

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 195
Mar 1, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30107-ML-60

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

Sponsors: Representative Pless.

Referred to:

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 for any of the following purposes:

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

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

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

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

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

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

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

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

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

