



SPONSOR: Rep. Osienski & Sen. Walsh  
Reps. Brady, Keeley, Kowalko, Paradee, Potter, Ramone,  
Smyk, Viola; Sens. Bushweller, Hansen, Henry, Lawson

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 369

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE FALSIFICATION OF BUSINESS RECORDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend § 871, Title 11 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 871. Falsifying business records; class A misdemeanor.

4           (a) For purposes of this section:

5                     (1) "Medical Record" means a record that pertains to a person's medical history, evaluations, tests, diagnoses,  
6                     prognoses, laboratory reports, medical imaging, treatments, prescriptions, or any other information used in assessing a  
7                     person's physical, mental, or emotional condition.

8           (b) A person is guilty of falsifying business records when, with intent to defraud, the person:

9                     (1) Makes or causes a false entry in the business records of an enterprise; or

10                    (2) Alters, erases, obliterates, deletes, removes or destroys a true entry in the business records of an  
11                    enterprise; or

12                    (3) Omits to make a true entry in the business records of an enterprise in violation of a duty to do so which  
13                    the person knows to be imposed by law or by the nature of the person's position; or

14                    (4) Prevents the making of a true entry or causes the omission thereof in the business records of an  
15                    enterprise; or

16                    (5) Alters or modifies the medical record of any person; or

17                    (6) Creates any false medical record.

18           (c) Falsifying business records is a class A misdemeanor.

SYNOPSIS

This Bill expands the offense of falsifying business records by including the act of altering or modifying and creating false medical records. Currently, no specific statute exists to prevent a person from falsely creating, altering, or modifying a medical record. Expanding the offense of falsifying business records to include medical records will be a useful tool for combating healthcare provider fraud, protecting patients, and assisting patients in ensuring the integrity of their medical records.