

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 914

Short Title: Fees/Impaired Dentist Programs.

(Public)

Sponsors: Representative G. Miller.

Referred to: State Government.

April 13, 1993

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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.

2 The General Assembly of North Carolina enacts:

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

4 "§ 90-39. Fees.

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

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