

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 480  
SENATE BILL 336

AN ACT TO AMEND THE LAW RELATING TO THE NORTH CAROLINA  
MEDICAL DATABASE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Section 208(d) of Chapter 757 of the 1985 Session Laws reads as rewritten:

"(d) The North Carolina Medical Database Commission shall terminate and Article 11 of Chapter 131E of the General Statutes shall expire on July 1, ~~1991~~ 1996."

Sec. 2. G.S. 131E-211(b) reads as rewritten:

"(b) The North Carolina Medical Database Commission shall consist of nine members. The appointments shall be made as follows:

- (1) One representative of an employer from a business with of 200 or more employees in a business that is unrelated to a health care provider or third-party payor shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (2) One representative of an employer from a business with of less than 200 employees in a business that is unrelated to a health care provider or third-party payor shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.
- (3) One physician shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (4) One hospital administrator shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.
- (5) One representative of a commercial insurance company providing health insurance in North Carolina shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (6) One representative of Blue Cross and Blue Shield of North Carolina shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.
- (7) One representative of State government at large shall be appointed by the Governor.

- (8) One nurse who provides raw data to the Commission pursuant to this Article or who is employed by a health care provider who provides raw data to the Commission pursuant to this Article shall be appointed by the General Assembly upon the recommendation of the Speaker of the House in accordance with G.S. 120-121.
- (9) One health care provider that provides raw data to the Commission pursuant to this Article shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.

~~The Insurance Commissioner and the Secretary of Human Resources shall be ex officio members of the Commission without voting power. The Insurance Commissioner, the Secretary of Human Resources, and the Secretary of the Department of Environment, Health, and Natural Resources shall be ex officio members of the Commission without voting power. Any member of the Commission shall be automatically removed from the Commission upon certification by the Commission to the recommending authority that such member no longer satisfies the requirements for appointment to the Commission set forth in subdivisions (b)(1) through (b)(9) of this subsection.~~

Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies in appointive terms shall be filled for the unexpired portion of the terms by appointment by the Governor."

Sec. 3. G.S. 131E-211(e) reads as rewritten:

~~"(e) The majority of the Commission shall constitute a quorum for the transaction of business. A majority of the voting members of the Commission shall constitute a quorum."~~

Sec. 4. G.S. 131E-211(f) reads as rewritten:

"(f) The members of the Commission shall select a chairman and vice-chairman. Effective for terms to begin on or after July 1, 1987, no person may be elected chairman or vice-chairman unless they have been a member of the Commission for ~~two years~~ one year before their election. Effective July 1, 1987, the term of the chairman and vice-chairman shall be one year, and no person may be elected to the same office for two full consecutive terms."

Sec. 5. G.S. 131E-212(f) reads as rewritten:

"(f) Data collected by and furnished to the Commission pursuant to this Article shall not be shared among the other State agencies unless the information is approved by the Commission as a public record pursuant to G.S. 131E-213. Notwithstanding the provisions of G.S. 131E-213, the Commission shall, as soon as practicable after a request by the State Health Director, and where not otherwise prohibited by federal law or regulation, make available to the State Health Director specific individual records, including patient and provider identifiers, in furtherance of the mandate in Chapter 130A of the General Statutes to protect and promote the public health. Records obtained in this manner shall be confidential, shall not be public records, and shall not be made available by the State Health Director notwithstanding G.S. 130A-374(a)(2)."

Sec. 6. Nothing in this act shall obligate the General Assembly to appropriate funds to carry out the provisions of this act.

Sec. 7. This act becomes effective July 1, 1991, except that amendments to G.S. 131E-211(b)(8) and G.S. 131E-211(b)(9) become effective July 1, 1992.

In the General Assembly read three times and ratified this the 2nd day of July, 1991.

---

James C. Gardner  
President of the Senate

---

Daniel Blue, Jr.  
Speaker of the House of Representatives