

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

A Bill

SENATE BILL 32

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7 **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."

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

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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*

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

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

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

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

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25 hereby repealed.

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28 /s/Walters

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