

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1990**

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**ENROLLED**

**SENATE BILL NO. 610**

*Originating in the Committee*  
(By Senator *on the Judiciary*)

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**PASSED March 7, 1990**

In Effect *90 days from* Passage

**ENROLLED**

**Senate Bill No. 610**

(ORIGINATING IN THE COMMITTEE ON THE JUDICIARY)

[Passed March 7, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and two, article twenty-nine, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to revising methods by which health care records are furnished to patients; and limiting copying fees.

*Be it enacted by the Legislature of West Virginia:*

That sections one and two, article twenty-nine, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 29. HEALTH CARE RECORDS.**

**§16-29-1. Copies of health care records to be furnished to patients.**

1 Any licensed, certified or registered health care  
2 provider so licensed, certified or registered under the  
3 laws of this state shall, upon the written request of a  
4 patient, his authorized agent or authorized representa-

5 tive, within a reasonable time, furnish a copy, as  
6 requested, of all or a portion of the patient's record to  
7 the patient, his authorized agent or authorized repre-  
8 sentative subject to the following exceptions:

9 (a) In the case of a patient receiving treatment for  
10 psychiatric or psychological problems, a summary of  
11 the record shall be made available to the patient, his  
12 authorized agent or authorized representative follow-  
13 ing termination of the treatment program.

14 (b) Nothing in this article shall be construed to  
15 require a health care provider responsible for diagno-  
16 sis, treatment or administering health care services in  
17 the case of minors for birth control, prenatal care,  
18 drug rehabilitation or related services, or venereal  
19 disease according to any provision of the code, to  
20 release patient records of such diagnosis, treatment or  
21 provision of health care as aforesaid to a parent or  
22 guardian, without prior written consent therefore  
23 from the patient, nor shall any thing in this article be  
24 construed to apply to persons regulated under the  
25 provisions of chapter eighteen of this code or the rules  
26 and regulations established thereunder.

27 (c) The furnishing of a copy, as requested, of the  
28 reports of X ray examinations, electrocardiograms and  
29 other diagnostic procedures shall be deemed to comply  
30 with the provisions of this article.

31 (d) This article shall not apply to records subpoenaed  
32 or otherwise requested through court process.

33 (e) The provisions of this article may be enforced by  
34 a patient, authorized agent or authorized representa-  
35 tive, and any health care provider found to be in  
36 violation of this article shall pay any attorney fees and  
37 costs, including court costs incurred in the course of  
38 such enforcement.

39 (f) Nothing in this article shall be construed to apply  
40 to health care records maintained by health care  
41 providers governed by the AIDS-related medical  
42 testing and records confidentiality act under the  
43 provisions of article three-c of this chapter.

**§16-29-2. Reasonable expenses to be reimbursed.**

1 The provider shall be reimbursed by the person  
2 requesting in writing a copy of such records at the  
3 time of delivery for all reasonable expenses incurred  
4 in complying with this article. However, such cost  
5 shall not exceed seventy-five cents per page for the  
6 copying of any such record or records which have  
7 already been reduced to written form.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frederick L. Kees*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Harrell E. Allen*  
.....  
Clerk of the Senate

*Donald T. Hoop*  
.....  
Clerk of the House of Delegates

*Witt Burdette*  
.....  
President of the Senate

*John P. Auber*  
.....  
Speaker House of Delegates

The within is approved this the *14<sup>th</sup>* day of *March* 1990

*Justin Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/13/90

Time 3:00 pm

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE