



# HOUSE BILL 195: Criminal Falsification of Medical Records.

2021-2022 General Assembly

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<b>Committee:</b>	House Health. If favorable, re-refer to Judiciary 4. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 26, 2021
<b>Introduced by:</b>	Rep. Pless	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

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**OVERVIEW:** *House Bill 195 would make it unlawful for a health care provider to willfully destroy, alter, or falsify a medical record.*

**CURRENT LAW:** Article 29 of Chapter 90 pertains to Medical Records, the following definitions are included:

*Health Care Provider* – as defined in G.S. 90-410(1) means any person who is licensed or certified to practice a health profession or occupation under Chapter 90, Chapter 90B, Chapter 90C of the General Statutes and a representative or agent of a health care provider.

*Medical Record* - as defined in G.S. 90-410(2) means personal information that relates to an individual's physical or mental condition, medical history, or medical treatment, excluding X rays and fetal monitor records.

**BILL ANALYSIS:** House Bill 195 would make it unlawful for a health care provider to knowingly and willfully destroy, alter, or falsify a medical record for the purpose of:

1. Concealing the commission of an error by the health care provider in providing medical service that caused injury to or the death of a patient. Punishment of a violation, unless covered under some other provision of law with greater punishment, is a Class H felony.
2. Unlawfully obtaining money or any other thing of value. Punishment of a violation, unless covered under some other provision of law with greater punishment, is a Class I felony.
3. Concealing any material fact not covered under item 1 above as it relates to a potential claim or cause of action. Punishment of a violation, unless covered under some other provision of law with greater punishment, is a Class A1 misdemeanor

This bill does not affect any civil remedies available for actions punishable under the section that would be enacted by this bill.

**EFFECTIVE DATE:** The bill would become effective December 1, 2021 and apply to offenses committed on or after that date.

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Director



Legislative Analysis  
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