



1 **§16-29-1. Copies of health care records to be furnished to**  
2 **patients.**

3 Any licensed, certified or registered health care provider so  
4 licensed, certified or registered under the laws of this state  
5 shall, upon the written request of a patient, his or her authorized  
6 agent or authorized representative, within a reasonable time,  
7 furnish a copy ~~as requested~~ in the form of a paper copy or, if  
8 requested and if the provider has the ability to so provide, a copy  
9 in an electronic format including, but not limited to, a copy saved  
10 upon a computer disc, an electronically mailed copy or a copy saved  
11 upon a portable memory device of all or a portion of the patient's  
12 record to the patient, his or her authorized agent or authorized  
13 representative subject to the following exceptions:

14 (a) In the case of a patient receiving treatment for  
15 psychiatric or psychological problems, a summary of the record  
16 shall be made available to the patient, his or her authorized agent  
17 or authorized representative following termination of the treatment  
18 program.

19 (b) Nothing in this article shall be construed to require a  
20 health care provider responsible for diagnosis, treatment or  
21 administering health care services in the case of minors for birth  
22 control, prenatal care, drug rehabilitation or related services or  
23 venereal disease according to any provision of this code, to

1 release patient records of such diagnosis, treatment or provision  
2 of health care as aforesaid to a parent or guardian, without prior  
3 written consent therefor from the patient, nor shall anything in  
4 this article be construed to apply to persons regulated under the  
5 provisions of chapter eighteen of this code or the rules and  
6 regulations established thereunder.

7       (c) The furnishing of a copy, as requested, of the reports of  
8 X-ray examinations, electrocardiograms and other diagnostic  
9 procedures shall be deemed to comply with the provisions of this  
10 article: *Provided*, That original radiological study film from a  
11 radiological exam conducted pursuant to a request from a patient or  
12 patient's representative shall be provided to the patient or  
13 patient's representative upon written request and payment for the  
14 exam. The health care provider shall not be required to interpret  
15 or retain copies of the film and shall be immune from liability  
16 resulting from any action relating to the absence of the original  
17 radiological film from the patient's record.

18       (d) This article shall not apply to records subpoenaed or  
19 otherwise requested through court process.

20       (e) The provisions of this article may be enforced by a  
21 patient, authorized agent or authorized representative, and any  
22 health care provider found to be in violation of this article shall  
23 pay any attorney fees and costs, including court costs incurred in

1 the course of such enforcement.

2 (f) Nothing in this article shall be construed to apply to  
3 health care records maintained by health care providers governed by  
4 the AIDS-related medical testing and records confidentiality act  
5 under the provisions of article three-c of this chapter.

6 **§16-29-2. Reasonable expenses to be reimbursed.**

7 ~~(a) The patient or his or her authorized agent or~~  
8 ~~representative shall be provided one copy of all requested records~~  
9 ~~at no reimbursement charge. For any additional copies of the~~  
10 ~~requested records after the first copy,~~ the provider shall be  
11 reimbursed by the person requesting in writing a copy of the  
12 records at the time of delivery for all reasonable expenses  
13 incurred in complying with this article: *Provided*, That the cost  
14 ~~of a paper copy~~ may not exceed .75¢ per page for the copying of any  
15 record or records which have already been reduced to written form  
16 and a search fee may not exceed \$10: ~~Provided however, That if the~~  
17 ~~copy is provided in an electronic format, a search fee not to~~  
18 ~~exceed \$10, shall be the only reimbursement required.~~

19 ~~(b) Notwithstanding the provisions of subsection (a) of this~~  
20 ~~section, a provider shall not impose a charge on an indigent person~~  
21 ~~or his or her authorized representative if the medical records are~~  
22 ~~necessary for the purpose of supporting a claim or appeal under any~~  
23 ~~provisions of the Social Security Act, 42 U.S.C. §301 et seq.~~

1 ~~(c) For purposes of this section, a person is considered~~  
2 ~~indigent if he or she:~~

3 ~~(1) Is represented by an organization or affiliated pro bono~~  
4 ~~program that provides legal assistance to indigents; or~~

5 ~~(2) Verifies on a medical records request and release form~~  
6 ~~that the records are requested for purposes of supporting a social~~  
7 ~~security claim or appeal and submits with the release form~~  
8 ~~reasonable proof that the person is financially unable to pay full~~  
9 ~~copying charges by reason of unemployment, disability, income below~~  
10 ~~the federal poverty level, or receipt of state or federal income~~  
11 ~~assistance.~~

12 ~~(d) Any person requesting free copies of written medical~~  
13 ~~records pursuant to the provisions of subsection (b) of this~~  
14 ~~section is limited to one set of copies per provider. Any~~  
15 ~~additional requests for the same records from the same provider~~  
16 ~~shall be subject to the fee provisions of subsection (a).~~

17 **§16-29-3. Copies provided for indigent persons for claims or**  
18 **appeals under provisions of the Federal Social**  
19 **Security Act.**

20 (a) Notwithstanding the provisions of section two of this  
21 article, if the medical records are necessary for the purpose of  
22 supporting a claim or appeal under any provisions of the Social  
23 Security Act, 42 U.S.C. §301 et seq., a provider shall not impose

1 a charge on an indigent person or his or her authorized  
2 representative.

3 (b) For purposes of this section, a person is considered  
4 indigent if he or she:

5 (1) Is represented by an organization or affiliated pro bono  
6 program that provides legal assistance to indigents; or

7 (2) Verifies on a medical records request and release form  
8 that the records are requested for purposes of supporting a social  
9 security claim or appeal and submits with the release form  
10 reasonable proof that the person is financially unable to pay full  
11 copying charges by reason of unemployment, disability, income below  
12 the federal poverty level, or receipt of state or federal income  
13 assistance.

14 (c) Any person requesting free copies of written medical  
15 records pursuant to the provisions of section three of this article  
16 is limited to one set of copies per provider. Any additional  
17 requests for the same records from the same provider is subject to  
18 the fee provisions of section two.

NOTE: The purpose of this bill is to require that one copy of medical records be provided to a patient or representative, upon written request, free of charge. The language relating to copies of medical records for certain indigent persons has been moved from §16-29-2 to a new §16-29-3.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would

be added.

§16-29-3 is new; therefore, it has been completely underscored.