

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 795
PROPOSED COMMITTEE SUBSTITUTE H795-PCS11205-ST-23

Short Title: Patient Access to Pathological Materials.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE HEALTH CARE PROVIDERS TO RELEASE PATHOLOGICAL
MATERIALS AND RECORDS TO PATIENTS UPON WRITTEN REQUEST.

The General Assembly of North Carolina enacts:

SECTION 1. Article 29 of Chapter 90 of the General Statutes is amended by
adding a new section to read:

"§ 90-411.1. Pathological materials and related medical records.

(a) Upon receipt of a written and notarized authorization from the patient, a health care provider shall furnish to the patient specified pathological materials collected from the patient and any medical records in the health care provider's possession that pertain to those pathological materials. A written request signed by the legal counsel of the patient need not be notarized.

(b) A health care provider shall furnish pathological materials and related medical records requested under this section within 30 days of receipt of the request and may charge a reasonable fee pursuant to G.S. 90-411.

(c) This section shall not apply to any pathological materials collected as evidence of a criminal offense or as evidence of paternity.

(d) As used in this section, the following terms shall mean:

(1) Patient. – The individual, the individual's legal counsel, the individual's attorney-in-fact, the individual's legal guardian, the personal representative of the estate of that individual or a person listed in G.S. 90-210.124(a)(2)a.-e., if the individual is deceased.

(2) Pathological materials. – The patient's cytological materials, bodily fluids, tissues, organs, medical waste, paraffin blocks, and pathology slides."

SECTION 2. This act becomes effective October 1, 2011, and applies to requests for pathological materials and related medical records made on and after that date.

