

1977 S.C. Op. Atty. Gen. 335 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-407, 1977 WL 29126

Office of the Attorney General

State of South Carolina

Opinion No. 77-407

December 28, 1977

*1 John E. Wise
Vice President, Administration and Finance
Medical University of South Carolina

MEMORANDUM

QUESTION:

Is it proper for the Medical University to release copies of patient medical records and other medical data to attorneys and insurance carriers representing the Medical University and its staff without an authorization from the patient?

DISCUSSION:

Section 501 of Rule 61–16, Health and Environmental Control Department (Code of Laws of South Carolina, 1976) states that all original or photograph copies of patient medical records are to be treated as confidential. It also requires patient medical records to be kept as hospital property not to be taken from the institution except by court order.

The Freedom of Information Act, Section 30–3–20, Code of Laws of South Carolina (1976), excludes medical records from those records which the Act deems “public records”.

It is apparent therefore, that medical records are to be treated as confidential records, and they may be released only with consent of the patient or by mandatory court order.

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APPROVED BY:

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