

VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

CHAPTER 336

An Act to amend and reenact §§ 32.1-127.1:01 and 54.1-2403.2 of the Code of Virginia, relating to storage of health records.

[H 1212]

Approved March 22, 2012

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-127.1:01 and 54.1-2403.2 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-127.1:01. Record storage.

A. ~~Medical records~~, as defined in ~~§ 42.1-77~~ *Health records*, as defined in § 32.1-127.1:03, may be stored by computerized or other electronic process or microfilm, or other photographic, mechanical, or chemical process; however, the stored record shall identify the location of any documents or information that could not be so technologically stored. If the technological storage process creates an unalterable record, the nursing facility, hospital or other licensed health care provider shall not be required to maintain paper copies of ~~medical~~ *health* records that have been stored by computerized or other electronic process, microfilm, or other photographic, mechanical, or chemical process. Upon completing such technological storage, paper copies of ~~medical~~ *health* records may be destroyed in a manner that preserves the patient's confidentiality. However, any documents or information that could not be so technologically stored shall be preserved.

B. Notwithstanding the authority of this section to copy ~~patient~~ *health* records in the form of microfilm, prescription dispensing records maintained in or on behalf of any pharmacy registered or permitted in Virginia shall only be stored in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412.

§ 54.1-2403.2. Record storage.

A. ~~Medical records~~, as defined in ~~§ 42.1-77~~ *Health records*, as defined in § 32.1-127.1:03, may be stored by computerized or other electronic process or microfilm, or other photographic, mechanical, or chemical process; however, the stored record shall identify the location of any documents or information that could not be so technologically stored. If the technological storage process creates an unalterable record, a health care provider licensed, certified, registered or issued a multistate licensure privilege by a health regulatory board within the Department shall not be required to maintain paper copies of ~~medical~~ *health* records that have been stored by computerized or other electronic process, microfilm, or other photographic, mechanical, or chemical process. Upon completing such technological storage, paper copies of ~~medical~~ *health* records may be destroyed in a manner that preserves the patient's confidentiality. However, any documents or information that could not be so technologically stored shall be preserved.

B. Notwithstanding the authority given in this section to store ~~patient~~ *health* records in the form of microfilm, prescription dispensing records maintained in or on behalf of any pharmacy registered or permitted in Virginia shall only be stored in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412.