

HOUSE BILL No. 2577

By Representative Jack

1-22

AN ACT concerning health care records; amending K.S.A. 65-4970 and repealing the existing section.

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

Section 1. K.S.A. 65-4970 is hereby amended to read as follows: 65-4970. As used in ~~this act~~ K.S.A. 65-4970 through 65-4973, and amendments thereto: (a) "Health care provider" means those persons and entities defined as a health care provider under K.S.A. 40-3401 and K.S.A. 7-121b, and amendments thereto, except that "health care provider" shall not include a health maintenance organization.

(b) "Authorized representative" means the person designated in writing by the patient to obtain the health care records of the patient or the person otherwise authorized by law to obtain the health care records of the patient. *If the patient is deceased, the patient's surviving spouse, or if there is no surviving spouse, the deceased's heirs at law, shall be considered to be the deceased patient's authorized representative for the purposes of this subsection and the deceased patient's personal representative for the purposes of the federal health insurance portability and accountability act of 1996.*

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

Sec. 2. K.S.A. 65-4970 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.