

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 795
Committee Substitute Favorable 5/12/11

Short Title: Patient Access to Pathological Materials.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE HEALTH CARE PROVIDERS TO RELEASE PATHOLOGICAL
3 MATERIALS AND RECORDS TO PATIENTS UPON WRITTEN REQUEST.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 90-411.1. Pathological materials and related medical records.**

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

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

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

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

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

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

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

