

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 1794

Short Title: Review Medical Records Held By Medical Board. (Public)

Sponsors: Representatives Luebke; Bryant, Faison, and Harrison.

Referred to: Health, if favorable, Judiciary I.

April 19, 2007

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW A PERSON TO REVIEW MEDICAL RECORDS HELD BY
2 THE NORTH CAROLINA MEDICAL BOARD UNDER CERTAIN
3 CIRCUMSTANCES.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-16(c) reads as rewritten:

7 "(c) All records, papers, investigative files, investigative reports, other
8 investigative information and other documents containing information in the possession
9 of or received or gathered by the Board, or its members or employees as a result of
10 investigations, inquiries or interviews conducted in connection with a licensing,
11 complaint or, disciplinary matter, or report of professional liability insurance awards or
12 settlements pursuant to G.S. 90-14.13, shall not be considered public records within the
13 meaning of Chapter 132 of the General Statutes and are privileged, confidential, and not
14 subject to discovery, subpoena, or other means of legal compulsion for release to any
15 person other than the Board, its employees or agents involved in the application for
16 license or discipline of a license holder, except as provided in subsection (d) of this
17 section. However, the Board may, upon request, allow the patient or the patient's
18 spouse, parent, guardian, nearest relative, or other person authorized to give consent for
19 the patient of a licensee or applicant to review medical records held by the Board and
20 the Board's response to complaints filed with the Board regarding the patient's case. For
21 purposes of this subsection, investigative information includes information relating to
22 the identity of, and a report made by, a physician or other person performing an expert
23 review for the Board."

24 **SECTION 2.** This act is effective when it becomes law.