

Senate Bill 204

By: Senators Kemp of the 46th, Thomas of the 54th, Zamarripa of the 36th, Goggans of the 7th, Unterman of the 45th and others

AS PASSED

**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 provider may create, maintain, transmit, receive, and
3 store records in an electronic format; to provide conditions; to provide for legal rights and
4 responsibilities; to provide for tangible copies of records; to repeal conflicting laws; and for
5 other purposes.

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

7 **SECTION 1.**

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

10 "31-33-8.

11 (a) Notwithstanding any other provision of the law to the contrary, any provider may, in
12 its sole discretion, create, maintain, transmit, receive, and store records in an electronic
13 format within the meaning of Code Section 10-12-3 and may, in its sole discretion,
14 temporarily or permanently convert records into an electronic format.

15 (b) A provider shall not be required to maintain separate tangible copies of electronically
16 stored records.

17 (c) The other provisions of this chapter shall apply to electronic records to the same extent
18 as those provisions apply to tangible records. This Code section is subject to all applicable
19 federal laws governing the security and confidentiality of a patient's personal health
20 information.

21 (d) A tangible copy of a record reproduced from an electronically stored record shall be
22 considered an original for purposes of providing copies to patients or other authorized
23 parties and for introduction of the records into evidence in administrative or court
24 proceedings.

1 (e) Except as provided otherwise under federal law, upon receiving a request for a copy
2 of a record from a patient or an authorized person under Code Section 31-33-3, a provider
3 shall provide copies of the record in either tangible or electronically stored form."

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.