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4 **SENATE BILL No. 377**

5
6 By Special Committee on Judiciary

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8 1-8

9
10 AN ACT concerning access to health care records by patients and au-
11 thorized representatives.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. As used in this act: (a) "Health care provider" means those
15 persons and entities defined as a health care provider under K.S.A. 40-
16 3401 and K.S.A. 7-121b, and amendments thereto, except that "health
17 care provider" shall not include a health maintenance organization.

18 (b) "Authorized representative" means the person designated in writ-
19 ing by the patient to obtain the health care records of the patient or the
20 person otherwise authorized by law to obtain the health care records of
21 the patient.

22 (c) "Authorization" means a written or printed document signed by
23 a patient or a patient's authorized representative containing: (1) A de-
24 scription of the health care records a health care provider is authorized
25 to produce; (2) the patient's name, address and date of birth; (3) a des-
26 ignation of the person or entity authorized to obtain copies of the health
27 care records; (4) a date or event upon which the force of the authorization
28 shall expire which shall not exceed one year; (5) if signed by a patient's
29 authorized representative, the authorized representative's name, address,
30 telephone number and relationship or capacity to the patient; and (6) a
31 statement setting forth the right of the person signing the authorization
32 to revoke it in writing.

33 Sec. 2. ~~(a)~~ Subject to applicable law, copies of health care records
34 shall be furnished to a patient or a patient's authorized representative
35 within 30 days of the receipt of the authorization, or the health care
36 provider shall notify the patient or the patient's authorized representative
37 of the reasons why copies are not available. Health care providers may
38 condition the furnishing of the patient's health care records to the patient
39 or the patient's authorized representative upon the payment of charges
40 not to exceed a \$15 handling or service fee and \$.35 per page for copies
41 of health care records routinely duplicated on a standard photocopy ma-
42 chine. Providers may charge for the reasonable cost of all duplications of
43 health care record information which cannot be routinely duplicated on

1 a standard photocopy machine.

2 ~~(b) The limits provided in subsection (a) shall be increased or de-~~
3 ~~creased on an annual basis effective January 1 of each year in accordance~~
4 ~~with the centers for medicare and medicaid services market basket survey.~~

5 Sec. 3. Any health care provider, patient or authorized representative
6 of a patient may bring a claim or action to enforce the provisions of this
7 act, and any court having jurisdiction of such claim or action, upon a
8 showing that the failure to comply with this act was without just cause or
9 excuse, shall award the costs of the action and order the patient's health
10 care records produced without cost or expense to the requesting party.

11 ***Sec. 4. Nothing in this act shall be construed to prohibit the***
12 ***state board of healing arts from adopting and enforcing rules and***
13 ***regulations that require licensees of the board to furnish health care***
14 ***records to patients or to their authorized representative. To the***
15 ***extent that the board determines that an administrative disciplinary***
16 ***remedy is appropriate for violation of such rules and regulations,***
17 ***that remedy is separate from and in addition to the provisions of***
18 ***this act.***

19 Sec. 4 5. This act shall take effect and be in force from and after its
20 publication in the Kansas register.

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