

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1266

Short Title: Fees/Impaired Dentist Programs.

(Public)

Sponsors: Senator Johnson.

Referred to: Finance.

July 2, 1992

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO COLLECT A SPECIAL FEE FROM NORTH CAROLINA LICENSED DENTISTS, WITH THE RESULTING FUNDS TO BE USED TO PAY EXPENSES OF NEWLY AUTHORIZED STATE-SANCTIONED PEER REVIEW ORGANIZATIONS TO OPERATE PROGRAMS FOR IMPAIRED DENTISTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-39 reads as rewritten:

"§ 90-39. Fees.

In order to provide the means of carrying out and enforcing the provisions of this Article and the duties devolving upon the North Carolina State Board of Dental Examiners, it is authorized to charge and collect fees established by its rules and regulations not exceeding the following:

- (1) Each application for general dentistry examination \$200.00
- (2) Each general dentistry license renewal, which fee shall be annually fixed by the Board and not later than November 30 of each year it shall give written notice of the amount of the renewal fee to each dentist licensed to practice in this State by mailing such notice to the last address of record with the Board of each such dentist 75.00
- (3) Each provisional license 75.00
- (4) Each intern permit or renewal thereof 75.00
- (5) Each certificate of license to a resident dentist desiring to change to another state or territory 25.00

- 1 (6) Each license issued to a practitioner of another state or territory to  
2 practice in this State 125.00
- 3 (7) Each license to resume the practice issued to a dentist who has retired  
4 from and returned to this State 125.00
- 5 (8) Each instructor's license or renewal thereof 75.00
- 6 (9) With each renewal of a dentistry license, an annual fee to help fund  
7 special peer review organizations for impaired dentists 50.00."

8 Sec. 2. A new section is added to Article 2 of Chapter 90 of the General  
9 Statutes to read:

10 **"§ 90-48.2. Board agreements with special peer review organizations for impaired**  
11 **dentists.**

12 (a) The State Board of Dental Examiners may, under rules adopted by the Board  
13 in compliance with Chapter 150B of the General Statutes, enter into agreements with  
14 special impaired dentist peer review organizations formed by the North Carolina Dental  
15 Society. The organizations shall be made up of Dental Society members designated by  
16 the Society, the Board, and the Dental School of the University of North Carolina. Peer  
17 review activities to be covered by such agreements shall include investigation, review,  
18 and evaluation of records, reports, complaints, litigation, and other information about  
19 the practices and practice patterns of dentists licensed by the Board, as such matters  
20 may relate to impaired dentists. Special impaired dentist peer review organizations may  
21 include a statewide supervisory committee and various regional and local components  
22 or subgroups.

23 (b) Agreements authorized under this section shall include provisions for the  
24 impaired dentist peer review organizations to receive relevant information from the  
25 Board and other sources, conduct any investigation, review, and evaluation in an  
26 expeditious manner, provide assurance of confidentiality of nonpublic information and  
27 of the peer review process, make reports of investigations and evaluations to the Board,  
28 and to do other related activities for operating and promoting a coordinated and  
29 effective peer review process. The agreements shall include provisions assuring basic  
30 due process for dentists that become involved.

31 (c) The impaired dentist peer review organizations that enter into agreements  
32 with the Board shall establish and maintain a program for impaired dentists licensed by  
33 the Board for the purpose of identifying, reviewing, and evaluating the ability of those  
34 dentists to function as dentists, and to provide programs for treatment and rehabilitation.  
35 The Board may provide funds for the administration of these impaired dentist peer  
36 review programs. The Board shall adopt rules to apply to the operation of impaired  
37 dentist peer review programs, with provisions for: definitions of impairment; guidelines  
38 for program elements; procedures for receipt and use of information of suspected  
39 impairment; procedures for intervention and referral; arrangements for monitoring  
40 treatment, rehabilitation, post-treatment support, and performance; reports of individual  
41 cases to the Board; periodic reporting of statistical information; and assurance of  
42 confidentiality of nonpublic information and of the peer review process.

43 (d) Upon investigation and review of a dentist licensed by the Board, or upon  
44 receipt of a complaint or other information, an impaired dentist peer review

1 organization that enters into a peer review agreement with the Board shall report  
2 immediately to the Board detailed information about any dentist licensed by the Board,  
3 if:

4       (1) The dentist constitutes an imminent danger to the public or himself;

5       (2) The dentist refuses to cooperate with the program, refuses to submit to  
6 treatment, or is still impaired after treatment and exhibits professional  
7 incompetence; or

8       (3) It reasonably appears that there are other grounds for disciplinary  
9 action.

10       (e) Impaired dentist peer review organizations operating pursuant to this section  
11 shall have the same protections and responsibilities as traditional State and local dental  
12 society peer review committees under Article 2A of this Chapter. In addition, any  
13 confidential patient information and other nonpublic information acquired, created, or  
14 used in good faith by an impaired dentist peer review organization pursuant to this  
15 section shall remain confidential and shall not be subject to discovery or subpoena in a  
16 civil case. No person participating in good faith in an impaired dentist peer review  
17 program developed under this section shall be required in a civil case to disclose any  
18 information (including opinions, recommendations, or evaluations) acquired or  
19 developed solely in the course of participating in the program.

20       (f) Impaired dentist peer review activities conducted in good faith pursuant to  
21 any program developed under this section shall not be grounds for civil action under the  
22 laws of this State, and the activities are deemed to be State directed and sanctioned and  
23 shall constitute 'State action' for the purposes of application of antitrust laws."

24       Sec. 3. This act is effective upon ratification.