

GENERAL ASSEMBLY OF NORTH CAROLINA  
1993 SESSION

CHAPTER 420  
HOUSE BILL 914

AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO COLLECT A SPECIAL FEE FROM NORTH CAROLINA LICENSED DENTISTS, WITH THE RESULTING FUNDS TO BE USED TO PAY EXPENSES OF NEWLY AUTHORIZED STATE-SANCTIONED PEER REVIEW ORGANIZATIONS TO OPERATE PROGRAMS FOR IMPAIRED DENTISTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-39 reads as rewritten:

**"§ 90-39. Fees.**

In order to provide the means of carrying out and enforcing the provisions of this Article and the duties devolving upon the North Carolina State Board of Dental Examiners, it is authorized to charge and collect fees established by its rules and regulations not exceeding the following:

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| (1) | Each application for general dentistry examination   | \$200.00       |
| (2) | Each general dentistry license renewal, which fee shall be annually fixed by the Board and not later than November 30 of each year it shall give written notice of the amount of the renewal fee to each dentist licensed to practice in this State by mailing such notice to the last address of record with the Board of each such dentist | 75.00          |
| (3) | Each provisional license   | 75.00          |
| (4) | Each intern permit or renewal thereof  | 75.00          |
| (5) | Each certificate of license to a resident dentist desiring to change to another state or territory   | 25.00          |
| (6) | Each license issued to a practitioner of another state or territory to practice in this State  | 125.00         |
| (7) | Each license to resume the practice issued to a dentist who has retired from and returned to this State  | 125.00         |
| (8) | Each instructor's license or renewal thereof   | 75.00          |
| (9) | <u>With each renewal of a dentistry license, an annual fee to help fund special peer review organizations for impaired dentists</u>  | <u>50.00."</u> |

Sec. 2. A new section is added to Article 2 of Chapter 90 of the General Statutes to read:

**"§ 90-48.2. Board agreements with special peer review organizations for impaired dentists.**

(a) The State Board of Dental Examiners may, under rules adopted by the Board in compliance with Chapter 150B of the General Statutes, enter into agreements with special impaired dentist peer review organizations formed by the North Carolina Dental Society. The organizations shall be made up of Dental Society members designated by the Society, the Board, and the Dental School of the University of North Carolina. Peer review activities to be covered by such agreements shall include investigation, review and evaluation of records, reports, complaints, litigation, and other information about the practices and practice patterns of dentists licensed by the Board, as such matters may relate to impaired dentists. Special impaired dentist peer review organizations may include a statewide supervisory committee and various regional and local components or subgroups.

(b) Agreements authorized under this section shall include provisions for the impaired dentist peer review organizations to receive relevant information from the Board and other sources, conduct any investigation, review, and evaluation in an expeditious manner, provide assurance of confidentiality of nonpublic information and of the peer review process, make reports of investigations and evaluations to the Board, and to do other related activities for operating and promoting a coordinated and effective peer review process. The agreements shall include provisions assuring basic due process for dentists that become involved.

(c) The impaired dentist peer review organizations that enter into agreements with the Board shall establish and maintain a program for impaired dentists licensed by the Board for the purpose of identifying, reviewing and evaluating the ability of those dentists to function as dentists, and to provide programs for treatment and rehabilitation. The Board may provide funds for the administration of these impaired dentist peer review programs. The Board shall adopt rules to apply to the operation of impaired dentist peer review programs, with provisions for: definitions of impairment; guidelines for program elements; procedures for receipt and use of information of suspected impairment; procedures for intervention and referral; arrangements for monitoring treatment, rehabilitation, posttreatment support and performance; reports of individual cases to the Board; periodic reporting of statistical information; and assurance of confidentiality of nonpublic information and of the peer review process.

(d) Upon investigation and review of a dentist licensed by the Board, or upon receipt of a complaint or other information, an impaired dentist peer review organization that enters into a peer review agreement with the Board shall report immediately to the Board detailed information about any dentist licensed by the Board, if:

- (1) The dentist constitutes an imminent danger to the public or himself;
- (2) The dentist refuses to cooperate with the program, refuses to submit to treatment, or is still impaired after treatment and exhibits professional incompetence; or
- (3) It reasonably appears that there are other grounds for disciplinary action.

(e) Impaired dentist peer review organizations operating pursuant to this section shall have the same protections and responsibilities as traditional State and local dental society peer review committees under Article 2A of this Chapter. In addition, any confidential patient information and other nonpublic information acquired, created, or used in good faith by an impaired dentist peer review organization pursuant to this section shall remain confidential and shall not be subject to discovery or subpoena in a civil case. No person participating in good faith in an impaired dentist peer review program developed under this section shall be required in a civil case to disclose any information (including opinions, recommendations, or evaluations) acquired or developed solely in the course of participating in the program.

(f) Impaired dentist peer review activities conducted in good faith pursuant to any program developed under this section shall not be grounds for civil action under the laws of this State, and the activities are deemed to be State directed and sanctioned and shall constitute 'State action' for the purposes of application of antitrust laws."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of July, 1993.

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Dennis A. Wicker  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives