House Bill 1510

By: Representative Fleming of the 117th

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 authorize certain individuals to obtain patient records; to change

3 certain provisions relating to furnishing a copy of records to patient, provider, or other

4 authorized person; to provide for compliance with the federal Health Insurance Portability

5 and Accountability Act of 1996; to provide for a time period in which records shall be

6 produced in response to a valid request; to provide for related matters; to repeal conflicting

7 laws; and for other purposes.

8   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9   **SECTION 1.**

10 Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records,

11 is amended by striking subsections (a) and (b) of Code Section 31-33-2, relating to furnishing

12 a copy of records to patient, provider, or other authorized person, and inserting in its place

13 the following:

14   "(a)(1)(A) A provider having custody and control of any evaluation, diagnosis,

15   prognosis, laboratory report, or biopsy slide in a patient´s record shall retain such item

16   for a period of not less than ten years from the date such item was created.

17   (B) The requirements of subparagraph (A) of this paragraph shall not apply to:

18   (i) An individual provider who has retired from or sold his or her professional

19   practice if such provider has notified the patient of such retirement or sale and offered

20   to provide such items in the patient´s record or copies thereof to another provider of

21   the patient´s choice and, if the patient so requests, to the patient; or

22   (ii) A hospital which is an institution as defined in subparagraph (B) of paragraph (1)

23   of Code Section 31-7-1, which shall retain patient records in accordance with rules

24   and regulations for hospitals as issued by the department pursuant to Code Section

25   31-7-2.

1   (2) Upon written request from the patient or a person authorized to have access to the
2   patient´s record under a health care power of attorney for such patient, the provider
3   having custody and control of the patient´s record shall furnish a complete and current
4   copy of that record, in accordance with the provisions of this Code section. If the patient
5   is deceased, such request may be made by ~~a person authorized immediately prior to the~~
6   ~~decedent´s death to have access to the patient´s record under a health care power of~~
7   ~~attorney for such patient; the executor, temporary executor, administrator, or temporary~~
8   ~~administrator for the decedent´s estate; or any survivor, as defined by Code Sections~~
9   ~~51-4-2, 51-4-4, and 51-4-5.~~ the following persons:
10   (A) The executor, administrator, or temporary administrator for the decedent´s estate
11   if such person has been appointed;
12   (B) If an executor, administrator, or temporary administrator for the decedent´s estate
13   has not been appointed, by the surviving spouse;
14   (C) If there is no surviving spouse, by any surviving child;
15   (D) If there is no surviving child, any parent.
16   (b) Any record requested under subsection (a) of this Code section shall, within 30 days
17   of the receipt of a request for records be furnished ~~within a reasonable period of time~~ to the
18   patient, any other provider designated by the patient, any person authorized by paragraph
19   (2) of subsection (a) of this Code section to request a patient´s or deceased patient´s
20   medical records, or any other person designated by the patient. Such record request shall
21   be accompanied by:
22   (1) An authorization in compliance with the federal Health Insurance Portability and
23   Accountability Act of 1996, 42 U.S.C. Section 1320d-2, et seq., and regulations
24   implementing such act; and
25   (2) A signed written authorization as specified in subsection (d) of this Code Section."

26   **SECTION 2.**
27   All laws and parts of laws in conflict with this Act are repealed.