

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 355
Committee Substitute Favorable 4/22/91

Short Title: Subpoena Patient Records.

(Public)

Sponsors:

Referred to:

March 27, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE SUBPOENA POWER OF THE BOARD OF MEDICAL
3 EXAMINERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 90-8 reads as rewritten:

6 "**§ 90-8. Officers may administer oaths, and subpoena witnesses, records and other**
7 **materials.**

8 The president and secretary of the Board may administer oaths to all persons
9 appearing before it as the Board may deem necessary to perform its duties, and ~~to~~ may
10 summon and to ~~to~~ issue subpoenas for the appearance of any witnesses deemed necessary
11 to testify concerning any matter to be heard before or inquired into by the Board, and to
12 Board. The Board may order that any patient records, documents or other material
13 concerning any matter to be heard before or inquired into by the Board shall be
14 produced before the Board or made available for inspection, notwithstanding
15 any other provisions of law providing for the application of any physician-patient
16 privilege with respect to such records, documents or other material. All records,
17 documents, or other material compiled by the Board are subject to the provisions of
18 G.S. 90-16. Upon written request, the Board shall revoke a subpoena if, upon a hearing,
19 it finds that the evidence the production of which is required does not relate to a matter
20 in issue, or if the subpoena does not describe with sufficient particularity the evidence
21 the production of which is required, or if for any other reason in law the subpoena is
22 invalid."

23 Sec. 2. This act becomes effective October 1, 1991.