

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 231
Committee Substitute Favorable 4/2/97

Short Title: Medical Information Waiver.

(Public)

Sponsors:

Referred to:

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION.

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. Physicians and psychologists providing medical information on drivers with physical and mental disabilities.

(a) Notwithstanding G.S. 8-53 for physicians and G.S. 8-53.3 for psychologists, or any other law relating to confidentiality of communications between physicians or psychologists and their patients, a physician or a psychologist duly licensed in the State of North Carolina may, after consultation with the patient, disclose to the Commissioner information about a patient who has a mental or physical condition that the physician or psychologist is diagnosing or treating and that may affect the patient's ability to safely operate a motor vehicle. This information shall be limited to the patient's name, address, date of birth, and diagnosis.

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

4 (c) A physician or psychologist disclosing or not disclosing information pursuant
5 to this section is immune from any civil or criminal liability that might otherwise be
6 incurred or imposed based on the disclosure or lack of disclosure provided that the
7 physician or psychologist was acting in good faith and without malice. In any proceeding
8 involving liability, good faith and lack of malice are presumed."

9 Section 2. This act is effective when it becomes law.