

ARKANSAS CODE SECTION 16-46-106. Medical Records.

- (a)(1) In contemplation of, preparation for, or use in any legal proceeding, any person who is or has been a patient of a doctor, hospital, ambulance provider, medical health care provider, or other medical institution shall be entitled to obtain access, personally or by and through his or her attorney, to the information in his or her medical records, upon request and with written patient authorization, and shall be furnished copies of all medical records pertaining to his or her case upon the tender of the expense of such copy or copies.
  - (2) Cost of each photocopy, excluding x-rays, shall not exceed fifty cents (.50) per page for the first twenty-five (25) pages and twenty-five cents (.25) for each additional page. A labor charge not exceeding fifteen dollars (\$15.00) may be added for each request for medical records under subdivision (a)(1) of this section and the actual cost of any required postage may also be charged.
  - (3) Provided, however, in the alternative to the labor charge described in subdivision (a)(2) of this section, a reasonable retrieval fee for stored records of a hospital, a physician's office, or an ambulance provider may be added to the photocopy charges, only if the requested records are stored at a location other than the location of the hospital, physician's office, or ambulance provider.
  - (4) Provided, further, this section shall not prohibit reasonable fees for narrative medical reports or medical review when performed by the physician or medical institution subject to the request, but only if a narrative medical report or medical review is requested by the person or entity requesting the records.
- (b)(1) If a doctor believes a patient should be denied access to his or her medical records for any reason, the doctor must provide the patient or the patient's guardian or attorney a written determination that disclosure of such information would be detrimental to the individual's health or well being.
    - (2)(A) At such time, the patient or patient's guardian or attorney may select another doctor in the same type practice as the doctor subject to the request to review such information and determine if the disclosure of such information would be detrimental to the individual's health or well being.
      - (B) If the second doctor determines, based upon professional judgment, that disclosure of such information would not be detrimental to the health or well being of the individual, the medical records shall be released to the patient or the patient's guardian or attorney.
    - (3) If the determination is that disclosure of such information would be detrimental, then it either will not be released or the objectionable material will be obscured before release.
    - (4) The cost of this review of the patient's record will be borne by the patient or the patient's guardian or attorney.
  - (c) Nothing in this section shall preclude the existing subpoena process; however, if a patient is compelled to use the subpoena process in order to obtain access to, or copies of, their own medical records after reasonable requests have been made and a reasonable time has expired, the court issuing the subpoena and having jurisdiction over the proceedings shall grant the patient a reasonable attorney's fee plus costs of court against the doctor, hospital, or medical institution.
  - (d) This section does not apply to the Department of Correction.

History: Acts 1991, No. 767, §§ 1, 2; 1995, No. 708, § 1; 1999, No. 333, §§ 1, 2; 2007, No. 662, § 1.