

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2964

By: West (Rick)

AS INTRODUCED

An Act relating to medical records; amending 76 O.S. 2021, Section 19, which relates to access to medical records, copies, waiver of privilege, and exception for inmates when threat to safety or security of self or institution; modifying the fee requirement to discretionary; 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 shall be entitled, upon request, to obtain access to the information contained in the patient's medical records including any ~~*-ray~~ X-ray or other photograph or image, pathology slide or the patient's medical bills. Disclosure regarding a deceased patient shall require either a court order or a written release of an executor, administrator or personal representative appointed by the court, or if there is no such appointment, by the spouse of the patient or, if none, by any

1 responsible member of the family of the patient. As used in this
2 paragraph, "responsible family member" shall mean the parent, adult
3 child, adult sibling or other adult relative who was actively
4 involved in providing care to or monitoring the care of the patient
5 as verified by the doctor, hospital or other medical institution
6 responsible for the care and treatment of such person.

7 2. Any person who is or has been a patient of a doctor,
8 hospital or other medical institution shall be furnished copies of
9 all medical records including any ~~x-ray~~ X-ray, other photograph or
10 image, pathology slide or all medical bills pertaining to that
11 person's case upon request and upon the tender of the expenses
12 enumerated in this paragraph. The cost of each copy to such person
13 or to the personal representative, spouse or responsible family
14 member of such person, not including any ~~x-ray~~ X-ray or other
15 photograph or image or pathology slide, ~~shall~~ may be fifty cents
16 (\$0.50) for each page. Requests for medical records and medical
17 bills from attorneys, insurance companies and by way of subpoena
18 ~~shall~~ may be charged a base fee of Twenty Dollars (\$20.00) ~~in~~
19 ~~addition to the per page charges required pursuant to this section,~~
20 plus postage or delivery fee. The base fee ~~shall~~ may be charged
21 regardless of whether any records related to the request are
22 located. A fee of Fifteen Dollars (\$15.00) ~~shall~~ may be charged if
23 a certification or an affidavit by the provider regarding the
24 authenticity of the medical records or bills is requested. The

1 physician, hospital or other medical professionals and institutions,
2 or their business associates as the term is defined in Section
3 160.103 of Title 45 of the United States Code of Federal Regulations
4 ~~shall~~ may produce the records in digital form at the rate of thirty
5 cents (\$0.30) per page if:

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

11 If a provider or business associate transmits the records
12 electronically, no postage shall be charged but a delivery charge
13 ~~shall~~ may apply. In no event shall a charge for the reproduction of
14 electronically stored and delivered medical records pursuant to this
15 paragraph exceed Two Hundred Dollars (\$200.00) plus postage or
16 delivery fee. The cost of each printed ~~x-ray~~ X-ray, other
17 photograph or image to such person or to the legal representative of
18 such person ~~shall~~ may be Fifteen Dollars (\$15.00). If the ~~x-ray~~ X-
19 ray, other photograph or image is provided on a CD/DVD or other
20 electronic media, the fee ~~shall~~ may be Twenty Dollars (\$20.00) per
21 CD/DVD or other electronic media. The physician, hospital, or other
22 medical professionals and institutions, or their business associates
23 as the term is defined in Section 160.103 of Title 45 of the United
24 States Code of Federal Regulations, shall not charge a person who

1 requests ~~their~~ his or her own record a fee for searching,
2 retrieving, reviewing, and preparing medical records of the person.
3 No mailing fee shall be charged for copies provided by facsimile.
4 All requests for medical records made pursuant to this subsection
5 ~~shall~~ may be subject to the fees described in this section
6 regardless of where the copies or electronic versions of such
7 records are actually produced.

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

14 4. The provisions of paragraphs 1 and 2 of this subsection
15 shall not apply to requests for medical records made by the
16 Disability Determination Division of the State Department of
17 Rehabilitation Services. The fee for such requests shall be at a
18 rate allowed by the Social Security 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, 2026.

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