

SB 90

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SENATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

*COMMITTEE SUBSTITUTE FOR*  
SENATE BILL NO. 90

(By Senator HUNTER)



PASSED MARCH 11, 1999  
In Effect NINETY DAYS FROM Passage

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 90**

(SENATOR HUNTER, *original sponsor*)

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[Passed March 11, 1999; in effect ninety days from passage.]

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AN ACT to amend and reenact section two, article twenty-nine, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to copying medical records; permitting indigent persons and their authorized representatives to obtain free copies of medical records to support claims or appeals for social security benefits; defining terms; and establishing limitations.

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

That section 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.**

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

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

8 (b) Notwithstanding the provisions of subsection (a) of  
9 this section, a provider shall not impose a charge on an  
10 indigent person or his or her authorized representative if  
11 the medical records are necessary for the purpose of  
12 supporting a claim or appeal under any provisions of the  
13 Social Security Act, 42 U.S.C. § 301 et seq.

14 (c) For purposes of this section, a person is considered  
15 indigent if he or she:

16 (1) Is represented by an organization or affiliated pro  
17 bono program that provides legal assistance to indigents;  
18 or

19 (2) Verifies on a medical records request and release  
20 form that the records are requested for purposes of  
21 supporting a social security claim or appeal and submits  
22 with the release form reasonable proof that the person is  
23 financially unable to pay full copying charges by reason of  
24 unemployment, disability, income below the federal  
25 poverty level, or receipt of state or federal income assis-  
26 tance.

27 (d) Any person requesting free copies of written medi-  
28 cal records pursuant to the provisions of subsection (b) of  
29 this section is limited to one set of copies per provider.  
30 Any additional requests for the same records from the  
31 same provider shall be subject to the fee provisions of  
32 subsection (a).

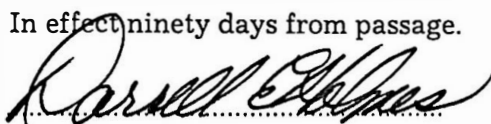
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
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Chairman Senate Committee

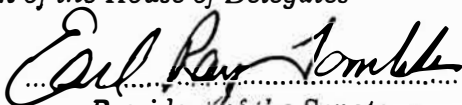
  
.....  
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

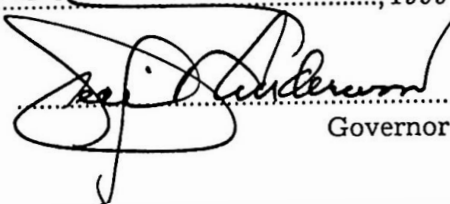
  
.....  
Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within..... *approved* ..... this the *25th*  
Day of..... *March* ....., 1999

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/23/99

Time

10:05 am