

SENATE, No. 2097

STATE OF NEW JERSEY

INTRODUCED MAY 22, 1997

By Senator LYNCH

1 AN ACT concerning professional treatment records and supplementing  
2 Title 45 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. a. Except as provided in section 1 of P.L.1968, c.230 (C.9:17A-  
8 4), no later than 30 days from receipt of a request from a patient or  
9 a patient's authorized representative, a physician, podiatrist,  
10 chiropractor or optometrist shall provide, without charge, a copy of  
11 the professional treatment record pursuant to subsection b. of this  
12 section, to the patient or the patient's authorized representative, as  
13 appropriate, unless the health care professional states in writing that  
14 access by the patient is not medically advisable.

15 b. The professional treatment record to be provided to a patient or  
16 a patient's authorized representative pursuant to this section shall  
17 include, to the extent applicable, the dates of all treatment, patient  
18 complaint, history, radiological film, findings on appropriate  
19 examination of the patient, progress notes, diagnosis or medical  
20 impression, prognosis, an order for a test or consultation and the  
21 health care professional's interpretation of the results thereof,  
22 treatment or medication ordered, treatment options, the identity of the  
23 treating health care professional in cases where more than one health  
24 care professional practices, and documentation of unsuccessful efforts  
25 made to communicate test results. A health care professional may  
26 provide a summary of any handwritten notes contained in the record.  
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28 2. a. Except as provided in section 1 of P.L.1968, c.230 (C.9:17A-  
29 4), no later than 30 days from receipt of a request from a client or a  
30 client's authorized representative, a licensed clinical social worker, a  
31 licensed social worker or a licensed practicing psychologist shall  
32 provide, without charge, a copy of the client's professional treatment  
33 record pursuant to subsection b. of this section, to the client or the  
34 client's authorized representative, as appropriate, unless the  
35 professional states in writing that access by the client would adversely  
36 affect the client's health or welfare.

37 b. The professional treatment record to be provided to a client or

1 a client's authorized representative, as appropriate, pursuant to this  
2 section shall include, to the extent applicable, the dates of all  
3 treatment, the client's complaint, history, findings on appropriate  
4 examination of the client, social work assessment, progress notes,  
5 diagnostic impression, prognosis, an order for a test or consultation  
6 and the professional's interpretation of the results thereof, treatment  
7 ordered, treatment options, and the identity of each provider of  
8 treatment, evaluation or consultation, and supervisor, if any. A  
9 licensed social worker, licensed clinical social worker or licensed  
10 practicing psychologist may provide a summary of any handwritten  
11 notes or treatment session notes contained in the record.

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13 3. This act shall take effect immediately.

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#### STATEMENT

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18 This bill allows a patient or a patient's authorized representative to  
19 obtain a copy of the patient's professional treatment record, without  
20 charge. Similarly, the bill allows a client or a client's authorized  
21 representative, to obtain a copy of the client's professional treatment  
22 record from a licensed social worker, licensed clinical social worker or  
23 a licensed clinical psychologist, without charge.

24 Under the provisions of the bill, no later than 30 days from receipt  
25 of a request from a patient or a patient's authorized representative, a  
26 physician, podiatrist, chiropractor or optometrist must provide,  
27 without charge, a copy of the professional treatment record to the  
28 patient or the patient's authorized representative, as appropriate,  
29 unless the health care professional states in writing that access by the  
30 patient is not medically advisable.

31 Likewise, no later than 30 days from receipt of a request from a  
32 client or a client's authorized representative a licensed social worker,  
33 licensed clinical social worker or a licensed clinical psychologist must  
34 provide, without charge, a copy of the professional treatment record,  
35 unless the social worker or psychologist states in writing that access  
36 by the client would adversely affect the client's health or welfare.

37 With respect to physicians, podiatrists, chiropractors or  
38 optometrists, the professional treatment record shall include, to the  
39 extent applicable, the dates of all treatment, the patient complaint,  
40 history, radiological film, findings on appropriate examination of the  
41 patient, progress notes, diagnosis or medical impression, prognosis, an  
42 order for a test or consultation and the health care professional's  
43 interpretation of the results thereof, treatment or medication ordered,  
44 treatment options, the identity of the treating health care professional  
45 in cases where more than one health care professional practices, and  
46 documentation of unsuccessful efforts made to communicate test

1 results.

2 The professional treatment record for licensed social workers,  
3 licensed clinical social workers and licensed clinical psychologists shall  
4 include, to the extent applicable, the dates of all treatment, the client's  
5 complaint, history, findings on appropriate examination of the client,  
6 social work assessment, progress notes, diagnostic impression,  
7 prognosis, an order for a test or consultation and the professional's  
8 interpretation of the results thereof, treatment ordered, treatment  
9 options, and the identity of each provider of treatment, evaluation or  
10 consultation, and supervisor, if any.

11 In the case of handwritten notes, the bill allows a physician,  
12 podiatrist, chiropractor or optometrist to provide a summary of any  
13 handwritten notes contained in the record. A licensed social worker,  
14 licensed clinical social worker or licensed practicing psychologist also  
15 may provide a summary of any handwritten notes or treatment session  
16 notes contained in the record.

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21 Allows medical patients and clients of social workers and  
22 psychologists to access records without charge.