

As Engrossed: 2/6/91, 3/18/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Walters**

A BILL ACT 767 OF 1991
SENATE BILL 32

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH ACCESS TO A PERSON'S MEDICAL RECORDS
9 AND PROVIDE FOR THE FURNISHING OF COPIES OF THE RECORDS;
10 TO LIMIT THE AMOUNT WHICH MAY BE CHARGED FOR COPYING
11 MEDICAL RECORDS; AND FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
15 *SECTION 1. In contemplation of, preparation for or use in any legal*
16 *proceeding, any person who is or has been a patient of a doctor, hospital or*
17 *other medical institution shall be entitled to obtain access, personally or by*
18 *and through his or her attorney to the information in his or her medical*
19 *records upon request and with written patient authorization and shall be*
20 *furnished copies of all medical records pertaining to his or her case upon the*
21 *tender of the expense of such copy or copies. Cost of each photocopy,*
22 *excluding x-rays, shall not exceed one dollar (\$1.00) per page for the first*
23 *five (5) pages and twenty-five cents (\$.25) for each additional page except*
24 *that the minimum charge shall be five dollars (\$5.00). Provided, however, a*
25 *reasonable retrieval fee for stored records of a hospital may be added to the*
26 *photocopy charges. Provided, further, this section shall not prohibit*
27 *reasonable fees for narrative medical reports or medical review when performed*
28 *by the doctor or medical institution subject to the request.*

29 *If a doctor believes a patient should be denied access to his or her*
30 *medical records for any reason, the doctor must provide the patient or the*
31 *patient's guardian or attorney a written determination that disclosure of such*
32 *information would be detrimental to the individual's health or well-being. At*
33 *such time the patient or the patient's guardian or attorney may select another*
34 *doctor in the same type practice as the doctor subject to the request to*
35 *review such information and determine if disclosure of such information would*
36 *be detrimental to the patient's health or well-being. If the second doctor*

1 determines, based upon professional judgment, that disclosure of such
2 information would not be detrimental to the health or well-being of the
3 individual, the medical records shall be released to the patient or the
4 patient's guardian or attorney. If the determination is that disclosure of
5 such information would be detrimental, then it either will not be released or
6 the objectionable material will be obscured before release. The cost of this
7 review of the patient's record will be borne by the patient or the patient's
8 guardian or attorney. Nothing in this Act shall preclude the existing
9 subpoena process.

10

11 SECTION 2. This act does not apply to the Department of Correction.

12

13 SECTION 3. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

16

17 SECTION 4. If any provision of this Act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the Act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 Act are declared to be severable.

22

23 SECTION 5. All laws and parts of laws in conflict with this act are
24 hereby repealed.

25

26

27 /s/Walters

28

29 APPROVED: 3/26/91

30

31

32

33

34

35