

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 355
Committee Substitute Favorable 4/22/91
Senate Judiciary I Committee Substitute Adopted 5/30/91

Short Title: Subpoena Patient Records.

(Public)

Sponsors:

Referred to:

March 27, 1991

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE SUBPOENA POWER OF THE BOARD OF MEDICAL EXAMINERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-8 reads as rewritten:

"§ 90-8. Officers may administer oaths, and subpoena witnesses, records and other materials.

The president and secretary of the Board may administer oaths to all persons appearing before it as the Board may deem necessary to perform its duties, and ~~to~~ may summon and ~~to~~ issue subpoenas for the appearance of any witnesses deemed necessary to testify concerning any matter to be heard before or inquired into by the ~~Board, and to~~ Board. The Board may order that any patient records, documents or other material concerning any matter to be heard before or inquired into by the Board shall be produced before the Board or made available for inspection, notwithstanding any other provisions of law providing for the application of any physician-patient privilege with respect to such records, documents or other material. All records, documents, or other material compiled by the Board are subject to the provisions of G.S. 90-16. Notwithstanding the provisions of G.S. 90-16, in any proceeding before the Board, in any record of any hearing before the Board, and in the notice of charges against any licensee, the Board shall withhold from public disclosure the identity of a patient including information relating to dates and places of treatment, or any other information that would tend to identify the patient, unless the patient or the

1 representative of the patient expressly consents to the disclosure. Upon written request,
2 the Board shall revoke a subpoena if, upon a hearing, it finds that the evidence the
3 production of which is required does not relate to a matter in issue, or if the subpoena
4 does not describe with sufficient particularity the evidence the production of which is
5 required, or if for any other reason in law the subpoena is invalid."

6 Sec. 2. This act becomes effective October 1, 1991.