

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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HOUSE BILL 957

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Senate Information Technology Committee Substitute Adopted 6/10/99

Short Title: Phys. Signature Cert./Death Records.

(Public)

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Sponsors:

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Referred to:

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April 8, 1999

A BILL TO BE ENTITLED

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

1 natural causes. When specifically approved by the State Registrar, an electronic signature  
2 or facsimile signature of the physician shall be acceptable. As used in this section, the  
3 term electronic signature has the same meaning as applies in G.S. 66-58.2. The physician  
4 shall state the cause of death on the certificate in definite and precise terms. A certificate  
5 containing any indefinite terms or denoting only symptoms of disease or conditions  
6 resulting from disease as defined by the State Registrar, shall be returned to the person  
7 making the medical certification for correction and more definite statement."

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

10 **"§ 90-412. Electronic medical records.**

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

20 (b) Notwithstanding any other provision of law, any health care provider or facility  
21 licensed, certified, or registered under the laws of this State or any unit of State or local  
22 government may permit authorized individuals to authenticate orders and other medical  
23 record entries by written signature, or by electronic or digital signature in lieu of a  
24 signature in ink. Medical record entries shall be authenticated by the individual who  
25 made or authorized the entry. For purposes of this section, 'authentication' means  
26 identification of the author of an entry by that author and confirmation that the contents  
27 of the entry are what the author intended.

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

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

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

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

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

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

2 **"§ 130A-250. Exemptions.**

3 The following shall be exempt from this Part:

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

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