

Senate Bill 30

By: Senators Ray of the 48th, Kemp of the 3rd and Tanksley of the 32nd

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records, so as to provide for the meaning of certain terms; to change provisions relating to furnishing copies of records; to change provisions relating to costs of copies; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records, is amended by striking Code Section 31-33-1, relating to definitions, and inserting the following:

"31-33-1.

As used in this chapter, the term:

(1) 'Patient' means any person who has received health care services from a provider.

(2) 'Personal representative' means any person appointed as the administrator or executor of a decedent's estate, any parent of a minor child, any person appointed as the guardian of the person or property of a patient, or any person appointed as an attorney-in-fact by the patient.

~~(2)~~(3) 'Provider' means all hospitals, including public, private, osteopathic, and tuberculosis hospitals; other special care units, including podiatric facilities, skilled nursing facilities, and kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities; ambulatory surgical or obstetrical facilities; health maintenance organizations; and home health agencies. It shall also mean any person licensed to practice under Chapter 9, 11, 26, 34, 35, or 39 of Title 43.

~~(3)~~(4) 'Record' means a patient's health record, including, but not limited to, evaluations, diagnoses, prognoses, laboratory reports, X-rays, prescriptions, and other technical information used in assessing the patient's condition, or the pertinent portion of the record relating to a specific condition or a summary of the record.

1 (5) 'Survivor' means any person entitled to bring an action for wrongful death of a
2 decedent under Code Section 51-4-2, 51-4-4, or 51-4-5.

3 SECTION 2.

4 Said chapter is further amended by striking Code Section 31-33-2, relating to furnishing copy
5 of records, and inserting the following:

6 "31-33-2.

7 (a) Upon written request from the patient, survivor of the patient, or personal
8 representative of the patient, the provider having custody and control of the patient's record
9 shall furnish a complete and current copy of that record, in accordance with the provisions
10 of this Code section.

11 (b) Any record requested under subsection (a) of this Code section shall be furnished to
12 the patient, any other provider designated by the patient, ~~or~~ any other person designated by
13 the patient, any survivor of the patient, or any personal representative of the patient.

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

18 SECTION 3.

19 Said chapter is further amended by striking Code Section 31-33-3, relating to costs of
20 copying and mailing, and inserting the following:

21 "31-33-3.

22 (a) The party requesting the patient's records shall be responsible to the provider for the
23 reasonable costs of copying and mailing the patient's record. The maximum fee for
24 copying costs for each request shall be 25¢ per page, provided that the provider may
25 impose a minimum fee of up to \$20.00, inclusive of copying costs. Payment of such costs
26 may be required by the provider prior to the records being furnished. In the event the
27 provider requires payment of such costs prior to furnishing the records, the provider shall
28 mail an invoice for the costs of copying and mailing the patient's records promptly upon
29 receipt of the request and in no event later than ten days following receipt of the request.
30 The provider shall furnish the patient's records within 30 days of the request or the receipt
31 of payment, whichever is later. This subsection shall not apply to records requested in
32 order to make or complete an application for a disability benefits program.

33 (b) The rights granted to a patient, a patient's survivor, and a patient's personal
34 representative under this chapter are in addition to any other rights a patient, a patient's

1 survivor, and a patient's personal representative may have relating to access to ~~his~~ a
2 patient's records; however, nothing in this chapter shall be construed as granting to a
3 patient, a patient's survivor, or a patient's personal representative any right of ownership
4 in the records, as such records are owned by and are the property of the provider."

5 **SECTION 4.**

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