

FIRST REGULAR SESSION

# SENATE BILL NO. 88

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 20, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0609S.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Section A. Section 191.227, RSMo, is repealed and one new section  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) (a) [Copying] **Search and retrieval**, in an amount not more than  
15 [twenty-one] **twenty-two** dollars and [thirty-six cents] **one cent** plus **copying**  
16 **in the amount of** [fifty] **fifty-two** cents per page for the cost of supplies and  
17 labor plus, if the health care provider has contracted for off-site records storage  
18 and management, any additional labor costs of outside storage retrieval, not to  
19 exceed twenty dollars, as adjusted annually pursuant to subsection 5 of this

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

20 section; or

21 (b) [If the health care provider stores records in an electronic or digital  
22 format, and provides the requested records and affidavit, if requested, in an  
23 electronic or digital format, not more than five dollars plus fifty cents per page  
24 or twenty-five dollars total, whichever is less] **The records shall be furnished**  
25 **electronically upon payment of the search, retrieval, and copying fees**  
26 **set under this section at the time of the request or one hundred dollars**  
27 **total, whichever is less, if such person:**

28 a. **Requests health records to be delivered electronically in a**  
29 **format of the health care provider's choice;**

30 b. **The health care provider stores such records completely in an**  
31 **electronic health record; and**

32 c. **The health care provider is capable of providing the requested**  
33 **records and affidavit, if requested, in an electronic format;**

34 (2) Postage, to include packaging and delivery cost; and

35 (3) Notary fee, not to exceed two dollars, if requested.

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

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

44 5. Effective February first of each year, the fees listed in subsection 2 of  
45 this section shall be increased or decreased annually based on the annual  
46 percentage change in the unadjusted, U.S. city average, annual average inflation  
47 rate of the medical care component of the Consumer Price Index for All Urban  
48 Consumers (CPI-U). The current reference base of the index, as published by the  
49 Bureau of Labor Statistics of the United States Department of Labor, shall be  
50 used as the reference base. For purposes of this subsection, the annual average  
51 inflation rate shall be based on a twelve-month calendar year beginning in  
52 January and ending in December of each preceding calendar year. The  
53 department of health and senior services shall report the annual adjustment and  
54 the adjusted fees authorized in this section on the department's internet website  
55 by February first of each year.