records or bills
20 is requested. ~~The physician, hospital or other medical~~
21 ~~professionals and institutions, or their business associates as the~~
22 ~~term is defined in Section 160.103 of Title 45 of the United States~~
23 ~~Code of Federal Regulations shall produce the records in digital~~
24 ~~form at the rate of thirty cents (\$0.30) per page if:~~

- a. ~~the entire request can be reproduced from an~~
~~electronic health record system,~~
- b. ~~the records are specifically requested to be delivered~~
~~in electronic format, and~~
- c. ~~the records can be delivered electronically.~~

~~If a provider or business associate transmits the records~~
~~electronically, no postage shall be charged but a delivery charge~~
~~shall apply.~~ In no event shall a charge for the reproduction of
electronically stored and delivered medical records pursuant to this
paragraph exceed ~~Two Hundred Dollars (\$200.00)~~ Two Hundred Seventy
Dollars (\$270.00) plus postage or delivery fee. The cost of each
printed x-ray, other photograph, or image to such person or to the
legal representative of such person shall be Fifteen Dollars
(\$15.00). If the x-ray, other photograph, or image is provided on a
CD/DVD or other electronic media, the fee shall be ~~Twenty Dollars~~
~~(\$20.00)~~ Twenty-three Dollars (\$23.00) per CD/DVD or other
electronic media. ~~The physician, hospital, or other medical~~
~~professionals and institutions, or their business associates as the~~
~~term is defined in Section 160.103 of Title 45 of the United States~~
~~Code of Federal Regulations, shall not charge a person who requests~~
~~their own record a fee for searching, retrieving, reviewing, and~~
~~preparing medical records of the person. No mailing fee shall be~~
~~charged for copies provided by facsimile. All requests for medical~~
~~records made pursuant to this subsection shall be subject to the~~

1 ~~fees described in this section regardless of where the copies or~~
2 ~~electronic versions of such records are actually produced.~~

3 ~~3. 5.~~ The provisions of ~~paragraphs 1 and 2~~ of this subsection
4 shall not apply to:

5 a. psychological, psychiatric, mental health, or
6 substance abuse treatment records. In the case of
7 psychological, psychiatric, mental health, or
8 substance abuse treatment records, access to
9 information contained in the records shall be obtained
10 pursuant to Section 1-109 of Title 43A of the Oklahoma
11 Statutes.

12 ~~4. The provisions of paragraphs 1 and 2 of this subsection~~
13 ~~shall not apply to, and~~

14 b. requests for medical records made by the Disability
15 Determination Division of the State Department of
16 Rehabilitation Services. The fee for such requests
17 shall be at a rate allowed by the Social Security
18 Administration.

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.

SECTION 2. This act shall become effective November 1, 2025.

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