

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 795
Committee Substitute Favorable 5/12/11
Third Edition Engrossed 5/18/11

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 medical records.**

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

12 (b) A health care provider:

13 (1) Shall furnish pathological materials and medical records requested under this
14 section within 30 days of the receipt of the request.

15 (2) May charge a reasonable fee pursuant to G.S. 90-411.

16 (3) Shall transfer any pathological materials in accordance with best medical
17 practices.

18 (4) Shall not release any pathological materials in a manner which would
19 endanger the public health or safety or violate applicable laws and
20 regulations relating to the safe handling and transfer of pathological
21 materials.

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

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

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

29 (2) Pathological materials. – The patient's cytological materials, bodily fluids,
30 tissues, organs, medical waste, paraffin blocks, and pathology slides.
31 "Materials" shall include the pathology report.

32 (e) Nothing in this section shall be construed to change or interfere with the best
33 practices and accepted medical standards of the health care provider."

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

