

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 355

Short Title: Subpoena Patient Records.

(Public)

Sponsors: Representatives Gamble and Green.

Referred to: Judiciary III.

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. Upon written request, the Board shall revoke a subpoena if, upon a hearing, it finds that the evidence the production of which is required does not relate to a matter in issue, or if the subpoena does not describe with sufficient particularity the evidence the production of which is required, or if for any other reason in law the subpoena is invalid. Any person or entity providing materials in good faith in response to a subpoena or order of the Board issued under this section is immune from any claim for damages by any other person or entity for having provided the materials."

Sec. 2. This act is effective upon ratification.