

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 613
Committee Substitute Favorable 4/13/93
Senate Judiciary II Committee Substitute Adopted 7/14/93

Short Title: Pt. Rec'd/EHNR, Health Wker/HIV.

(Public)

Sponsors:

Referred to:

March 29, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW HEALTH CARE FACILITIES TO FURNISH PUBLIC HEALTH AUTHORITIES WITH PATIENT RECORDS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS WHO ASSIST IN EVALUATING THE RISKS OF TRANSMISSION BY HEALTH CARE WORKERS OF HIV OR HEPATITIS B TO PATIENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-5(2) reads as rewritten:

"(2) To investigate the causes of epidemics and of infectious, communicable and other diseases affecting the public health in order to control and prevent these diseases; to provide, under the rules of the Commission, for the prevention, detection, reporting and control of communicable, infectious or any other diseases or health hazards considered harmful to the public health—health; to obtain, notwithstanding the provisions of G.S. 8-53, a copy or a summary of pertinent portions of privileged patient medical records deemed necessary by joint agreement of the attending physician and a Department physician for investigating a disease or health hazard that may present a clear danger to the public health. Records shall be identified as necessary by joint agreement of a Department physician and the patient's attending physician. However, if the Department is unable to contact the attending physician after reasonable attempts to do so, or if

1 the Department determines that contacting all attending physicians of
2 patients involved in an investigation would be impractical or would
3 unreasonably delay the inquiry and thereby endanger the public health,
4 the records shall be identified as necessary by joint agreement of a
5 Department physician and the health care facility's chief of staff. For a
6 facility with no chief of staff, the facility's chief administrator may
7 consent to the Department's review of the records. Any physician
8 person, authorized to have or handle such records, providing copies or
9 summaries of privileged patient medical records pursuant to this
10 subdivision shall be immune from civil or criminal liability that might
11 otherwise be incurred or imposed based upon invasion of privacy or
12 breach of physician-patient confidentiality arising out of the furnishing
13 of or agreement to furnish such records;".

14 Sec. 2. G.S. 130A-144 is amended by adding the following new subsection
15 to read:

16 "(h) Anyone who assists in an inquiry or investigation conducted by the State
17 Health Director for the purpose of evaluating the risk of transmission of HIV or
18 Hepatitis B from an infected health care worker to patients, or who serves on an expert
19 panel established by the State Health Director for that purpose, shall be immune from
20 civil liability that otherwise might be incurred or imposed for any acts or omissions
21 which result from such assistance or service, provided that the person acts in good faith
22 and the acts or omissions do not amount to gross negligence, willful or wanton
23 misconduct, or intentional wrongdoing. This qualified immunity does not apply to acts
24 or omissions which occur while the person is operating or responsible for the operation
25 of a motor vehicle. Nothing in this subsection provides immunity from liability for a
26 violation of G.S. 130A-143."

27 Sec. 3. This act is effective upon ratification.