

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S

2

SENATE BILL 423
Human Resources Committee Substitute Adopted 4/17/89

Short Title: Quality Assurance Committees.

(Public)

Sponsors:

Referred to:

March 14, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR CONFIDENTIALITY OF THE PROCEEDINGS OF
3 QUALITY ASSURANCE COMMITTEES IN MENTAL HEALTH, MENTAL
4 RETARDATION, AND SUBSTANCE ABUSE FACILITIES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 122C-191 is amended by adding the following new
7 subsection:

8 "(e) For purposes of peer review functions only:

9 (1) A member of a duly appointed quality assurance committee who acts
10 without malice or fraud shall not be subject to liability for damages in
11 any civil action on account of any act, statement, or proceeding
12 undertaken, made, or performed within the scope of the functions of
13 the committee; and

14 (2) The proceedings of a quality assurance committee, the records and
15 materials it produces, and the material it considers shall be confidential
16 and not considered public records within the meaning of G.S. 132-1, "
17 Public records" defined,' and shall not be subject to discovery or
18 introduction into evidence in any civil action against a facility or a
19 provider of professional health services that results from matters which
20 are the subject of evaluation and review by the committee. No person
21 who was in attendance at a meeting of the committee shall be required
22 to testify in any civil action as to any evidence or other matters
23 produced or presented during the proceedings of the committee or as to

1 any findings, recommendations, evaluations, opinions, or other actions
2 of the committee or its members. However, information, documents,
3 or records otherwise available are not immune from discovery or use
4 in a civil action merely because they were presented during
5 proceedings of the committee. A member of the committee or a
6 person who testifies before the committee may testify in a civil action
7 but cannot be asked about his testimony before the committee or any
8 opinions formed as a result of the committee hearings."

9 Sec. 2. This act shall become effective October 1, 1989.