

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 Mr. Neal )

— ● —

Passed March 12, 1983

In Effect Ninety Days From Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1352**

(By MRS. NEAL)

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

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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.

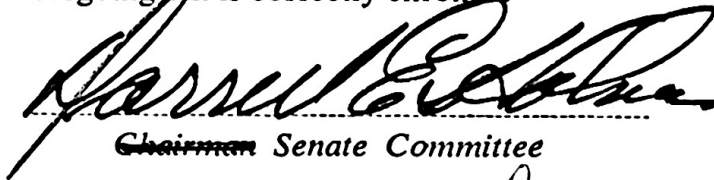
28 (d) For purposes of this article, "patient record" does not  
29 include a provider's office notes.

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.

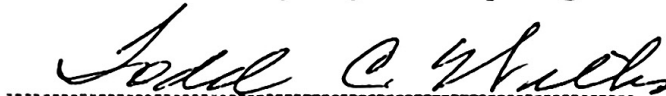
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

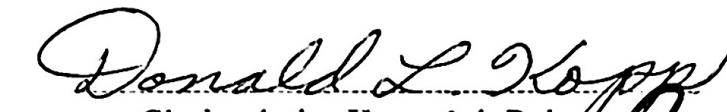
  
Chairman Senate Committee


  
Chairman House Committee

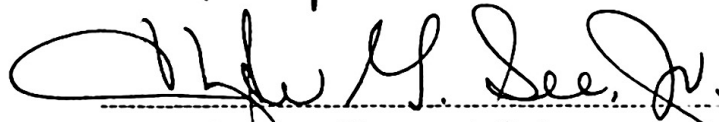
Originating in the House.

Takes effect ninety days from passage.

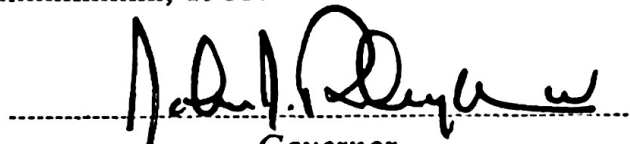
  
Clerk of the Senate

  
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