

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 231

Committee Substitute Favorable 4/2/97

Senate Rules and Operations of the Senate Committee Substitute Adopted 8/13/97

Fourth Edition Engrossed 8/14/97

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 AND FOR PHYSICIANS PROVIDING MEDICAL INFORMATION AND TESTIMONY REGARDING PILOTS TO PILOTS' LICENSING AND CERTIFICATION AGENCIES.

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 disclose after consultation with the patient to the Commissioner

1 information about a patient who has a mental or physical disability that the physician or
2 psychologist believes may affect the patient's ability to safely operate a motor vehicle.
3 This information shall be limited to the patient's name, address, date of birth, and
4 diagnosis.

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

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

13 Section 2. Article 1C of Chapter 90 of the General Statutes is amended by
14 adding a new section to read:

15 "**§ 90-21.20A. Reporting by physicians of pilots' mental or physical disabilities or**
16 **infirmities.**

17 (a) A physician who reports to a government agency responsible for pilots'
18 licenses or certificates or a government agency responsible for air safety that a pilot or an
19 applicant for a pilot's license or certificate suffers from or probably suffers from a
20 physical disability or infirmity that the physician believes will or reasonably could affect
21 the person's ability to safely operate an aircraft shall have immunity, civil or criminal,
22 that might otherwise be incurred or imposed as the result of making such a report.

23 (b) A physician who gives testimony about a pilot's or an applicant's mental or
24 physical disability or infirmity in any administrative hearing or other proceeding held to
25 consider the issuance, renewal, revocation, or suspension of a pilot's license or certificate
26 shall have immunity from any liability, civil or criminal, that might otherwise be incurred
27 or imposed as the result of such testimony."

28 Section 3. This act is effective when it becomes law.