

Introduced by Senator Leno

February 18, 2011

An act to amend Section 56.101 of the Civil Code, relating to medical records.

LEGISLATIVE COUNSEL'S DIGEST

SB 850, as introduced, Leno. Medical records: confidential information.

The Confidentiality of Medical Information Act requires that every provider of health care, health care service plan, pharmaceutical company, and contractor who creates, maintains, preserves, stores, abandons, destroys, or disposes of medical records do so in a manner that preserves the confidentiality of the information contained in the record, and provides that negligence in conducting these activities may result in damages or an administrative fine or civil penalty, as specified.

This bill would expand those provisions to require that every provider of health care, health care service plan, pharmaceutical company, and contractor who creates, maintains, preserves, stores, abandons, destroys, or disposes of written or electronic medical records do so in a manner that preserves the confidentiality, accuracy, and integrity of the information contained in the record.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56.101 of the Civil Code is amended to
2 read:

1 56.101. Every provider of health care, health care service plan,
2 pharmaceutical company, or contractor who creates, maintains,
3 preserves, stores, abandons, destroys, or disposes of *written or*
4 *electronic* medical records shall do so in a manner that preserves
5 the confidentiality, *accuracy, and integrity* of the information
6 contained therein. Any provider of health care, health care service
7 plan, pharmaceutical company, or contractor who negligently
8 creates, maintains, preserves, stores, abandons, destroys, or
9 disposes of *written or electronic* medical records shall be subject
10 to the remedies and penalties provided under subdivisions (b) and
11 (c) of Section 56.36.