

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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HOUSE BILL 957

Second Edition Engrossed 4/22/99

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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

1 AN ACT TO PROVIDE THAT AN ELECTRONIC OR FACSIMILE SIGNATURE OF  
2 A PHYSICIAN PROVIDING MEDICAL CERTIFICATION OF DEATH IS  
3 ACCEPTABLE IF APPROVED BY THE STATE REGISTRAR OF VITAL  
4 STATISTICS, TO AUTHORIZE ELECTRONIC MEDICAL RECORDS, AND TO  
5 CLARIFY WHICH ESTABLISHMENTS ARE SUBJECT TO REGULATION AS  
6 FOOD AND LODGING FACILITIES UNDER CHAPTER 130A OF THE  
7 GENERAL STATUTES.  
8

9 The General Assembly of North Carolina enacts:

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

11 "(c) The medical certification shall be completed and signed by the physician in  
12 charge of the patient's care for the illness or condition which resulted in death, except  
13 when the death falls within the circumstances described in G.S. 130A-383. In the absence  
14 of the physician or with the physician's approval, the certificate may be completed and  
15 signed by an associate physician, the chief medical officer of the hospital or facility in  
16 which the death occurred or a physician who performed an autopsy upon the decedent  
17 under the following circumstances: the individual has access to the medical history of the

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

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

11 "**§ 90-412. Electronic medical records.**

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

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

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

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

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

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

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

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

5   "**§ 130A-250. Exemptions.**

6       The following shall be exempt from this Part:

7           (1) Establishments that provide lodging described in G.S. 130A-248(a1)  
8           with four or fewer lodging ~~units;~~ units.

9           (2) ~~Condominiums;~~ Condominiums.

10          (3) Establishments that prepare or serve food or provide lodging to regular  
11          boarders or permanent house guests ~~only;~~ only.

12          (4) Private homes that occasionally offer lodging accommodations, which  
13          may include the providing of food, for two weeks or less to persons  
14          attending special events, provided these homes are not bed and breakfast  
15          homes or bed and breakfast ~~inns;~~ inns.

16          (5) Private ~~clubs;~~ clubs.

17          (6) Curb markets operated by the State Agricultural Extension ~~Service;~~  
18          Service.

19          (7) Establishments that prepare or serve food or drink for pay no more  
20          frequently than once a month for a period not to exceed two consecutive  
21          ~~days;~~ days, including establishments permitted pursuant to this Part  
22          when preparing or serving food or drink at a location other than the  
23          permitted locations.

24          (8) Establishments that put together, portion, set out, or hand out only ~~drinks~~  
25          beverages that do not include those made from raw apples or potentially  
26          hazardous beverages made from raw fruits or vegetables, using single  
27          service containers that are not reused on the ~~premises; and~~ premises.

28          (9) ~~Markets~~ Establishments where meat food products or poultry products  
29          are prepared and sold and which are under ~~the continuous~~ inspection by  
30          the North Carolina Department of Agriculture and Consumer Services  
31          or the United States Department of Agriculture.

32          (11) Establishments that only set out or hand out beverages that are regulated  
33          by the North Carolina Department of Agriculture and Consumer  
34          Services in accordance with Article 12 of Chapter 106 of the General  
35          Statutes.

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

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