

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

House Bill 2402

BY DELEGATES BURKHAMMER, MAZZOCCHI, WORRELL,

HITE, MILLER, PETITTO, HORST, AND KIMBLE

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

1 AN ACT to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended; and to
2 amend the code by adding a new section, designated §16-29-3, relating to providing
3 access to medical records; providing access to a summary of medical records; providing
4 access to a minor's medical records; removing exemptions for records governed by the
5 AIDS related Medical Testing and Records Confidentiality Act; and providing exemptions
6 for access to a minor's medical records.

Be it enacted by the Legislature of West Virginia:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 29. HEALTH CARE RECORDS.

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

1 (a) A health care provider so licensed, certified or registered under the laws of this state
2 shall, upon the written request of a patient, his or her personal representative, as defined by the
3 Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and any rules
4 promulgated pursuant to the act, and his or her authorized agent or authorized representative,
5 within no more than thirty days from the receipt of the request, furnish a copy, in the form of a
6 paper copy or, if requested and if the provider routinely stores records electronically and has the
7 ability to so provide, a copy in an electronic format including, but not limited to, a downloadable
8 format through a secure web portal, a copy saved upon a computer disc, an electronically mailed
9 copy or a copy saved upon a portable memory device of all or a portion of the patient's record to
10 the patient, his or her personal representative, or authorized agent or authorized representative
11 subject to the following exceptions:

12 (1) In the case of a patient receiving treatment, a summary of the record shall be made
13 available to the patient, personal representative, or his or her authorized agent or authorized
14 representative following termination of the treatment.

15 (2) The furnishing of a copy, as requested, of the reports of x-ray examinations,
16 electrocardiograms and other diagnostic procedures shall be deemed to comply with the
17 provisions of this article.

18 (b) This article does not apply to records subpoenaed or otherwise requested through
19 court process, except for the fee provisions in §16-29-2 of this code, which do apply to
20 subpoenaed records.

21 (c) The provisions of this article may be enforced by a patient, personal representative,
22 authorized agent or authorized representative. A health care provider found to be in violation of
23 this article shall pay any attorney fees and costs, including court costs incurred in the course of
24 such enforcement.

§16-29-3. Access to minor's records.

1 (a) A parent, guardian, foster parent or kinship placement may not be denied access to
2 the health records of their minor child unless otherwise ordered by a court or pursuant to
3 subsection (b) of this section.

4 (b) A parent is not permitted to access the health records of that parent's minor child if:

5 (1) The minor child has graduated high school or equivalent;

6 (2) The minor child is emancipated; or

7 (3) The minor child is married.

8 (c) Except as provided in subsection (b) of this section, no release, authorization, nor any
9 form of permission from or by the minor child shall be required or requested as a prerequisite for
10 the parent or legal guardian to obtain the medical records.

The Clerk of the House of Delegates and the Clerk of the Senate hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor