

5284 Liberty

The State of South Carolina



Office of the Attorney General

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November 16, 1993

The Honorable James H. Harrison
Member, House of Representatives
District No. 76 - Richland County
4210 Wilmot Avenue
Columbia, SC 29205

Dear Representative Harrison:

Your letter to the Attorney General, dated October 20, 1993, has been referred to me for reply. Please address any future correspondence concerning this matter directly to me.

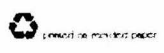
In your letter you ask whether the Physicians' Patient Records Act (S. C. Code Ann. §44-115-10, et seq (Supp. 1992)) is applicable to hospitals and other medical providers. It is our opinion that the Act is not applicable to those other entities.

Section 44-115-60 of the Act provides, in pertinent part, that an unreasonable refusal by a physician to release records "constitutes unprofessional conduct and subjects the physician to disciplinary action of the South Carolina State Board of Medical Examiners." Therefore, the Act must be strictly construed as a penal statute. *Lund v. Gray Line Water Tours, Inc.*, 277 SC 447, 289 SE2d 404 (1982).

The language of the Act specifically refers only to a physician's duties under the Act, and is silent as to other entities such as you describe. There is no indication evident from a review of the Act as a whole which would support a broader application of its terms. Accordingly, it is our opinion that the Act is not applicable to hospitals and other medical providers.

I trust the preceding discussion adequately answers your

Request Letter



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question, however, if any further explanation or additional information is required, please do not hesitate to contact me.

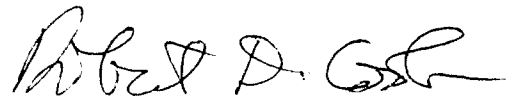
Very truly yours,



Richard P. Wilson
Assistant Attorney General

jmb

REVIEWED AND APPROVED:



ROBERT D. COOK
Executive Assistant for Opinions