WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 719

By Senators Chapman, Azinger, Hunt, Karnes, Martin, Maynard, Roberts, Rucker, Smith, Taylor, and Woelfel

[Introduced February 8, 2024; referred
to the Committee on Health and Human Resources; and then to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5EE-1, relating to clarifying parent and legal guardian access to a minor child's medical records.

Be it enacted by the Legislature of West Virginia:

Article 5EE. Parent and legal guardian access to minor child's medical records.

§16-5EE-1. Parent and Legal Guardian Access to Minor Child's Medical Records.

(a) Absent a court order pursuant to Chapter 48 of this code that prohibits parental access, no parent or legal guardian of an unemancipated minor child shall be denied access to paper and electronic medical records of his or her minor child.

(b) Medical providers are prohibited from requiring the signature of any minor to consent to providing his or her parent or guardian access to electronic records.

(c) If the minor child's medical records are only stored by paper, a parent or guardian must be provided a paper copy within three days of a request to the minor child's medical provider and must be provided at no cost to the parent or guardian.

NOTE: The purpose of this bill is to clarify that neither a parent nor legal guardian of a minor child shall be denied access to the minor child's medical records without requiring a child to sign a document permitting his or her parents to see the records.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.