

AMENDED IN ASSEMBLY JUNE 22, 2011

AMENDED IN SENATE MAY 2, 2011

**SENATE BILL**

**No. 850**

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**Introduced by Senator Leno**

February 18, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 850, as amended, 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 require an electronic health or medical record system to automatically record *and preserve* any change or deletion of electronically stored medical information, and would require the record to include, among other things, the identity of the person who accessed and changed the medical information and the change that was made to the medical information.

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:

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

13 (b) (1) An electronic health record system or electronic medical  
14 record system shall ~~automatically record~~ *do the following:*

15 (A) *Protect and preserve the integrity of electronic medical*  
16 *information.*

17 (B) *Automatically record and preserve any change or deletion*  
18 *of any electronically stored medical information. The record of*  
19 *any change or deletion shall include the identity of the person who*  
20 *accessed and changed the medical information, the date and time*  
21 *the medical information was accessed, and the change that was*  
22 *made to the medical information. ~~The record of the change or~~*  
23 *~~deletion shall be made part of the patient's medical information,~~*  
24 *~~and shall be accessible upon request of a patient or his or her~~*  
25 *~~representative to review the medical information.~~*

26 (2) *A patient's right to access or receive a copy of his or her*  
27 *electronic medical records upon request shall be consistent with*  
28 *current applicable state and federal laws governing patient access*  
29 *to, and the use and disclosures of, medical information.*