

Moved by Ricks

Seconded by Lent

IN THE SENATE
SENATE AMENDMENT TO S.B. NO. 1395

AMENDMENT TO SECTION 1

1
2 On page 1 of the printed bill, in line 20, delete "its agent" and insert:
3 "third-party service. "A third-party service" means a service that has entered
4 into a contract with a health care provider to provide patient records
5 on behalf of a health care provider"; delete lines 21 through 24, and insert:

6 "(2) Upon the request of a patient, patient's attorney, legal representative,
7 or third-party service authorized to receive records, a health care
8 provider, health care facility, or third-party service shall provide medical
9 records and may charge reasonable fees pursuant to this section or other
10 applicable law, whichever is less. Such reasonable fees shall not exceed
11 those provided in this subsection.";

12 in line 27, delete "flat" and insert: "search"; in line 28, delete
13 "Fifty-three cents (53¢)" and insert: "Sixty cents (60¢)"; in line 29,
14 delete "thirty-two cents (32¢)" and insert: "thirty-six cents (36¢)"; in
15 line 32, delete "; or" and insert: "; and"; in line 33, delete "sending" and
16 insert: "postage to mail"; in line 37, delete "flat" and insert: "search";
17 in line 38, delete "Twenty-seven cents (27¢)" and insert: "Thirty cents
18 (30¢)"; and in line 39, delete "sixteen cents (16¢)" and insert: "eighteen
19 cents (18¢)".

20 On page 2, in line 1, delete "sending" and insert: "postage to mail"; in
21 line 2, delete "or" and insert: "and"; in line 7, delete "one hundred fifty
22 dollars (\$150)" and insert: "one hundred seventy-five dollars (\$175)"; in
23 line 10, following "provider" insert: ", health care facility, or third-
24 party service"; delete lines 12 and 13, and insert: "by a patient, former
25 patient, patient's attorney, legal representative, or third-party service
26 authorized to receive records, for a qualified claim or appeal for"; in line
27 23, delete "and"; following line 23, insert:

28 "(b) Be delivered in the electronic medium customarily used by the
29 health care provider, the health care facility, or the health care
30 provider's third-party service or in a universally readable image, such
31 as portable document format, if the patient or the patient's attorney,
32 legal representative, or a third-party service authorized to receive
33 the records requests the record be delivered in an electronic medium;
34 and";

35 in line 24, delete "(b)" and insert: "(c)"; and following line 24, insert:

36 "(5) A health care provider shall be exempt from the provisions of
37 this section as long as the health care provider has less than fifty (50)
38 employees, is independently owned, is not associated with a hospital system
39 or health care system, and does not contract with a third-party service to
40 provide medical records.

1 (6) When a health care provider is governed by the standards for privacy
2 of individually identifiable health information, the fees allowed shall be
3 the lesser of those allowed pursuant to 45 CFR 164.524(c) (4) or the provi-
4 sions of this section."

5 CORRECTION TO TITLE

6 On page 1, delete lines 5 and 6, and insert: "A TERM, TO PROVIDE EXCEP-
7 TIONS, AND TO PROVIDE REQUIREMENTS FOR FULFILLMENT; AND DECLARING AN".