

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

2

SENATE BILL 740
Judiciary I Committee Substitute Adopted 5/9/91

Short Title: Chiropractic Peer Review.

(Public)

Sponsors:

Referred to:

April 22, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO GRANT QUALIFIED IMMUNITY TO THE PEER REVIEW
3 COMMITTEE OF THE NORTH CAROLINA CHIROPRACTIC ASSOCIATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 90 of the General Statutes is amended by adding a new
6 Article to read:

7 **“ARTICLE 8A.**

8 **“CHIROPRACTIC PEER REVIEW PROTECTION ACT.**

9 **“§ 90-157.3. Peer review.**

10 Peer review is defined as the rendering of an opinion by a chiropractor or entity
11 appointed by the North Carolina Chiropractic Association, other than the treating
12 chiropractor, as to the necessity, reasonableness or appropriateness of any professional
13 service or services performed for or upon a patient by the treating chiropractor.

14 **“§ 90-157.4. Immunity of a member.**

15 No member of any peer review committee of the North Carolina Chiropractic
16 Association shall be held liable in damages to any person for any opinion expressed or
17 recommendation made within the scope of the functions of that committee, if the
18 committee member acts without malice and in reasonable belief that the opinion or
19 recommendation was warranted by the facts known to him after reasonable effort to
20 obtain the facts of the matter as to which the opinion was expressed or recommendation
21 was made.

22 **“§ 90-157.5. Immunity of witnesses before peer review committee.**

1 Notwithstanding any other provision of law, no person providing information to any
2 peer review committee of the North Carolina Chiropractic Association shall be held, by
3 reason of having provided such information, to have violated any criminal law, or be
4 subject to civil liability under any law unless:

5 (1) The information is unrelated to the performance of the duty or function
6 of the peer review committee, or

7 (2) The information is false, and the person providing the information
8 knew, or had good reason to believe that the information was false.

9 **"§ 90-157.6. Confidentiality of peer review committee's proceedings and records.**

10 The proceedings and records of any peer review committee of the North Carolina
11 Chiropractic Association shall be held in confidence and shall not be subject to
12 discovery or introduction into evidence in any civil action arising out of the matters
13 which are the subject of evaluation and review by the committee; and no person who
14 was in attendance at a meeting of the committee shall be permitted or required to testify
15 in any civil action as to any evidence or other matters produced or presented during the
16 proceedings of the committee, or as to any findings, recommendations, evaluations,
17 opinions, or other actions of the committee or any members thereof. Notwithstanding
18 the foregoing, any information, documents, or records otherwise available from original
19 sources are not immune from discovery or use in any civil action merely because they
20 were presented during proceedings of a peer review committee, nor should any person
21 who testifies before such a committee or who is a member of such a committee be
22 prevented from testifying as to matters within his knowledge, but the witness shall not
23 be asked about his testimony before the peer review committee or opinions formed by
24 him as a result of the committee hearings.

25 **"§ 90-157.7. No limitation on previous privileges and immunities.**

26 Nothing in this Article shall be deemed to annul, abridge, or limit in any manner any
27 privileges or immunities heretofore existing under the laws of this State."

28 Sec. 2. This act is effective upon ratification.