

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 188

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1  
2 RELATING TO PATIENT CARE RECORDS; AMENDING SECTION 39-1394, IDAHO CODE, TO  
3 PROVIDE THAT A PRACTITIONER WHO IS NOT THE AUTHOR OF AN ORDER BUT WHO IS  
4 RESPONSIBLE FOR THE CARE OF A PATIENT MAY AUTHENTICATE AN ORDER AND TO  
5 PROVIDE THAT EACH HOSPITAL MUST HAVE A POLICY TO ASSURE TIMELY AUTHENTI-  
6 CATION OF ORDERS BY A PRACTITIONER WHO IS NOT THE AUTHOR OF AN ORDER.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 39-1394, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 39-1394. PATIENT CARE RECORDS -- RETENTION -- AUTHENTICATION. (1) Re-  
11 tention.

12 (a) Hospital records relating to the care and treatment of a patient  
13 may be preserved in microfilm, other photographically reproduced form  
14 or electronic medium. Such reproduced and preserved copies shall be  
15 deemed originals for purposes of section 9-420, Idaho Code.

16 (b) Clinical laboratory test records and reports may be destroyed five  
17 (5) years after the date of the test recorded or reported therein, pur-  
18 suant to paragraph (d) of this subsection.

19 (c) X-ray films may be destroyed five (5) years after the date of ex-  
20 posure, or five (5) years after the patient reaches the age of major-  
21 ity, whichever is later, pursuant to paragraph (d) of this subsection,  
22 if there are in the hospital record written findings of a physician who  
23 has read such x-ray films.

24 (d) At any time after the retention periods specified in paragraphs (b)  
25 and (c) of this subsection, the hospital may, without thereby incurring  
26 liability, destroy such records, by burning, shredding or other effec-  
27 tive method in keeping with the confidential nature of their contents,  
28 provided, however, that destruction of such records must be in the ordi-  
29 nary course of business and no record shall be destroyed on an individ-  
30 ual basis.

31 (e) For purposes of this section, the term "hospital" shall include all  
32 facilities defined as hospitals in chapter 13, title 39, Idaho Code.

33 (2) Authentication.

34 (a) Hospital records relating to orders for the care and treatment of a  
35 patient or for the administration of any drug or pharmaceutical must be  
36 authenticated to ensure accuracy and patient safety.

37 (b) All orders must be authenticated by the author of the order or an-  
38 other practitioner who is responsible for the care of the patient and  
39 who is authorized to write orders by hospital policy in accordance with  
40 state law.

41 (c) When telephone or oral orders must be used, they must be:

- 1 (i) Accepted only by personnel authorized to do so by medical  
2 staff policies and procedures, consistent with federal and state  
3 law; and  
4 (ii) ~~Authenticated by the author of the order~~ in a timely manner as  
5 stipulated by hospital policy.
- 6 (d) Authentication may occur either manually, with the practitioner's  
7 signature, or electronically by facsimile transmission signed by the  
8 practitioner or by means of a unique electronic code known only to the  
9 practitioner.
- 10 (e) Each hospital must have in place policies and mechanisms to assure  
11 timely authentication of all orders and to assure that only the author  
12 of an order or another practitioner who is responsible for the care of  
13 the patient and who is authorized to write orders by hospital policy in  
14 accordance with state law can authenticate ~~his or her own entry~~ the or-  
15 der.