

Senate Bill 356

By: Senator Brown of the 26th

AS PASSED SENATE

**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 definitions; to provide that, upon written request from the administrator or executor of a
5 decedent’s estate or survivor of the patient, a provider having custody and control of the
6 patient’s record shall furnish a complete and current copy of that record; to provide that any
7 record requested under certain provisions of law shall be furnished to any administrator or
8 executor of a decedent’s estate or any survivor of the patient; to provide that a provider shall
9 not be required to release records to any administrator or executor of a decedent’s estate or
10 any survivor of the patient under this Act unless and until the requesting person has furnished
11 the provider with a signed written statement certifying that he or she is either an
12 administrator or executor of such decedent’s estate or a survivor; to provide that any provider
13 or person who in good faith releases copies of any medical records pursuant to this Act shall
14 not be found to have violated any criminal law or to be civilly liable to the patient, the
15 deceased patient’s estate, or to any other person; to provide for related matters; to repeal
16 conflicting laws; and for other purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

18 **SECTION 1.**

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

22 "31-33-2.

23 (a) Upon written request from the patient, any person appointed as the administrator or
24 executor of a decedent’s estate, or survivor of the patient, the provider having custody and
25 control of the patient’s record shall furnish a complete and current copy of that record, in
26 accordance with the provisions of this Code section. For the purposes of this Code section,

1 the term 'survivor' shall mean any person who is entitled to bring an action for or make
2 recovery from an action for the wrongful death of a decedent under Code Sections 51-4-2,
3 51-4-4, or 51-4-5.

4 (b) Any record requested under subsection (a) of this Code section shall be furnished
5 within a reasonable period of time to the patient, any other provider designated by the
6 patient, ~~or~~ any other person designated by the patient, any person appointed as the
7 administrator or executor of a decedent's estate, or any survivor of the patient.

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

12 (d) A provider shall not be required to release records to any person appointed as the
13 administrator or executor of a decedent's estate or any survivor of the patient under this
14 Code section unless and until the requesting person has furnished the provider with a
15 signed written authorization indicating that he or she is either the administrator or executor
16 of such decedent's estate or a survivor. Any provider shall be justified in relying on such
17 written authorization.

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

21 SECTION 2.

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