

1 **SENATE FLOOR VERSION**

2 February 10, 2025

3 **AS AMENDED**

4 SENATE BILL NO. 423

5 By: Rader of the Senate

6 and

7 Caldwell (Chad) of the
8 House

9 An Act relating to medical records; amending 76 O.S.
10 2021, Section 19, which relates to access to medical
11 records; modifying applicability of certain
12 provisions; eliminating certain duties of health care
13 providers; authorizing imposition of certain fee;
14 making certain acts unlawful; creating **misdemeanor**
15 offense; providing administrative and criminal
16 penalties; providing for civil relief; and providing
17 an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 76 O.S. 2021, Section 19, is
20 amended to read as follows:

21 Section 19. A. 1. Any person who is or has been a patient of
22 ~~a doctor, hospital or other medical institution~~ any health care
23 provider or health care facility, or such person's personal
24 representative, shall be entitled, upon request, to obtain access to
the information contained in the patient's medical records including
any x-ray or other photograph or image, pathology slide or the
patient's medical bills.

1 2. Disclosure of the information described in paragraph 1 of
2 this subsection regarding a deceased patient shall require either a
3 court order or a written release of an executor, administrator or
4 personal representative appointed by the court, or if there is no
5 such appointment, by the spouse of the patient or, if none, by any
6 responsible member of the family of the patient. As used in this
7 paragraph, "responsible family member" shall mean the parent, adult
8 child, adult sibling or other adult relative who was actively
9 involved in providing care to or monitoring the care of the patient
10 as verified by the ~~doctor, hospital or other medical institution~~
11 health care provider or health care facility responsible for the
12 care and treatment of such person.

13 ~~2. Any person who is or has been a patient of a doctor,~~
14 ~~hospital or other medical institution shall be furnished copies of~~
15 ~~all medical records including any x-ray, other photograph or image,~~
16 ~~pathology slide or all medical bills pertaining to that person's~~
17 ~~case upon request and upon the tender of the expenses enumerated in~~
18 ~~this paragraph. The cost of each copy to such person or to the~~
19 ~~personal representative, spouse or responsible family member of such~~
20 ~~person, not including any x-ray or other photograph or image or~~
21 ~~pathology slide, shall be fifty cents (\$0.50) for each page.~~

22 3. Health care providers and health care facilities may impose
23 a reasonable, cost-based fee when patients or their personal
24 representatives request copies of medical records; provided, that

1 the fee includes only the cost of applicable expenses listed in 42
2 C.F.R., Section 164.524(c) (4).

3 4. Requests for medical records and medical bills from
4 attorneys, insurance companies and by way of subpoena shall be
5 charged a base fee of Twenty Dollars (\$20.00) in addition to the per
6 page charges required pursuant to this section, plus postage or
7 delivery fee. The base fee shall be charged regardless of whether
8 any records related to the request are located. A fee of Fifteen
9 Dollars (\$15.00) shall be charged if a certification or an affidavit
10 by the provider regarding the authenticity of the medical records or
11 bills is requested. ~~The physician, hospital or other medical~~
12 ~~professionals and institutions, or their business associates as the~~
13 ~~term is defined in Section 160.103 of Title 45 of the United States~~
14 ~~Code of Federal Regulations shall produce the records in digital~~
15 ~~form at the rate of thirty cents (\$0.30) per page if:~~

- 16 a. ~~the entire request can be reproduced from an~~
17 ~~electronic health record system,~~
18 b. ~~the records are specifically requested to be delivered~~
19 ~~in electronic format, and~~
20 c. ~~the records can be delivered electronically.~~

21 ~~If a provider or business associate transmits the records~~
22 ~~electronically, no postage shall be charged but a delivery charge~~
23 ~~shall apply. In no event shall a charge for the reproduction of~~
24 ~~electronically stored and delivered medical records pursuant to this~~

1 paragraph exceed Two Hundred Dollars (\$200.00) plus postage or
2 delivery fee. The cost of each printed x-ray, other photograph or
3 image to such person or to the legal representative of such person
4 shall be Fifteen Dollars (\$15.00). If the x-ray, other photograph
5 or image is provided on a CD/DVD or other electronic media, the fee
6 shall be Twenty Dollars (\$20.00) per CD/DVD or other electronic
7 media. ~~The physician, hospital, or other medical professionals and~~
8 ~~institutions, or their business associates as the term is defined in~~
9 ~~Section 160.103 of Title 45 of the United States Code of Federal~~
10 ~~Regulations, shall not charge a person who requests their own record~~
11 ~~a fee for searching, retrieving, reviewing, and preparing medical~~
12 ~~records of the person. No mailing fee shall be charged for copies~~
13 ~~provided by facsimile. All requests for medical records made~~
14 ~~pursuant to this subsection shall be subject to the fees described~~
15 ~~in this section regardless of where the copies or electronic~~
16 ~~versions of such records are actually produced.~~

17 ~~3.~~ 5. The provisions of ~~paragraphs 1 and 2~~ of this subsection
18 shall not apply to:

19 a. psychological, psychiatric, mental health or substance
20 abuse treatment records. In the case of
21 psychological, psychiatric, mental health or substance
22 abuse treatment records, access to information
23 contained in the records shall be obtained pursuant to
24 Section 1-109 of Title 43A of the Oklahoma Statutes.

1 ~~4. The provisions of paragraphs 1 and 2 of this subsection~~
2 ~~shall not apply to, and~~

3 b. requests for medical records made by the Disability
4 Determination Division of the State Department of
5 Rehabilitation Services. The fee for such requests
6 shall be at a rate allowed by the Social Security
7 Administration.

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

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

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

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

14 D. 1. It shall be unlawful for any person to transmit,
15 disclose, seek, use, or obtain any person's health information or
16 records related to any medical service, procedure, or treatment that
17 is deemed medically necessary by a physician, nurse, or other health
18 care provider licensed in this state for any purpose other than
19 treatment, payment, or health care operations as those terms are
20 defined by the Health Insurance Portability and Accountability Act
21 of 1996 or as authorized by the person whose information is being
22 sought, used, or disclosed.

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1 2. Violation of paragraph 1 of this subsection shall be deemed
2 unprofessional conduct by the person's licensure board if applicable
3 and subject to mandatory license revocation.

4 3. A person found in violation of paragraph 1 of this
5 subsection shall, upon conviction, be guilty of a **misdemeanor**
6 punishable by a fine not to exceed **One Thousand Dollars (\$1,000.00)**.

7 4. If a health care provider believes a violation of paragraph
8 1 of this subsection has occurred or will occur in relation to a
9 request for medical records, the health care provider may apply to a
10 court of competent jurisdiction for relief and the court shall award
11 appropriate relief including, but not limited to, temporary,
12 preliminary, or permanent injunctive relief.

13 SECTION 2. This act shall become effective November 1, 2025.

14 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
15 February 10, 2025 - DO PASS AS AMENDED