

The House Committee on Judiciary offers the following substitute to SB 356:

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:

**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:

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.

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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 person appointed as the  
4 administrator or executor of a decedent's estate, 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 person appointed as the  
10 administrator or executor of a decedent's estate or any survivor of the patient under this  
11 Code section unless and until the requesting person has furnished the provider with a  
12 signed written authorization indicating that he or she is either the administrator or executor  
13 of such decedent's estate or a survivor. A signed written authorization furnished by a  
14 survivor shall be under oath and shall identify the relationship of the survivor to the  
15 decedent. Any provider shall be justified in relying on such written authorization.

16 (e) For the purpose of this Code section, the term 'survivor' shall be limited to the  
17 surviving spouse of the decedent or, if there is no surviving spouse, one child of the  
18 decedent, or, if there is no surviving spouse or surviving child of the decedent, one parent  
19 of the decedent.

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

## 23 SECTION 2.

24 All laws and parts of laws in conflict with this Act are repealed.