

1 AN ACT relating to patient medical records.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 422.317 is amended to read as follows:

- 4 (1) *A party requesting a patient's record from a health care provider shall be*
5 *responsible to the health care provider for the reasonable costs of copying and*
6 *mailing such patient's records. Excluding records requested involving any type of*
7 *claim filed pursuant to KRS Chapter 342, reasonable costs shall not exceed*
8 *twenty dollars (\$20) for medical records five (5) pages or less in length and one*
9 *dollar (\$1) per page for each page copied after the first five (5) pages and the*
10 *actual cost of mailing.*
- 11 (2) *Third party providers of record copying and related services shall be subject to*
12 *the reasonable cost limits in this section. A health care provider shall not charge*
13 *a fee for copying or notarizing a medical record when requested by a*
14 *governmental agency in order to investigate a complaint against the health care*
15 *provider or related to any governmental inspection or survey.*
- 16 (3) *Payment of such costs may be required by the provider prior to the records being*
17 *furnished. Upon payment of the costs described in this section, the patient or a*
18 *patient's authorized representative shall have the right to receive the medical*
19 *records without delay.*
- 20 (4) *A provider or a third party of record copying and related services shall consider*
21 *waiving or reducing the charges for the first copy of a patient's medical record if*
22 *the patient attests, in writing, that the records are requested for his or her own*
23 *use, and the charges will cause an undue financial hardship upon the*
24 *patient*~~Upon a patient's written request, a hospital licensed under KRS Chapter~~
25 ~~216B or a health care provider shall provide, without charge to the patient, a copy~~
26 ~~of the patient's medical record. A copying fee, not to exceed one dollar (\$1) per~~
27 ~~page, may be charged by the health care provider for furnishing a second copy of~~

1 ~~the patient's medical record upon request either by the patient or the patient's~~
2 ~~attorney or the patient's authorized representative].~~

3 (5)~~(2)~~ The Department of Corrections shall not be considered as a health care
4 provider under this section; however, the department may make medical records of
5 an individual inmate available to that individual inmate unless the department,
6 through its designee, determines that the provision of the record is subject to the
7 provisions of KRS 197.025.