WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999

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ENROLLED

Committee Substitute for

SENATE BILL NO. 90

(By Senator Hunter)

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PASSED March 11, 1999
In Effect Ninety Days From Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 90

(SENATOR HUNTER, original sponsor)

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

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.

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

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

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

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

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

(d) Any person requesting free copies of written medical records pursuant to the provisions of subsection (b) of this section is limited to one set of copies per provider. Any additional requests for the same records from the same provider shall be subject to the fee provisions of subsection (a).
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.

In 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 approved this the 25th Day of March, 1999

Governor
PRESENTED TO THE
GOVERNOR

Date 3/23/99

Time 10:05 AM