

2d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 143

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE B.DAVIS

Introduced: 4/8/95

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the right of health care recipients or their representatives to
2 obtain their medical records; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 18.23.065 is repealed and reenacted to read:

5 Sec. 18.23.065. PATIENT'S RIGHT TO HEALTH CARE RECORDS. (a)
6 Except as provided in (c) of this section, upon receipt of a written request for a
7 patient's records, executed by the patient, a person with written authorization from the
8 patient to request the records, or the personal representative of the estate of the patient,
9 a health care provider shall, within 30 calendar days, mail to the requesting person or
10 have available for pickup by that person the requested records.

11 (b) The records provided under (a) of this section shall either be the original
12 records or clear, legible copies of the original records, and must consist of all the
13 portions of the records requested. However, this subsection does not supersede the
14 requirements of AS 18.20.085. If all the records for a patient were requested, none

1 may be omitted.

2 (c) A health care provider who certifies in writing to the requester that a
3 requested record is stored outside the state is exempt from the time limit in (a) of this
4 section but shall provide the record within 60 calendar days of the original request.
5 If a health care provider desires to use the exemption allowed under this subsection,
6 the health care provider shall notify the requester within 30 calendar days of the
7 original request that it might take up to 60 days to provide the record.

8 (d) A health care provider who provides records under this section may not
9 charge the requester more than the sum of

10 (1) estimated postal charges; and

11 (2) the average of the rates charged by hospitals for photocopying and
12 providing medical records in the community nearest the location of the health care
13 provider.

14 (e) A health care provider who negligently violates this section is guilty of a
15 class B misdemeanor and is liable in a civil action to the requester for liquidated
16 damages of \$1,000.

17 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).