

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 702

Introduced by Gloor, 35.

Read first time January 06, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to medical records; to amend section
2 71-8403, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to requests for access to medical
4 records; to repeal the original section; and to declare
5 an emergency.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-8403, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-8403 (1) A patient may request a copy of the patient's
4 medical records or may request to examine such records. Access to
5 such records shall be provided upon request pursuant to sections
6 71-8401 to 71-8407, except that mental health medical records may
7 be withheld if any treating physician, psychologist, or mental
8 health practitioner determines in his or her professional opinion
9 that release of the records would not be in the best interest of
10 the patient unless the release is required by court order. The
11 request and any authorization shall be in writing, ~~and shall be~~
12 ~~valid for one hundred eighty days after the date of execution by~~
13 ~~the patient.~~

14 (2) Upon receiving a written request for a copy of the
15 patient's medical records under subsection (1) of this section, the
16 provider shall furnish the person making the request a copy of such
17 records not later than thirty days after the written request is
18 received.

19 (3) Upon receiving a written request to examine the
20 patient's medical records under subsection (1) of this section, the
21 provider shall, as promptly as required under the circumstances but
22 no later than ten days after receiving the request: (a) Make the
23 medical records available for examination during regular business
24 hours; (b) inform the patient if the records do not exist or
25 cannot be found; (c) if the provider does not maintain the records,

1 inform the patient of the name and address of the provider who
2 maintains such records, if known; or (d) if unusual circumstances
3 have delayed handling the request, inform the patient in writing
4 of the reasons for the delay and the earliest date, not later than
5 twenty-one days after receiving the request, when the records will
6 be available for examination. The provider shall furnish a copy of
7 medical records to the patient as provided in subsection (2) of
8 this section if requested.

9 (4) This section does not require the retention of
10 records or impose liability for the destruction of records in the
11 ordinary course of business prior to receipt of a request made
12 under subsection (1) of this section. A provider shall not be
13 required to disclose confidential information in any medical record
14 concerning another patient or family member who has not consented
15 to the release of the record.

16 Sec. 2. Original section 71-8403, Reissue Revised
17 Statutes of Nebraska, is repealed.

18 Sec. 3. Since an emergency exists, this act takes effect
19 when passed and approved according to law.