

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

HOUSE BILL 957
RATIFIED BILL

AN ACT TO PROVIDE THAT AN ELECTRONIC OR FACSIMILE SIGNATURE OF A PHYSICIAN PROVIDING MEDICAL CERTIFICATION OF DEATH IS ACCEPTABLE IF APPROVED BY THE STATE REGISTRAR OF VITAL STATISTICS, TO AUTHORIZE ELECTRONIC MEDICAL RECORDS, AND TO CLARIFY WHICH ESTABLISHMENTS ARE SUBJECT TO REGULATION AS FOOD AND LODGING FACILITIES UNDER CHAPTER 130A OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-115(c) reads as rewritten:

"(c) The medical certification shall be completed and signed by the physician in charge of the patient's care for the illness or condition which resulted in death, except when the death falls within the circumstances described in G.S. 130A-383. In the absence of the physician or with the physician's approval, the certificate may be completed and signed by an associate physician, the chief medical officer of the hospital or facility in which the death occurred or a physician who performed an autopsy upon the decedent under the following circumstances: the individual has access to the medical history of the deceased; the individual has viewed the deceased at or after death; and the death is due to natural causes. When specifically approved by the State Registrar, an electronic signature or facsimile signature of the physician shall be acceptable. As used in this section, the term electronic signature has the same meaning as applies in G.S. 66-58.2. The physician shall state the cause of death on the certificate in definite and precise terms. A certificate containing any indefinite terms or denoting only symptoms of disease or conditions resulting from disease as defined by the State Registrar, shall be returned to the person making the medical certification for correction and more definite statement."

Section 2. Article 29 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-412. Electronic medical records.

(a) Notwithstanding any other provision of law, any health care provider or facility licensed, certified, or registered under the laws of this State or any unit of State or local government may create and maintain medical records in an electronic format. The health care provider, facility, or governmental unit shall not be required to maintain a separate paper copy of the electronic medical record; however, when a consent to treatment or authorization to disclose medical record information is contained in a paper writing, the writing shall be preserved in a durable medium, and its existence and location shall be noted in the electronic record. A health care provider, facility, or governmental unit shall maintain electronic medical records in a legible and retrievable form, including adequate data backup.

(b) Notwithstanding any other provision of law, any health care provider or facility licensed, certified, or registered under the laws of this State or any unit of State or local government may permit authorized individuals to authenticate orders and other medical record entries by written signature, or by electronic or digital signature in lieu of a signature in ink. Medical record entries shall be authenticated by the individual who made or authorized the entry. For purposes of this section, 'authentication' means

identification of the author of an entry by that author and confirmation that the contents of the entry are what the author intended.

(c) The legal rights and responsibilities of patients, health care providers, facilities, and governmental units shall apply to records created or maintained in electronic form to the same extent as those rights and responsibilities apply to medical records embodied in paper or other media. This subsection applies with respect to the security, confidentiality, accuracy, integrity, access to, and disclosure of medical records."

Section 3. G.S. 130A-247(4) reads as rewritten:

"(4) 'Establishment that prepares or serves drink' means a business or other entity that prepares or serves beverages made from raw apples or potentially hazardous beverages made from other raw fruits or vegetables or that otherwise puts together, portions, sets out, or hands out drinks ~~in unpackaged portions using containers that are reused on the premises rather than single service containers.~~ for human consumption."

Section 4. G.S. 130A-247(5) reads as rewritten:

"(5) 'Establishment that prepares or serves food' means a business or other entity that cooks, puts together, portions, sets out, or hands out food ~~in unpackaged portions for human consumption.~~ for human consumption."

Section 5. G.S. 130A-250 reads as rewritten:

"§ 130A-250. Exemptions.

The following shall be exempt from this Part:

- (1) Establishments that provide lodging described in G.S. 130A-248(a1) with four or fewer lodging ~~units;~~ units.
- (2) ~~Condominiums;~~ Condominiums.
- (3) Establishments that prepare or serve food or provide lodging to regular boarders or permanent house guests ~~only;~~ only.
- (4) Private homes that occasionally offer lodging accommodations, which may include the providing of food, for two weeks or less to persons attending special events, provided these homes are not bed and breakfast homes or bed and breakfast ~~inns;~~ inns.
- (5) Private ~~clubs;~~ clubs.
- (6) Curb markets operated by the State Agricultural Extension ~~Service;~~ Service.
- (7) Establishments that prepare or serve food or drink for pay no more frequently than once a month for a period not to exceed two consecutive ~~days;~~ days, including establishments permitted pursuant to this Part when preparing or serving food or drink at a location other than the permitted locations.
- (8) Establishments that put together, portion, set out, or hand out only ~~drinks~~ beverages that do not include those made from raw apples or potentially hazardous beverages made from raw fruits or vegetables, using single service containers that are not reused on the ~~premises;~~ and premises.
- (9) ~~Markets~~ Establishments where meat food products or poultry products are prepared and sold and which are under ~~the continuous~~ inspection by the North Carolina Department of Agriculture and Consumer Services or the United States Department of Agriculture.
- (11) Establishments that only set out or hand out beverages that are regulated by the North Carolina Department of Agriculture and Consumer Services in accordance with Article 12 of Chapter 106 of the General Statutes.

(12) Establishments that only set out or hand out food that is regulated by the North Carolina Department of Agriculture and Consumer Services in accordance with Article 12 of Chapter 106 of the General Statutes."

Section 6. This act becomes effective October 1, 1999.

In the General Assembly read three times and ratified this the 22nd day of June, 1999.

Dennis A. Wicker
President of the Senate

James B. Black
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____ .m. this _____ day of _____ , 19