

FEB 25 1999

HUMAN RESOURCES

HOUSE FILE
BY JOCHUM

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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to inspection and duplication of health care
2 records upon the request of a patient.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 135.26 HEALTH CARE PROVIDER
2 RECORDS -- DUPLICATION FOR PROVISION TO PATIENT.
3 1. For the purposes of this section:
4 a. "Health care provider" means a person licensed to
5 practice medicine and surgery pursuant to chapter 148,
6 physical therapy pursuant to chapter 148A, occupational
7 therapy pursuant to chapter 148B, acupuncture pursuant to
8 chapter 148E, podiatry pursuant to chapter 149, osteopathy
9 pursuant to chapter 150, osteopathic medicine and surgery
10 pursuant to chapter 150A, chiropractic pursuant to chapter
11 151, nursing pursuant to chapter 152, dietetics pursuant to
12 chapter 152A, respiratory care pursuant to chapter 152B,
13 massage therapy pursuant to chapter 152C, dentistry pursuant
14 to chapter 153, optometry pursuant to chapter 154, psychology
15 pursuant to chapter 154B, social work pursuant to chapter
16 154C, behavioral science pursuant to chapter 154D, or licensed
17 as a physician assistant pursuant to chapter 148C, a hospital
18 licensed pursuant to chapter 135B, and a health care facility
19 licensed pursuant to chapter 135C.
20 b. "Health care record" includes but is not limited to
21 evaluations, diagnoses, prognoses, treatment, history, charts,
22 pictures, laboratory reports, X rays, prescriptions, and other
23 technical information used in assessing a patient's condition.
24 2. Upon the written request of a patient, a health care
25 provider shall allow the patient to inspect and shall provide
26 the patient with a duplicate of the health care record of the
27 patient. The health care provider may charge a fee, as
28 established by rule of the department, for duplication of the
29 record.
30 3. A health care provider may withhold the record from the
31 patient if the provider reasonably determines that the
32 information is detrimental to the physical or mental health of
33 the patient, or is likely to cause the patient to harm the
34 patient or another person. If a record is withheld from the
35 patient under this subsection, the health care provider may

1 provide access to the record or a duplicate of the record to
2 the patient's attorney or personal physician upon request of
3 the patient.

4 4. The department shall adopt rules pursuant to chapter
5 17A prescribing uniform fees, based upon the actual cost of
6 duplication, that a health care provider may charge for
7 duplication of health care records requested by a patient
8 under this section. The rules may provide for an additional
9 fee based upon the actual costs for postage or other means of
10 delivery and may provide for an annual increase based upon the
11 annual rate of inflation for the preceding calendar year as
12 determined by the consumer price index published by the bureau
13 of labor statistics of the United States department of labor.

14 EXPLANATION

15 This bill requires a health care provider to allow a
16 patient to inspect the patient's health care record and to
17 provide the patient with a duplicate of the patient's health
18 care record upon written request of the patient. The bill
19 provides that if the health care provider reasonably
20 determines that the information is detrimental to the physical
21 or mental health of the patient, or is likely to cause the
22 patient to harm the patient or another person, the health care
23 provider may withhold the record and instead provide the
24 record to the patient's attorney or personal physician upon
25 the request of the patient. The bill requires the Iowa
26 department of public health to adopt rules to establish a
27 uniform fee which may be charged for duplication of the
28 records.

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