



# HOUSE BILL 298: Criminal Falsification of Medical Records.

2023-2024 General Assembly

<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 19, 2023
<b>Introduced by:</b>	Rep. Pless	<b>Prepared by:</b>	Alex Ramirez
<b>Analysis of:</b>	PCS to First Edition H298-CSCL-17		Susan Sitze Staff Attorneys

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 298 would make it a criminal offense for a health care provider to willfully destroy, alter, or falsify a medical record, or to direct someone else to do so.*

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

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

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

**BILL ANALYSIS:** The PCS for House Bill 298 would make it unlawful for a health care provider to knowingly and willfully destroy, alter, or falsify, or direct someone to 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. Class H felony punishment ranges from unsupervised probation to an active sentence of 4 months minimum to 39 months maximum, depending on prior record level.
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. Class I felony punishment ranges from unsupervised probation to an active sentence of 3 months minimum to 24 months maximum, depending on prior record level.
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. Class A1 misdemeanor punishment ranges from a fine to a sentence of 150 days in jail, depending on the prior record level.

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

**EFFECTIVE DATE:** The act would be effective December 1, 2023, and would apply to offenses committed on or after that date.

*Theresa Matula, Legislative Analyst, substantially contributed to this summary.*

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Director



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