

Senate Bill 356

By: Senator Brown of the 26th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-33-2 of the Official Code of Georgia Annotated, relating to  
2 furnishing copy of records to patient or provider, so as to provide conditions under which  
3 a provider may release copies of medical records of deceased and living persons; to provide  
4 that, upon written request from the personal representative of the patient or survivor of the  
5 patient, a provider having custody and control of the patient's record shall furnish a complete  
6 and current copy of that record; to provide that any record requested under certain provisions  
7 of law shall be furnished to any personal representative of the patient or any survivor of the  
8 patient; to provide that a provider shall not be required to release records to any personal  
9 representative of the patient or any survivor of the patient under this Act unless and until the  
10 requesting person has furnished the provider with a signed written statement certifying that  
11 he or she is either a personal representative or a survivor; to provide that any provider or  
12 person who in good faith releases copies of any medical records pursuant to this Act shall not  
13 be found to have violated any criminal law or to be civilly liable to the patient, the deceased  
14 patient's estate, or to any other person; to provide for related matters; to repeal conflicting  
15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Code Section 31-33-2 of the Official Code of Georgia Annotated, relating to furnishing copy  
19 of records to patient or provider, is amended by striking the Code section in its entirety and  
20 inserting in lieu thereof a new Code Section 31-33-2 to read as follows:

21 "31-33-2.

22 (a) Upon written request from the patient, personal representative of the patient, or  
23 survivor of the patient, the provider having custody and control of the patient's record shall  
24 furnish a complete and current copy of that record, in accordance with the provisions of  
25 this Code section.

1 (b) Any record requested under subsection (a) of this Code section shall be furnished  
2 within a reasonable period of time to the patient, any other provider designated by the  
3 patient, or any other person designated by the patient, any personal representative of the  
4 patient, or any survivor of the patient.

5 (c) If the provider reasonably determines that disclosure of the record to the patient will  
6 be detrimental to the physical or mental health of the patient, the provider may refuse to  
7 furnish the record; however, upon such refusal, the patient's record shall, upon written  
8 request by the patient, be furnished to any other provider designated by the patient.

9 (d) A provider shall not be required to release records to any personal representative of the  
10 patient or any survivor of the patient under this Code section unless and until the requesting  
11 person has furnished the provider with a signed written authorization indicating that he or  
12 she is either a personal representative or a survivor as defined in Code Section 31-33-1.  
13 Any provider shall be justified in relying on such written authorization.

14 (e) Any provider or person who in good faith releases copies of any medical records  
15 pursuant to this Code section shall not be found to have violated any criminal law or to be  
16 civilly liable to the patient, the deceased patient's estate, or to any other person."

17 **SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.