

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 50

Short Title: Med. Records Access/Fees.

(Public)

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Sponsors: Representatives Cromer; Flaherty and Bowman.

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Referred to: Judiciary

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January 19, 1989

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE HEALTH CARE PROVIDERS TO PROVIDE TO THEIR  
2 PATIENTS AND FORMER PATIENTS ACCESS TO AND/OR PHOTOCOPIES  
3 OF THE PATIENT'S MEDICAL RECORD INFORMATION, AND TO LIMIT  
4 THE FEES THAT HEALTH CARE PROVIDERS MAY CHARGE FOR MAKING  
5 PHOTOCOPIES OF MEDICAL RECORDS.  
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7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 130A-2 reads as rewritten:

9 "§ 130A-2. Definitions.

10 The following definitions shall apply throughout this Chapter unless otherwise  
11 specified:

- 12 (1) 'Commission' means the Commission for Health Services.  
13 (2) 'Department' means the Department for Human Resources.  
14 (3) 'Imminent hazard' means a situation which is likely to cause an  
15 immediate threat to life or a serious risk of irreparable damage to the  
16 environment if no immediate action is taken.  
17 (4) 'Health care provider' means any person who pursuant to the  
18 provisions of Chapter 90 of the General Statutes is licensed, or is  
19 otherwise registered or certified to engage in the practice of, or  
20 otherwise performs duties associated with any of the following:  
21 medicine, surgery, dentistry, pharmacy, optometry, midwifery,  
22 osteopathy, podiatry, chiropractic, radiology, nursing, physiotherapy,  
23 pathology, anesthesiology, anesthesia, laboratory analysis, rendering  
24 assistance to a physician, dental hygiene, psychiatry, psychology; or a

1 hospital as defined by G.S. 131E-16(15); or a nursing home as defined  
2 by G.S. 131E-101(6); or any other person who is legally responsible  
3 for the negligence of such person, hospital or nursing home; or any  
4 person acting at the direction or under the supervision of a health care  
5 provider.

6 (4) (5) 'Local board of health' means a district board of health or a  
7 county board of health.

8 (5) (6) 'Local health department' means a district health department  
9 or a county health department.

10 (6) (7) 'Local health director' means the administrative head of a  
11 local health department appointed pursuant to this Chapter.

12 (8) (8) 'Medical-record information' means personal information that relates  
13 to an individual's physical or mental condition, medical history, or  
14 medical treatment.

15 (7) (9) 'Person' means an individual, corporation, company,  
16 association, partnership, unit of local government or other legal  
17 entity.

18 (8) (10) 'Secretary' means the Secretary of the Department of  
19 Human Resources.

20 (9) (11) 'Unit of local government' means a county, city,  
21 consolidated city-county, sanitary district or other local political  
22 subdivision, authority or agency of local government.

23 (10) (12) 'Vital records' means birth, death, fetal death, marriage,  
24 annulment and divorce records registered under the provisions of  
25 Article 4 of this Chapter."

26 Sec. 2. Article 1 of Chapter 130A of the General Statutes is amended by  
27 adding a new section to read:

28 "**§ 130A-12.1. Patient accessibility to medical records.**

29 (a) All health care providers in this State shall, upon written request, provide to  
30 their patients or former patients, or to the patient's or former patient's designated  
31 representative, access to and/or photocopies of all patient medical record information in  
32 the health care provider's possession.

33 (b) Health care providers may charge a reasonable fee to cover the costs incurred  
34 in providing a copy of medical record information to the patient or his designated  
35 representative, but in no event shall the fee for such copies exceed fifty cents (\$.50) per  
36 page.

37 (c) Any health care provider furnishing access to and/or copies of medical record  
38 information pursuant to this section shall be immune from civil or criminal liability that  
39 might otherwise be incurred or imposed based upon invasion of privacy or breach of  
40 confidentiality arising out of the provision of or agreement to provide access to and/or  
41 photocopies of such records."

42 Sec. 3. This act is effective upon ratification.