

1 ENGROSSED SENATE  
2 BILL NO. 423

3 By: Rader of the Senate

4 and

5 Caldwell (Chad) of the  
6 House

7 An Act relating to medical records; amending 76 O.S.  
8 2021, Section 19, which relates to access to medical  
9 records; modifying applicability of certain  
10 provisions; eliminating certain duties of health care  
11 providers; authorizing imposition of certain fees;  
12 modifying certain fee limits; defining terms; making  
13 certain acts unlawful; creating misdemeanor offense;  
14 providing administrative and criminal penalties;  
15 providing for civil relief; updating statutory  
language; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 76 O.S. 2021, Section 19, is  
18 amended to read as follows:

19 Section 19. A. 1. Any person who is or has been a patient of  
20 a ~~doctor, hospital or other medical institution~~ health care provider  
21 or health care facility, or such person's personal representative,  
22 shall, as provided under 45 C.F.R., Section 164.502, be entitled,  
23 upon request, to obtain access to the information contained in the  
24 patient's medical records including any x-ray or other photograph or  
image, pathology slide, or the patient's medical bills.

25 2. Disclosure of the information described in paragraph 1 of  
26 this subsection regarding a deceased patient shall require either a

1 court order or a written release of an executor, administrator, or  
2 personal representative appointed by the court, or if there is no  
3 such appointment, by the spouse of the patient or, if none, by any  
4 responsible family member of the ~~family~~ of the patient. As used in  
5 this paragraph, "responsible family member" shall mean the parent,  
6 adult child, adult sibling, or other adult relative who was actively  
7 involved in providing care to or monitoring the care of the patient  
8 as verified by the ~~doctor, hospital or other medical institution~~  
~~health care provider or health care facility~~ responsible for the  
9 care and treatment of such person.

10  
11 2. ~~Any person who is or has been a patient of a doctor,~~  
12 ~~hospital or other medical institution shall be furnished copies of~~  
13 ~~all medical records including any x-ray, other photograph or image,~~  
14 ~~pathology slide or all medical bills pertaining to that person's~~  
15 ~~case upon request and upon the tender of the expenses enumerated in~~  
16 ~~this paragraph. The cost of each copy to such person or to the~~  
17 ~~personal representative, spouse or responsible family member of such~~  
18 ~~person, not including any x-ray or other photograph or image or~~  
19 ~~pathology slide, shall be fifty cents (\$0.50) for each page.~~

20  
21 3. A health care provider or health care facility may impose a  
22 reasonable, cost-based fee when patients or their personal  
23 representatives request copies of medical records; provided, that  
24 the fee includes only the cost of applicable expenses listed in 42  
C.F.R., Section 164.524(c)(4).

1       4. Requests for medical records and medical bills from, or  
2       directed to, attorneys, insurance companies, other third parties,  
3       and by way of subpoena shall be charged a base fee of Twenty Dollars  
4       ~~(\$20.00)~~ Twenty-three Dollars (\$23.00) in addition to ~~the a~~ per page  
5       charges required pursuant to this section fee of:

- 6           a. sixty-seven cents (\$0.67) for paper copies, plus  
7           postage or delivery fee, or  
8           b. forty cents (\$0.40) for electronic copies.

9       The base fee shall be charged regardless of whether any records  
10      related to the request are located. A fee of Fifteen Dollars  
11      (\$15.00) shall be charged if a certification or an affidavit by the  
12      provider regarding the authenticity of the medical records or bills  
13      is requested. ~~The physician, hospital or other medical~~  
14      professionals and institutions, or their business associates as the  
15      term is defined in Section 160.103 of Title 45 of the United States  
16      Code of Federal Regulations shall produce the records in digital  
17      form at the rate of thirty cents (\$0.30) per page if:

- 18           a. ~~the entire request can be reproduced from an~~  
19           ~~electronic health record system,~~  
20           b. ~~the records are specifically requested to be delivered~~  
21           ~~in electronic format, and~~  
22           c. ~~the records can be delivered electronically.~~

23      ~~If a provider or business associate transmits the records~~  
24      ~~electronically, no postage shall be charged but a delivery charge~~

1 shall apply. In no event shall a charge for the reproduction of  
2 electronically stored and delivered medical records pursuant to this  
3 paragraph exceed ~~Two Hundred Dollars (\$200.00)~~ Two Hundred Seventy  
4 Dollars (\$270.00) plus postage or delivery fee. The cost of each  
5 printed x-ray, other photograph, or image to such person or to the  
6 legal representative of such person shall be Fifteen Dollars  
7 (\$15.00). If the x-ray, other photograph, or image is provided on a  
8 CD/DVD or other electronic media, the fee shall be ~~Twenty Dollars~~  
9 ~~(\$20.00)~~ Twenty-three Dollars (\$23.00) per CD/DVD or other  
10 electronic media. ~~The physician, hospital, or other medical~~  
11 ~~professionals and institutions, or their business associates as the~~  
12 ~~term is defined in Section 160.103 of Title 45 of the United States~~  
13 ~~Code of Federal Regulations, shall not charge a person who requests~~  
14 ~~their own record a fee for searching, retrieving, reviewing, and~~  
15 ~~preparing medical records of the person. No mailing fee shall be~~  
16 ~~charged for copies provided by facsimile. All requests for medical~~  
17 ~~records made pursuant to this subsection shall be subject to the~~  
18 ~~fees described in this section regardless of where the copies or~~  
19 ~~electronic versions of such records are actually produced.~~

20       3. 5. The provisions of ~~paragraphs 1 and 2 of~~ this subsection  
21 shall not apply to:

- 22           a. psychological, psychiatric, mental health, or  
23                   substance abuse treatment records. In the case of  
24                   psychological, psychiatric, mental health, or

1                    substance abuse treatment records, access to  
2                    information contained in the records shall be obtained  
3                    pursuant to Section 1-109 of Title 43A of the Oklahoma  
4                    Statutes.

5                  ~~4. The provisions of paragraphs 1 and 2 of this subsection~~  
6                  ~~shall not apply to, and~~

7                  b. requests for medical records made by the Disability  
8                  Determination Division of the State Department of  
9                  Rehabilitation Services. The fee for such requests  
10                 shall be at a rate allowed by the Social Security  
11                 Administration.

12                 B. 1. In cases involving a claim for personal injury or death  
13                 against any practitioner of the healing arts or a licensed hospital,  
14                 or a nursing facility ~~or nursing home~~ licensed pursuant to Section  
15                 1-1903 of Title 63 of the Oklahoma Statutes arising out of patient  
16                 care, where any person has placed the physical or mental condition  
17                 of that person in issue by the commencement of any action,  
18                 proceeding, or suit for damages, or where any person has placed in  
19                 issue the physical or mental condition of any other person or  
20                 deceased person by or through whom the person rightfully claims,  
21                 that person shall be deemed to waive any privilege granted by law  
22                 concerning any communication made to a physician or health care  
23                 provider with reference to any physical or mental condition or any  
24                 knowledge obtained by the physician or health care provider by

1 personal examination of the patient; provided that, before any  
2 communication, medical or hospital record, or testimony is admitted  
3 in evidence in any proceeding, it must be material and relevant to  
4 an issue therein, according to existing rules of evidence.

5 Psychological, psychiatric, mental health, and substance abuse  
6 treatment records and information from psychological, psychiatric,  
7 mental health, and substance abuse treatment practitioners may only  
8 be obtained provided the requirements of Section 1-109 of Title 43A  
9 of the Oklahoma Statutes are met.

10       2. Any person who obtains any document pursuant to the  
11 provisions of this section shall provide copies of the document to  
12 any opposing party in the proceeding upon payment of the expense of  
13 copying the document pursuant to the provisions of this section.

14       C. This section shall not apply to the records of an inmate in  
15 a correctional institution when the correctional institution  
16 believes the release of such information to be a threat to the  
17 safety or security of the inmate or the institution.

18       D. 1. As used in this section, the terms "covered entity" and  
19 "protected health information" shall have the same meaning as  
20 provided under the Health Insurance Portability and Accountability  
21 Act of 1996 (HIPAA).

22       2. It shall be unlawful for a covered entity to use or disclose  
23 protected health information except as authorized under HIPAA.

3. Intentional violation of paragraph 2 of this subsection shall be deemed unprofessional conduct by the covered entity's licensure board or regulatory agency if applicable and subject to mandatory license revocation.

4. A covered entity found in violation of paragraph 2 of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

5. If a covered entity believes a violation of paragraph 2 of this subsection has occurred or will occur in relation to a request for medical records, the covered entity may apply to a court of competent jurisdiction for relief and the court shall award appropriate relief including, but not limited to, temporary, preliminary, or permanent injunctive relief.

SECTION 2. This act shall become effective November 1, 2025.

Passed the Senate the 26th day of March, 2025.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_\_ day of \_\_\_\_\_,  
2025.

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Presiding Officer of the House  
of Representatives