

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 442
SENATE BILL 638

AN ACT TO MAKE IT CLEAR THAT (LIKE IN NORTH CAROLINA MEDICAL DOCTOR LICENSING MATTERS) INFORMATION DEVELOPED IN INVESTIGATIONS BY THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS MAY BE KEPT CONFIDENTIAL TO AVOID WARNING INVESTIGATIONS SUBJECTS WHO MAY WANT TO HIDE MISCONDUCT AND TO PREVENT PREJUDICING SUBJECTS BY PREMATURE RELEASE OF WHAT ARE LATER REVEALED AS ERRONEOUS OR MISLEADING ACCUSATIONS; AND TO FURTHER MAKE IT CLEAR THAT THE INVESTIGATION INFORMATION MAY NOT BE KEPT CONFIDENTIAL AFTER IT IS USED IN FORMAL BOARD NOTICES OR HEARINGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-41 is amended by adding a new subsection to read:

"(g) Records, papers, and other documents containing information collected or compiled by the Board, or its members or employees, as a result of investigations, inquiries, or interviews conducted in connection with a licensing or disciplinary matter, shall not be considered public records within the meaning of Chapter 132 of the General Statutes; provided, however, that any notice or statement of charges against any licensee, or any notice to any licensee of a hearing in any proceeding, shall be a public record within the meaning of Chapter 132 of the General Statutes, notwithstanding that it may contain information collected and compiled as a result of any investigation, inquiry, or interview; and provided, further, that if any record, paper, or other document containing information collected and compiled by the Board is received and admitted into evidence in any hearing before the Board, it shall then be a public record within the meaning of Chapter 132 of the General Statutes."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 26th day of June, 1989.