

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 958

Short Title: Confid. Medical Info./ Clarification.

(Public)

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Sponsors: Representative Edwards.

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Referred to: Select Committee on Health Care Delivery.

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April 8, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT CONFIDENTIAL INFORMATION OBTAINED BY  
2 HEALTH MAINTENANCE ORGANIZATIONS OR PROVIDER SPONSORED  
3 ORGANIZATIONS MAY BE DISCLOSED PURSUANT TO COURT ORDER FOR  
4 CERTAIN PURPOSES.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 58-67-180 reads as rewritten:

8 "**§ 58-67-180. Confidentiality of medical information.**

9 Any data or information pertaining to the diagnosis, treatment, or health of any  
10 enrollee or applicant obtained from such person or from any provider by any health  
11 maintenance organization shall be held in confidence and shall not be disclosed to any  
12 person except to the extent that it may be necessary to carry out the purposes of this  
13 Article; or upon the express consent of the enrollee or applicant; or pursuant to ~~statute or~~  
14 statute; or pursuant to court order for the production of evidence or the discovery thereof;  
15 or in the event of claim or litigation between such person and the health maintenance  
16 organization wherein such data or information is pertinent. A health maintenance  
17 organization shall be entitled to claim any statutory privileges against such disclosure  
18 which the provider who furnished such information to the health maintenance  
19 organization is entitled to claim."

20 Section 2. G.S. 131E-310 reads as rewritten:

1 **"§ 131E-310. Confidentiality of medical information.**

2 Any data or information pertaining to the diagnosis, treatment, or health of any  
3 beneficiary or applicant obtained from the person or from any provider by any provider  
4 sponsored organization or by any provider acting pursuant to its provider contract with a  
5 provider sponsored organization shall be held in confidence and shall not be disclosed to  
6 any person except to the extent that it may be necessary to carry out the purposes of this  
7 Article; or upon the express consent of the beneficiary or applicant; or pursuant to ~~statute~~  
8 ~~or statute~~; or pursuant to court order for the production of evidence or the discovery  
9 thereof; or in the event of claim or litigation between such person and the provider  
10 sponsored organization wherein such data or information is pertinent. A provider  
11 sponsored organization shall be entitled to claim any statutory privileges against such  
12 disclosure which the provider who furnished such information to the provider sponsored  
13 organization is entitled to claim.

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