

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT  
SENATE BILL NO. 119**

As Agreed to May 8, 2002

**Brief \***

The Conference Committee deleted provisions contained in SB 119 dealing with mental health screenings and admissions to state hospitals and inserted provisions of SB 377 with added modifications dealing with release of medical records.

SB 119 provides that copies of health care records shall be furnished to a patient, a patient's authorized representative or any other person or entity authorized by law to obtain or reproduce the records, within 30 days of the receipt of the authorization, or the health care provider shall notify the requester why copies are not available.

A health care provider may withhold copies of health care records if the provider reasonably believes that providing copies of the requested records will cause substantial harm to the patient or another person.

Health care providers may condition the furnishing of the patient's health care records upon the payment of charges not to exceed a \$15 fee for the cost of supplies and labor; and for copies of health care records routinely duplicated on a standard photocopier machine, \$.50 per page for the first 250 pages and \$.35 per page for additional pages. Providers may charge for the reasonable cost of all duplications of health care record information which cannot be routinely duplicated on a standard photocopier machine.

On January 1, 2004, and annually thereafter, the fees noted above shall be increased by the Secretary of Human Resources in accordance with the all-items consumer price index published by the United States Department of Labor.

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\*Conference committee summary reports are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree.

Any health care provider, patient, authorized representative or any other entity authorized by law to obtain or reproduce such records may bring an action to enforce the provisions of this act. The petition shall include an averment that the party bringing the action has in good faith conferred or attempted to confer with the other party concerning the matter in dispute without court action. Upon a showing that the failure to comply with this act was without just cause or excuse, the court shall award the costs of the action and order the records produced without cost or expense to the prevailing party.

The State board of Healing Arts may adopt rules and regulations not inconsistent with SB 119 which require licensees to furnish health care records to patients or to their authorized representative. An administrative disciplinary remedy appropriate for violation of the rules is separate from and in addition to the provisions of SB 119.

The bill is effective upon publication in the *Kansas Register*.