

§200-E. Medical records furnished to prosecutor in certain cases

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Medical records" means all the records of the examination or treatment of a person relating to the alleged criminal act, in whatever medium preserved, including, but not limited to, records that are made confidential by any other provision of law. [RR 2023, c. 2, Pt. B, §30 (COR).]

B. "Victim" means a person who is or was the object of an alleged criminal act. For the purposes of this section, a person who is certified by the prosecutor to be a victim is considered a victim.

A victim includes, but is not limited to:

- (1) A person certified to be deceased;
- (2) An abused person who has not attained 18 years of age;
- (3) An abused person who reasonably appears to be incapacitated; or
- (4) An abused person subject to guardianship, public guardianship or temporary guardianship. [RR 2023, c. 2, Pt. B, §30 (COR).]

[RR 2023, c. 2, Pt. B, §30 (COR).]

2. Medical examination; criminal proceeding or investigation. In a criminal proceeding or investigation in which medical examination or treatment has been provided to a victim, upon written request of the Attorney General or any of the Attorney General's deputies or assistants whom the Attorney General designates in writing, or the district attorney or the district attorney's deputy or assistants whom the district attorney designates in writing, any individual, partnership, association, corporation, institution or governmental entity that has rendered the examination or treatment shall immediately provide the authorized person with all medical records pertaining to the medical examination or treatment that are requested by the authorized person. If the authorized person knows of circumstances or factors that would require production of fewer than all medical records, the authorized person shall attempt to request the specific medical records believed to be pertinent.

A. Unless otherwise provided by state or federal law, this section on the furnishing of confidential medical records governs. [PL 1985, c. 422 (NEW).]
[RR 2023, c. 2, Pt. B, §30 (COR).]

3. Medical records; copies. A person or entity that provides copies of medical records is entitled to be paid the reasonable costs of the provision of the copies as agreed upon by the person or entity that provides these copies and the authorized person making the request pursuant to this section. If the parties cannot agree, the Superior Court shall order reimbursement at a reasonable rate. The delay occasioned by any negotiations surrounding reimbursement or complaint to the Superior Court may not delay the provision of the requested medical records.

[RR 2023, c. 2, Pt. B, §30 (COR).]

4. Medical records confidential. Medical records obtained by the authorized person pursuant to this section are confidential and may not be disseminated to any person other than by order of court or to a member of the staff of the authorized person, a law enforcement officer specially assigned to the criminal proceeding or investigation, or other person who, by virtue of special knowledge or training, is designated by the authorized person to assist in the performance of the authorized person's duty in the criminal proceeding or investigation.

[RR 2023, c. 2, Pt. B, §30 (COR).]

5. Civil contempt. A person who is required to produce medical records by this section and intentionally or knowingly fails to do so within 20 days of the service of the written request to produce the records may be subject to civil contempt for failure to comply with the request.

[RR 2023, c. 2, Pt. B, §30 (COR).]

6. Immunity from liability. An individual, partnership, association, corporation, institution or governmental entity or employee or agent of a governmental entity may not be criminally or civilly responsible for furnishing any medical records in compliance with this section.

[RR 2023, c. 2, Pt. B, §30 (COR).]

SECTION HISTORY

PL 1981, c. 242, §1 (NEW). PL 1985, c. 422 (RPR). RR 2023, c. 2, Pt. B, §30 (COR).

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