

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1104\*

Short Title: Medical Evaluation Reports to D.M.V.

(Public)

Sponsors: Senator Edwards.

Referred to: Judiciary II/Election Laws.

May 14, 1996

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LIMITED IMMUNITY FOR MEDICAL CARE PROVIDERS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-9.1. Medical care providers providing medical information on drivers with physical or mental disabilities.**

(a) Notwithstanding any other law relating to confidentiality of communications with any medical care provider, any medical care provider in North Carolina may disclose to the Commissioner information about a patient who has a mental or physical disability that the medical care provider believes may affect the patient's ability to safely operate a motor vehicle. This information shall be limited to the patient's name, address, and diagnosis.

(b) The information provided to the Commissioner pursuant to this section shall be confidential and shall be used only for the purpose of determining the qualifications of the patient to operate a motor vehicle.

(c) A medical care provider disclosing information pursuant to this section is immune from any civil or criminal liability that might otherwise be incurred or imposed

1 based on the disclosure provided that the licensed medical care provider was acting in  
2 good faith and without malice. In any proceeding involving liability, good faith and lack  
3 of malice is presumed.

4 (d) For purposes of this section, 'medical care provider' includes licensed  
5 physicians, dentists, optometrists, osteopathic physicians, podiatrists, certified clinical  
6 social workers, chiropractors, psychologists, and advanced practice registered nurses."

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