

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 298
Committee Substitute Favorable 4/19/23

Short Title: Criminal Falsification of Medical Records.

(Public)

Sponsors:

Referred to:

March 8, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE OFFENSE OF WILLFUL DESTRUCTION, ALTERATION, OR
3 FALSIFICATION OF MEDICAL RECORDS.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 90-413. Willful destruction, alteration, or falsification of medical records.**

8 (a) Offense. – It is unlawful for a health care provider to knowingly and willfully destroy,
9 alter, or falsify a medical record, or to direct any person to knowingly destroy, alter, or falsify a
10 medical record, for any of the following purposes:

11 (1) Concealing the commission of an error by the health care provider in
12 providing medical services that caused injury to or the death of a patient.

13 (2) Unlawfully obtaining money or any other thing of value.

14 (3) Concealing any material fact not covered under subdivision (1) of this
15 subsection relating to a potential claim or cause of action.

16 (b) Punishment. – Unless the conduct is covered under some other provision of law
17 providing greater punishment, violations of subsection (a) of this section are punishable as
18 follows:

19 (1) A violation of subdivision (1) of subsection (a) of this section is a Class H
20 felony.

21 (2) A violation of subdivision (2) of subsection (a) of this section is a Class I
22 felony.

23 (3) A violation of subdivision (3) of subsection (a) of this section is a Class A1
24 misdemeanor.

25 (c) Civil Remedies. – Nothing in this section shall affect any civil remedies available for
26 actions punishable under this section."

27 **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses
28 committed on or after that date.

