

FIRST REGULAR SESSION

SENATE BILL NO. 62

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 20, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0521L.011

AN ACT

To repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to medical records.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 191.227, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 191.227, to read as follows:

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other
2 duly licensed practitioners in this state, herein called "providers", shall, upon
3 written request of a patient, or guardian or legally authorized representative of
4 a patient, furnish a copy of his or her record of that patient's health history and
5 treatment rendered to the person submitting a written request, except that such
6 right shall be limited to access consistent with the patient's condition and sound
7 therapeutic treatment as determined by the provider. Beginning August 28,
8 1994, such record shall be furnished within a reasonable time of the receipt of the
9 request therefor and upon payment of a fee as provided in this section.

10 2. Health care providers may condition the furnishing of the patient's
11 health care records to the patient, the patient's authorized representative or any
12 other person or entity authorized by law to obtain or reproduce such records upon
13 payment of a fee for:

14 (1) Copying, in an amount not more than seventeen dollars and five cents
15 plus forty cents per page for the cost of supplies and labor;

16 (2) Postage, to include packaging and delivery cost; [and]

17 (3) Notary fee, not to exceed two dollars, if requested; **and**

18 (4) **Any retrieval fee charged by an outsourced records storage**
19 **service with which the health care provider has contracted for off-site**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 records storage and management.

21 3. Notwithstanding provisions of this section to the contrary, providers
22 may charge for the reasonable cost of all duplications of health care record
23 material or information which cannot routinely be copied or duplicated on a
24 standard commercial photocopy machine.

25 4. The transfer of the patient's record done in good faith shall not render
26 the provider liable to the patient or any other person for any consequences which
27 resulted or may result from disclosure of the patient's record as required by this
28 section.

29 5. Effective February first of each year, the fees listed in subsection 2 of
30 this section shall be increased or decreased annually based on the annual
31 percentage change in the unadjusted, U.S. city average, annual average inflation
32 rate of the medical care component of the Consumer Price Index for All Urban
33 Consumers (CPI-U). The current reference base of the index, as published by the
34 Bureau of Labor Statistics of the United States Department of Labor, shall be
35 used as the reference base. For purposes of this subsection, the annual average
36 inflation rate shall be based on a twelve-month calendar year beginning in
37 January and ending in December of each preceding calendar year. The
38 department of health and senior services shall report the annual adjustment and
39 the adjusted fees authorized in this section on the department's Internet website
40 by February first of each year.

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