

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 740

Short Title: Chiropractic Utilization Review.

(Public)

Sponsors: Senator Soles.

Referred to: Judiciary I.

April 22, 1991

A BILL TO BE ENTITLED

AN ACT TO GRANT QUALIFIED IMMUNITY TO THE UTILIZATION REVIEW
COMMITTEE OF THE NORTH CAROLINA CHIROPRACTIC ASSOCIATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is amended by adding a new
Article to read:

“ARTICLE 8A.

“CHIROPRACTIC UTILIZATION REVIEW PROTECTION ACT.

“§ 90-157.3. Utilization review.

Utilization review is defined as the rendering of an opinion by a chiropractic
physician or entity appointed by the North Carolina Chiropractic Association, other than
the treating chiropractic physician, as to the necessity, reasonableness or
appropriateness of any professional service or services performed for or upon a patient
by the treating chiropractic physician.

“§ 90-157.4. Immunity of a member.

No member of any utilization review committee of the North Carolina Chiropractic
Association shall be held liable in damages to any person for any opinion expressed or
recommendation made within the scope of the functions of that committee, if the
committee member acts without malice and in reasonable belief that the opinion or
recommendation was warranted by the facts known to him after reasonable effort to
obtain the facts of the matter as to which the opinion was expressed or recommendation
was made.

“§ 90-157.5. Immunity of witnesses before utilization review committee.

1 Notwithstanding any other provision of law, no person providing information to any
2 utilization review committee of the North Carolina Chiropractic Association shall be
3 held, by reason of having provided such information, to have violated any criminal law,
4 or be subject to civil liability under any law unless:

5 (1) The information is unrelated to the performance of the duty or function
6 of the utilization review committee, or

7 (2) The information is false, and the person providing the information
8 knew, or had good reason to believe that the information was false.

9 **"§ 90-157.6. Confidentiality of review committee's proceedings and records.**

10 The proceedings and records of any utilization review committee of the North
11 Carolina Chiropractic Association shall be held in confidence and shall not be subject to
12 discovery or introduction into evidence in any civil action arising out of the matters
13 which are the subject of evaluation and review by the committee; and no person who
14 was in attendance at a meeting of the committee shall be permitted or required to testify
15 in any civil action as to any evidence or other matters produced or presented during the
16 proceedings of the committee, or as to any findings, recommendations, evaluations,
17 opinions, or other actions of the committee or any members thereof. Notwithstanding
18 the foregoing, any information, documents, or records otherwise available from original
19 sources are not immune from discovery or use in any civil action merely because they
20 were presented during proceedings of a utilization review committee, nor should any
21 person who testifies before such a committee or who is a member of such a committee
22 be prevented from testifying as to matters within his knowledge, but the witness shall
23 not be asked about his testimony before the utilization review committee or opinions
24 formed by him as a result of the committee hearings.

25 **"§ 90-157.7. No limitation on previous privileges and immunities.**

26 Nothing in this Article shall be deemed to annul, abridge, or limit in any manner any
27 privileges or immunities heretofore existing under the laws of this State."

28 Sec. 2. This act is effective upon ratification.