

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 879

Short Title: No Secret Medical Malpractice Settlements. (Public)

Sponsors: Senator Horton.

Referred to: Select Committee on Insurance and Civil Justice Reform.

April 3, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT CONFIDENTIAL SETTLEMENTS OF MEDICAL  
3 MALPRACTICE ACTIONS ARE VOID.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The General Assembly makes the following findings:

6 (1) National studies indicate that a small number of physicians are  
7 responsible for the majority of occurrences of medical malpractice,  
8 and North Carolina consumers have no way to access information  
9 about physicians' performance.

10 (2) Health care providers can now settle medical malpractice lawsuits on a  
11 confidential basis, and injured patients have no leverage to insist that  
12 settlements be open so as to advise the public of continuing public  
13 safety risk from practices and procedures at facilities or from repeat  
14 malpractice offenders.

15 (3) It is in the public interest that the resolution of medical malpractice  
16 actions filed in the courts of North Carolina be open.

17 **SECTION 2.** Article 1B of Chapter 90 of the General Statutes is amended  
18 by adding a new section to read:

19 "**§ 90-21.18. Settlements of medical malpractice actions; confidentiality**  
20 **agreements void.**

21 In a medical malpractice action, any agreement to settle claims against any party on  
22 a confidential basis is void and unenforceable."

23 **SECTION 3.** This act becomes effective October 1, 2003, and applies to  
24 actions filed on or after that date.