

No: 1352

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APPROVED AND SIGNED BY THE GOVERNOR

MAR 28 9 13 PM '83

Date 3-29-83

OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

Com. Sub. for
HOUSE BILL No. 1352

(By Mrs. Neal.....)



Passed March 12, 1983

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1352

(By MRS. NEAL)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-nine, relating to patient access to health care records.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-nine, 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 provider so
2 licensed, certified or registered under the laws of this state
3 shall, upon the written request of a patient, his authorized agent
4 or authorized representative within a reasonable time, furnish
5 a copy or summary of the patient's record to the patient, his
6 authorized agent or authorized representative subject to the
7 following exceptions:

8 (a) In the case of a patient receiving treatment for psychia-

9 tric or psychological problems, a summary of the record shall
10 be made available to the patient, his authorized agent or au-
11 thorized representative following termination of the treatment
12 program.

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

24 (c) The furnishing of a copy or summary of the reports of
25 x-ray examinations, electrocardiograms and other diagnostic
26 procedures shall be deemed to comply with the provisions of
27 this article.

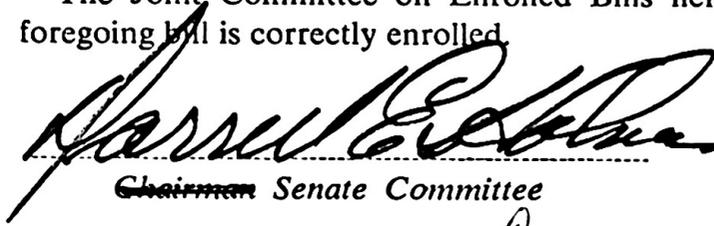
28 (d) For purposes of this article, "patient record" does not
29 include a provider's office notes.

30 (e) The provisions of this article may be enforced by a
31 patient, authorized agent or authorized representative, and
32 any health care provider found to be in violation of this
33 article shall pay any attorney fees and costs, including court
34 costs incurred in the course of such enforcement.

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

1 The provider shall be reimbursed by the person requesting in
2 writing a copy of such records at the time of delivery for all
3 reasonable expenses incurred in complying with this article.

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

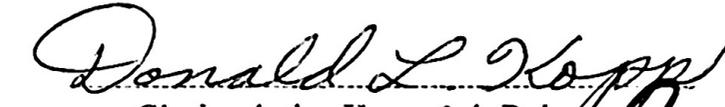

Chairman Senate Committee

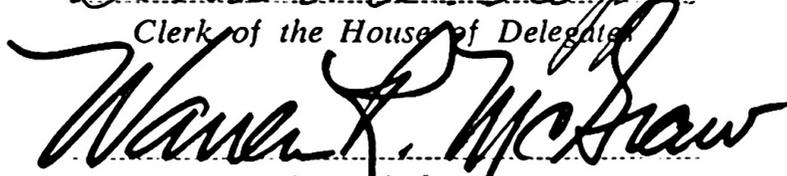

Chairman House Committee

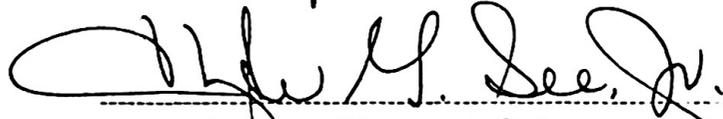
Originating in the House.

Takes effect ninety days from passage.

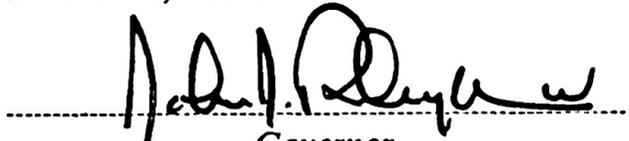

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 29
day of March, 1983.


Governor

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SECY. OF STATE