

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2964 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Rick West _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2964

By: West (Rick) of the
House

6 and

7 Sacchieri of the Senate

8
9 FLOOR SUBSTITUTE

10 An Act relating to medical records; amending 76 O.S.
11 2021, Section 19, which relates to access to medical
12 records, copies, waiver of privilege, and exception
13 for inmates when threat to safety or security of self
14 or institution; modifying the fee requirement to
15 discretionary; and providing an effective date.

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

17 SECTION 1. AMENDATORY 76 O.S. 2021, Section 19, is
18 amended to read as follows:

19 Section 19. A. 1. Any person who is or has been a patient of
20 a doctor, hospital or other medical institution shall be entitled,
21 upon request, to obtain access to the information contained in the
22 patient's medical records including any ~~x-ray~~ X-ray or other
23 photograph or image, pathology slide or the patient's medical bills.
24 Disclosure regarding a deceased patient shall require either a court

1 order or a written release of an executor, administrator or personal
2 representative appointed by the court, or if there is no such
3 appointment, by the spouse of the patient or, if none, by any
4 responsible member of the family of the patient. As used in this
5 paragraph, "responsible family member" shall mean the parent, adult
6 child, adult sibling or other adult relative who was actively
7 involved in providing care to or monitoring the care of the patient
8 as verified by the doctor, hospital or other medical institution
9 responsible for the care and treatment of such person.

10 2. Any person who is or has been a patient of a doctor,
11 hospital or other medical institution shall be furnished copies of
12 all medical records including any ~~x-ray~~ X-ray, other photograph or
13 image, pathology slide or all medical bills pertaining to that
14 person's case upon request and upon the tender of the expenses
15 enumerated in this paragraph. The cost of each copy to such person
16 or to the personal representative, spouse or responsible family
17 member of such person, not including any ~~x-ray~~ X-ray or other
18 photograph or image or pathology slide, ~~shall be~~ may charge up to
19 fifty cents (\$0.50) for each page. Requests for medical records and
20 medical bills from attorneys, insurance companies and by way of
21 subpoena ~~shall~~ may be charged up to a base fee of Twenty Dollars
22 (\$20.00) ~~in addition to the per page charges required pursuant to~~
23 ~~this section~~, plus postage or delivery fee. The base fee ~~shall~~ may
24 be charged regardless of whether any records related to the request

1 are located. ~~A~~ Up to a fee of Fifteen Dollars (\$15.00) ~~shall~~ may be
2 charged if a certification or an affidavit by the provider regarding
3 the authenticity of the medical records or bills is requested. The
4 physician, hospital or other medical professionals and institutions,
5 or their business associates as the term is defined in Section
6 160.103 of Title 45 of the United States Code of Federal Regulations
7 ~~shall~~ may produce the records in digital form ~~at~~ up to the rate of
8 thirty cents (\$0.30) per page if:

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

14 If a provider or business associate transmits the records
15 electronically, no postage shall be charged but a delivery charge
16 ~~shall~~ may apply. In no event shall a charge for the reproduction of
17 electronically stored and delivered medical records pursuant to this
18 paragraph exceed Two Hundred Dollars (\$200.00) plus postage or
19 delivery fee. The cost of each printed ~~*-ray~~ X-ray, other
20 photograph or image to such person or to the legal representative of
21 such person ~~shall be~~ may charge up to Fifteen Dollars (\$15.00). If
22 the ~~*-ray~~ X-ray, other photograph or image is provided on a CD/DVD
23 or other electronic media, the fee ~~shall be~~ charged may be up to
24 Twenty Dollars (\$20.00) per CD/DVD or other electronic media. The

1 physician, hospital, or other medical professionals and
2 institutions, or their business associates as the term is defined in
3 Section 160.103 of Title 45 of the United States Code of Federal
4 Regulations, shall not charge a person who requests ~~their~~ his or her
5 own record a fee for searching, retrieving, reviewing, and preparing
6 medical records of the person. No mailing fee shall be charged for
7 copies provided by facsimile. All requests for medical records made
8 pursuant to this subsection ~~shall~~ may be subject to the fees
9 described in this section regardless of where the copies or
10 electronic versions of such records are actually produced.

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

17 4. The provisions of paragraphs 1 and 2 of this subsection
18 shall not apply to requests for medical records made by the
19 Disability Determination Division of the State Department of
20 Rehabilitation Services. The fee for such requests shall be at a
21 rate allowed by the Social Security Administration.

22 B. 1. In cases involving a claim for personal injury or death
23 against any practitioner of the healing arts or a licensed hospital,
24 or a nursing facility or nursing home licensed pursuant to Section

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

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

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

24

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, 2026.

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