

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 195

Short Title: Criminal Falsification of Medical Records. (Public)

Sponsors: Representative Pless.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Judiciary 4, if favorable, Rules, Calendar, and Operations of the House

March 2, 2021

A BILL TO BE ENTITLED

AN ACT TO CREATE THE OFFENSE OF WILLFUL DESTRUCTION, ALTERATION, OR
FALSIFICATION OF MEDICAL RECORDS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. This act becomes effective December 1, 2021, and applies to offenses committed on or after that date.

