

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 470
HOUSE BILL 372

AN ACT TO AMEND G.S. 130A-5 TO AUTHORIZE THE SECRETARY TO REVIEW AND EXAMINE PRIVILEGED PATIENT MEDICAL RECORDS AND TO DECLARE ALL PRIVILEGED PATIENT MEDICAL RECORDS IN THE POSSESSION OF THE DEPARTMENT OF HUMAN RESOURCES AND LOCAL HEALTH DEPARTMENTS TO BE CONFIDENTIAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-5(2) is amended by adding the following language at the end to read: "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. Any physician providing copies or summaries of privileged patient medical records pursuant to this subdivision shall be immune from civil or criminal liability that might otherwise be incurred or imposed based upon invasion of privacy or breach of physician- patient confidentiality arising out of the furnishing of or agreement to furnish such records."

Sec. 2. Article 1 of Chapter 130A of the General Statutes is amended by adding a new section to read:
"§ 130A-12. Confidentiality of records.—All privileged patient medical records in the possession of the Department of Human Resources or local health departments shall be confidential and shall not be public records pursuant to G.S. 132-1."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of June, 1985.