

1 the court, or if there is no such appointment, by the spouse of the
2 patient or, if none, by any responsible member of the family of the
3 patient. As used in this paragraph, "responsible family member"
4 shall mean the parent, adult child, adult sibling or other adult
5 relative who was actively involved in providing care to or
6 monitoring the care of the patient as verified by the doctor,
7 hospital or other medical institution responsible for the care and
8 treatment of such person.

9 2. Any person who is or has been a patient of a doctor,
10 hospital, or other medical institution shall be furnished copies of
11 all records, including any x-ray, other photograph or image or
12 pathology slide, pertaining to that person's case upon request and
13 upon the tender of the expenses enumerated in this paragraph. The
14 cost of each copy to such person or to the personal representative,
15 spouse or responsible family member of such person, not including
16 any x-ray or other photograph or image or pathology slide, shall be
17 fifty cents (\$0.50) for each page. Requests for medical records
18 from attorneys, insurance companies and by way of subpoena shall be
19 charged a base fee of Ten Dollars (\$10.00) in addition to the per
20 page charges required pursuant to this section, plus postage or
21 delivery fee. The physician, hospital or other medical
22 professionals and institutions, or their business associates as the
23 term is defined in Section 160.103 of Title 45 of the United States

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Code of Federal Regulations shall produce the records in digital
2 form at the rate of thirty cents (\$0.30) per page if:

- 3 a. the entire request can be reproduced from an
4 electronic health record system,
- 5 b. the medical record is specifically requested to be
6 delivered in electronic format, and
- 7 c. the medical record can be delivered electronically.

8 If a provider or business associate transmits the records
9 electronically, no postage shall be charged but a delivery charge
10 shall apply. In no event shall a charge for the reproduction of
11 electronically stored and delivered medical records pursuant to this
12 paragraph exceed Two Hundred Dollars (\$200.00) plus postage or
13 delivery fee. The cost of each x-ray, other photograph or image, or
14 pathology slide to such person or to the legal representative of
15 such person shall be Five Dollars (\$5.00). The physician, hospital,
16 or other medical professionals and institutions, or their business
17 associates as the term is defined in Section 160.103 of Title 45 of
18 the United States Code of Federal Regulations, shall not charge a
19 person who requests their own record a fee for searching,
20 retrieving, reviewing, and preparing medical records of the person.
21 No mailing fee shall be charged for copies provided by facsimile.
22 All requests for medical records made pursuant to this subsection
23 shall be subject to the fees described in this section regardless of
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1 where the copies or electronic versions of such records are actually
2 produced.

3 3. The provisions of paragraphs 1 and 2 of this subsection
4 shall not apply to psychological, psychiatric, mental health or
5 substance abuse treatment records. In the case of psychological,
6 psychiatric, mental health or substance abuse treatment records,
7 access to information contained in the records shall be obtained
8 pursuant to Section 1-109 of Title 43A of the Oklahoma Statutes.

9 B. 1. In cases involving a claim for personal injury or death
10 against any practitioner of the healing arts or a licensed hospital,
11 or a nursing facility or nursing home licensed pursuant to Section
12 1-1903 of Title 63 of the Oklahoma Statutes arising out of patient
13 care, where any person has placed the physical or mental condition
14 of that person in issue by the commencement of any action,
15 proceeding, or suit for damages, or where any person has placed in
16 issue the physical or mental condition of any other person or
17 deceased person by or through whom the person rightfully claims,
18 that person shall be deemed to waive any privilege granted by law
19 concerning any communication made to a physician or health care
20 provider with reference to any physical or mental condition or any
21 knowledge obtained by the physician or health care provider by
22 personal examination of the patient; provided that, before any
23 communication, medical or hospital record, or testimony is admitted
24 in evidence in any proceeding, it must be material and relevant to

1 an issue therein, according to existing rules of evidence.
2 Psychological, psychiatric, mental health and substance abuse
3 treatment records and information from psychological, psychiatric,
4 mental health and substance abuse treatment practitioners may only
5 be obtained provided the requirements of Section 1-109 of Title 43A
6 of the Oklahoma Statutes are met.

7 2. Any person who obtains any document pursuant to the
8 provisions of this section shall provide copies of the document to
9 any opposing party in the proceeding upon payment of the expense of
10 copying the document pursuant to the provisions of this section.

11 C. This section shall not apply to the records of an inmate in
12 a correctional institution when the correctional institution
13 believes the release of such information to be a threat to the
14 safety or security of the inmate or the institution.

15 SECTION 2. This act shall become effective November 1, 2015.

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17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
18 04/01/2015 - DO PASS.

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