

**HOUSE BILL NO. 143**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE B.DAVIS**

**Introduced: 2/1/95**

**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 to obtain their medical**  
2 **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4 **\* Section 1.** AS 18.23.065 is repealed and reenacted to read: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           Upon receipt of a written request for a patient's records, executed by the patient, an  
7           authorized representative of the patient, or the personal representative of the estate of  
8           the patient, a health care provider shall, within 14 calendar days, mail to the requesting  
9           person or have available for pickup by that person the requested records.

10           (b) The records provided under (a) of this section shall either be the original  
11           records or clear, legible copies of the original records, and must consist of all the  
12           portions of the records requested. If all the records for a patient were requested, none  
13           may be omitted.

14           (c) If a health care provider is not able to provide requested records within 14

1 calendar days, the health care provider shall notify the requester in writing within that  
2 period that up to 30 calendar days are necessary to obtain, copy, and mail the records.  
3 Except as provided in (d) of this section, a health care provider who sends a notice  
4 under this subsection shall provide the requested records within 30 calendar days of  
5 the original request.

6 (d) A health care provider who certifies in writing to the patient that a  
7 requested record is stored outside the state shall provide the record within 60 calendar  
8 days of the original request and shall notify the patient within 14 calendar days of the  
9 original request that it might take up to 60 days to provide the record.

10 (e) In addition to estimated postal charges, a health care provider who provides  
11 records under this section may only request payment of a sum equivalent to either

12 (1) the actual hourly wage of the individual who collects, copies, and  
13 mails the records, multiplied by the time actually spent on the particular record request,  
14 whether a fraction of an hour or a multiple of hours; or

15 (2) five cents per page for documents, \$2 each for color photographs,  
16 and \$5 each for radiological transparencies.

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

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