

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.