

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 286
Committee Substitute Favorable 3/7/01

Short Title: Disease Reporting and Investigation-AB.

(Public)

Sponsors:

Referred to:

February 28, 2001

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE APPLICABILITY OF DISEASE REPORTING AND
2 INVESTIGATION REQUIREMENTS TO ALL DIAGNOSTIC LABORATORIES.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 130A-139 reads as rewritten:

5 **"§ 130A-139. Persons in charge of laboratories to report.**

6 A person in charge of a ~~clinical or pathological~~ laboratory providing diagnostic
7 service in this State shall report information required by the Commission to a public
8 health agency specified by the Commission when the laboratory makes any of the
9 following findings:

- 10
- 11 (1) Sputa, gastric contents, or other specimens which are smear positive
 - 12 for acid fast bacilli or culture positive for Mycobacterium tuberculosis;
 - 13 (2) Urethral smears positive for Gram-negative intracellular diplococci or
 - 14 any culture positive for Neisseria gonorrhoeae;
 - 15 (3) Positive serological tests for syphilis or positive darkfield examination;
 - 16 (4) Any other positive test indicative of a communicable disease or
 - 17 communicable condition for which laboratory reporting is required by
 - 18 the Commission."

19 **SECTION 2.** G.S. 130A-144 reads as rewritten:

20 **"§ 130A-144. Investigation and control measures.**

21 (a) The local health director shall investigate, as required by the Commission,
22 cases of communicable diseases and communicable conditions reported to the local
23 health director pursuant to this Article.

24 (b) Physicians and persons in charge of medical facilities or ~~clinical or~~
25 ~~pathological~~ laboratories shall, upon request and proper identification, permit a local
26 health director or the State Health Director to examine, review, and obtain a copy of
27 medical records in their possession or under their control which pertain to the diagnosis,
28 treatment, or prevention of a communicable disease or communicable condition for a

1 person infected, exposed, or reasonably suspected of being infected or exposed to such a
2 disease or condition.

3 (c) A physician or a person in charge of a medical facility or ~~clinical or~~
4 ~~pathological~~ laboratory who permits examination, review or copying of medical records
5 pursuant to subsection (b) shall be immune from any civil or criminal liability that
6 otherwise might be incurred or imposed as a result of complying with a request made
7 pursuant to subsection (b).

8 (d) The attending physician shall give control measures prescribed by the
9 Commission to a patient with a communicable disease or communicable condition and
10 to patients reasonably suspected of being infected or exposed to such a disease or
11 condition. The physician shall also give control measures to other individuals as
12 required by rules adopted by the Commission.

13 (e) The local health director shall ensure that control measures prescribed by the
14 Commission have been given to prevent the spread of all reportable communicable
15 diseases or communicable conditions and any other communicable disease or
16 communicable condition that represents a significant threat to the public health. The
17 local health department shall provide, at no cost to the patient, the examination and
18 treatment for tuberculosis disease and infection and for sexually transmitted diseases
19 designated by the Commission.

20 (f) All persons shall comply with control measures, including submission to
21 examinations and tests, prescribed by the Commission subject to the limitations of G.S.
22 130A-148.

23 (g) The Commission shall adopt rules that prescribe control measures for
24 communicable diseases and conditions subject to the limitations of G.S. 130A-148.
25 Temporary rules prescribing control measures for communicable diseases and
26 conditions shall be adopted pursuant to G.S. 150B-13.

27 (h) Anyone who assists in an inquiry or investigation conducted by the State
28 Health Director for the purpose of evaluating the risk of transmission of HIV or
29 Hepatitis B from an infected health care worker to patients, or who serves on an expert
30 panel established by the State Health Director for that purpose, shall be immune from
31 civil liability that otherwise might be incurred or imposed for any acts or omissions
32 which result from such assistance or service, provided that the person acts in good faith
33 and the acts or omissions do not amount to gross negligence, willful or wanton
34 misconduct, or intentional wrongdoing. This qualified immunity does not apply to acts
35 or omissions which occur with respect to the operation of a motor vehicle. Nothing in
36 this subsection provides immunity from liability for a violation of G.S. 130A-143."

37 **SECTION 3.** G.S. 130A-458 reads as rewritten:

38 "**§ 130A-458. Persons in charge of laboratories to report.**

39 A person in charge of a ~~clinical or pathological~~ laboratory providing diagnostic
40 service in this State shall report to the Department laboratory findings related to
41 occupational ~~diseases, illnesses, diseases and illnesses~~ for which laboratory reporting is
42 required by the Commission."

43 **SECTION 4.** This act is effective when it becomes law.