

Senate Bill 595

By: Senators Kemp of the 46th, Thompson of the 33rd, Thomas of the 54th, Price of the 56th, Hall of the 22nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to
2 health records, so as to provide that any health care provider, health care facility, or health
3 care professional may create, maintain, transmit, receive, and store medical records in an
4 electronic format; to provide conditions; to provide for legal rights and responsibilities; to
5 provide for tangible copies of records; to provide for costs; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records,
10 is amended by inserting at the end thereof the following:

11 "31-33-8.

12 (a) Notwithstanding any other provision of the law to the contrary, any health care
13 provider, health care facility, or health care professional properly licensed under Chapter
14 34 of Title 43 may, in its sole discretion, create, maintain, transmit, receive, and store
15 records, including, without limitation, written charts and records and microfilm or other
16 photographic media, in an electronic format within the meaning of Code Section 10-12-3
17 and may, in its sole discretion, temporarily or permanently convert records into an
18 electronic format, subject to the following requirements:

19 (1) Any health care provider, health care facility, or health care professional that uses an
20 electronic record-keeping system shall develop and implement policies and procedures
21 to ensure the security and confidentiality of those records;

22 (2) Electronic medical records shall be maintained in a legible, transmittable, and
23 retrievable form which provides reasonable data backup and permits reasonable access
24 consistent with their intended use;

1 (3) Any documents that cannot be electronically stored must be preserved in tangible
2 form and any related electronically stored record shall identify the location of any
3 documents or information that could not be electronically stored; and

4 (4) If a health care provider, health care facility, or health care professional chooses to
5 destroy hard copies of medical records after their conversion to an electronic medical
6 record, such records shall be destroyed in a manner that preserves the confidentiality and
7 integrity of the patient's personal health information.

8 (b) A health care provider, health care facility, or health care professional shall not be
9 required to maintain separate tangible copies of electronic medical records.

10 (c) The legal rights and responsibilities of patients, health care providers, health care
11 facilities, and health care professionals shall apply to records created or maintained in
12 electronic form to the same extent as those rights and responsibilities apply to medical
13 records embodied in hard copy media. This subsection applies with respect to the security,
14 confidentiality, accuracy, integrity, access to, and disclosure of medical records. This Code
15 section is subject to all applicable federal laws governing the security and confidentiality
16 of a patient's personal health information.

17 (d) A tangible copy reproduced from the record maintained in the electronic form shall be
18 considered an original for purposes of providing copies to patients or other authorized
19 parties and for introduction into evidence in administrative or court proceedings.

20 (e) Notwithstanding any other provision of this Code section, the costs of copying and
21 mailing electronic medical records to authorized individuals as provided in Code Section
22 31-33-3 shall apply to the extent the health care provider, health care facility, or health care
23 professional has turned electronic medical records into hard copy media."

24 25 **SECTION 2.**

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