

CHAPTER 363**(SB 91)**

AN ACT relating to medical records for health care providers participating in Medicaid.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 205.510 TO 205.630 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *To the extent allowable by federal law, any Medicaid-participating health care provider who provides services to any medical assistance recipient may, at the discretion of the health care provider, maintain in an electronic medical record database the medical record for each medical assistance recipient receiving services by the health care provider.*
- (b) *An electronic signature shall be accepted for any medical record maintained under paragraph (a) of this subsection.*
- (2) *Any electronic medical record database maintained under subsection (1) of this section shall be capable of printing a complete written medical record of each medical assistance recipient.*
- (3) *Any provider who maintains an electronic medical record database under subsection (1) of this section shall:*
 - (a) *Notify the department of the existence of the electronic medical record database;*
 - (b) *Certify that the electronic medical record database will be confidential and that patient privacy will be protected;*
 - (c) *Institute best practices to prevent access to the medical record database by any person who would not otherwise be authorized to review or obtain a written version of the medical records; and*
 - (d) *Institute the best practices to assure the security of the database.*

Approved April 23, 2002