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HOUSE BILL 120
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Short Title: Open Meetings/Records Law Changes.

(Public)

Sponsors:

Referred to:

February 10, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE OPEN MEETINGS LAW AND TO AMEND THE
PUBLIC RECORDS LAW AS IT RELATES TO THE HOSPITAL LICENSURE
ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-318.10 reads as rewritten:

"§ 143-318.10. All official meetings of public bodies open to the public.

(a) Except as provided in G.S. 143-318.11, G.S. 143-318.14A, G.S. 143-318.15, and G.S. 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.

(b) As used in this Article, 'public body' means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more ~~members; and~~

- (1) ~~Exercises or is authorized to exercise a legislative, policy making, quasi-judicial, administrative, or advisory function; and~~
- (2) ~~Is established by (i) the State Constitution, (ii) an act or resolution of the General Assembly, (iii) a resolution or order of a State agency, pursuant to a statutory procedure under which the agency establishes a political subdivision or public corporation, (iv) an ordinance, resolution, or other action of the governing board of one or more~~

1 counties, cities, school administrative units, or other political
2 subdivisions or public corporations, or (v) an executive order of the
3 Governor or comparable formal action of the head of a principal State
4 office or department, as defined in G.S. 143A-11 and G.S. 143B-6, or
5 of a division thereof.

6 members and (ii) exercises or is authorized to exercise a legislative, policy-making,
7 quasi-judicial, administrative, or advisory function. In addition, 'public body' means (1)
8 the governing board of a 'public hospital' as defined in G.S. 159-39 and (2) ~~each~~
9 ~~committee of a public body, except a committee of the governing board of a public hospital if~~
10 ~~the committee is not a policy-making body.~~ In addition, for the purposes of this Article "public
11 body" ~~means~~ any nonprofit corporation to which a hospital facility has been sold or
12 conveyed pursuant to G.S. 131E-8, any subsidiary of ~~that~~ such nonprofit corporation,
13 and any nonprofit corporation owning the corporation to which the hospital facility has
14 been sold or conveyed.

15 (c) 'Public body' does not include ~~and shall not be construed to include (1) meetings~~
16 ~~among a meeting solely among the professional staff of a public body, body or the~~
17 ~~medical staff of a public hospital, unless the staff members have been appointed to and are~~
18 ~~meeting as an authority, board, commission, committee, council, or other body established by~~
19 ~~one of the methods listed in subsection (b)(2) of this section, or (2) meetings among the~~
20 ~~medical staff of a public hospital.~~

21 (d) 'Official meeting' means a meeting, assembly, or gathering together at any
22 time or place or the simultaneous communication by conference telephone or other
23 electronic means of a majority of the members of a public body for the purpose of
24 conducting hearings, participating in deliberations, or voting upon or otherwise
25 transacting the public business within the jurisdiction, real or apparent, of the public
26 body. However, a social meeting or other informal assembly or gathering together of the
27 members of a public body does not constitute an official meeting unless called or held
28 to evade the spirit and purposes of this Article.

29 (e) Every public body shall keep full and accurate minutes of all official
30 meetings, ~~excluding any executive sessions~~ including any closed sessions held pursuant to
31 G.S. 143-318.11. Such minutes may be in written form or, at the option of the public
32 body, may be in the form of sound or video and sound recordings. Such minutes shall
33 be public records within the meaning of G.S. 132-6. ~~the Public Records Law, G.S. 132-1~~
34 et seq.; provided, however, that minutes of a closed session conducted in compliance
35 with G.S. 143-318.11 may be withheld from public inspection so long as public
36 inspection would frustrate the purpose of a closed session."

37 Sec. 2. G.S. 143-318.11 reads as rewritten:

38 "**§ 143-318.11. Executive sessions. Closed sessions.**

39 (a) Permitted Purposes. – It is the policy of this State that closed sessions shall be
40 held only when required to permit a public body to act in the public interest as permitted
41 in this section. A public body may hold ~~an executive session~~ a closed session and
42 ~~exclude the public;~~ public only:

43 (1) ~~To consider the selection of a site or the acquisition by any means or~~
44 ~~lease as lessee of interests in real property. At the conclusion of all~~

1 negotiations with regard to the acquisition or lease of real property, if
2 final authorization to acquire or lease is to be given, it shall be given at
3 an open meeting.

4 (2) ~~To consider and authorize the acquisition by gift or bequest of personal
5 property offered to the public body or the government of which it is a
6 part.~~

7 (3) ~~To consider and authorize the acquisition by any means of paintings,
8 sculptures, objects of virtu, artifacts, manuscripts, books and papers,
9 and similar articles and objects that are or will be part of the
10 collections of a museum, library, or archive.~~

11 (4) ~~To consider the validity, settlement, or other disposition of a claim
12 against or on behalf of the public body or an officer or employee of the
13 public body or in which the public body finds that it has a substantial
14 interest; or the commencement, prosecution, defense, settlement, or
15 litigation of a potential or pending judicial action or administrative
16 proceeding in which the public body or an officer or employee of the
17 public body is a party or in which the public body finds that it has a
18 substantial interest. During such an executive session, the public body
19 may give instructions to an attorney or other agent concerning the
20 handling or settlement of a claim, judicial action, or administrative
21 proceeding. If a public body has considered a settlement in executive
22 session, the terms of that settlement shall be reported to the public
23 body and entered into its minutes within a reasonable time after the
24 settlement is concluded.~~

25 (5) ~~To consult with an attorney employed or retained to represent the
26 public body, to the extent that confidentiality is required in order to
27 preserve the attorney-client privilege between the attorney and the
28 public body.~~

29 (6) ~~To discuss matters relating to the location or expansion of industries or
30 other businesses in the area served by the public body.~~

31 (7) ~~To consider matters dealing with specific patients (including but not
32 limited to all aspects of admission, treatment, and discharge; all
33 medical records, reports, and summaries; and all charges, accounts,
34 and credit information pertaining to such a patient).~~

35 (8) ~~To consider the qualifications, competence, performance, character,
36 fitness, conditions of appointment, or conditions of initial employment
37 of a public officer or employee or prospective public officer or
38 employee; or to hear or investigate a complaint, charge or grievance by
39 or against a public officer or employee. A public body may consider
40 the appointment or removal of a member of another body in executive
41 session but may not consider or fill a vacancy among its own
42 membership except in an open meeting.~~

43 Final action making an appointment or discharge or removal by a
44 public body having final authority for the appointment or discharge or

1 removal shall be taken in an open meeting. If a public body considers
2 an appointment to another body, except a committee composed of
3 members of the public body, in executive session, it shall, before
4 making that appointment, present at an open meeting a written list of
5 the persons then being considered for the appointment, and that list
6 shall on the same day be made available for public inspection in the
7 office of the clerk or secretary to the public body. The public body
8 may not make the appointment before the seventh day after the day on
9 which the list was presented.

- 10 (9) ~~To consider the employment, performance, or discharge of an~~
11 ~~independent contractor. Any action employing or authorizing the~~
12 ~~employment or discharging or directing the discharge of an~~
13 ~~independent contractor shall be taken at an open meeting.~~
- 14 (10) ~~To hear, consider, and decide (i) disciplinary cases involving students~~
15 ~~or pupils and (ii) questions of reassignment of pupils under G.S. 115-~~
16 ~~178.~~
- 17 (11) ~~To identify candidates for, assess the candidates' worthiness for, and~~
18 ~~choose the recipients of honors, awards, honorary degrees, or citations~~
19 ~~bestowed by the public body.~~
- 20 (12) ~~To consider information, when State or federal law (i) directs that the~~
21 ~~information be kept confidential or (ii) makes the confidentiality of the~~
22 ~~information a condition of State or federal aid.~~
- 23 (13) ~~To consider and adopt contingency plans for dealing with, and~~
24 ~~consider and take action relating to, strikes, slowdowns, and other~~
25 ~~collective employment interruptions.~~
- 26 (14) ~~To consider and take action necessary to deal with a riot or civil~~
27 ~~disorder or with conditions that indicate that a riot or civil disorder is~~
28 ~~imminent.~~
- 29 (15) ~~To plan, conduct, or hear reports concerning investigations of alleged~~
30 ~~criminal misconduct.~~
- 31 (16) ~~To consider and decide matters concerning specific inmates of the~~
32 ~~correction system or security problems of the correction system.~~
- 33 (17) ~~To hear, consider, and decide matters involving admission, discipline,~~
34 ~~or termination of members of the medical staff of a public hospital.~~
35 ~~Final action on an admission or termination shall be reported at an~~
36 ~~open meeting.~~
- 37 (18) ~~To consider and give instructions relating to the setting or negotiation~~
38 ~~of airport landing fees or the negotiation of contracts, including leases,~~
39 ~~concerning the use of airport facilities. Final action approving landing~~
40 ~~fees or such a contract shall be taken in an open meeting.~~
- 41 (19) ~~To plan investigations and receive investigative reports requested by a~~
42 ~~board of elections concerning election frauds, irregularities, election~~
43 ~~contests, or violations of the election laws. Following a public hearing~~
44 ~~during which it is alleged or apparent that any election official may~~

1 have committed an act of misconduct, a board of elections may meet in
2 executive session to deliberate, adjudicate, and reach its decision on
3 whether further action shall be ordered or whether no further action
4 shall be ordered against any election official. Each member's vote on
5 the decision shall be a matter of public record.

6 (20) ~~To consider and authorize acquisitions, mergers, joint ventures, or
7 other competitive business activities by or on behalf of: (i) a hospital
8 facility and a nonprofit corporation to which it has been sold or
9 conveyed pursuant to G.S. 131E-8; (ii) any nonprofit corporation
10 owning the corporation to which the hospital facility has been sold or
11 conveyed; or (iii) any subsidiary of either nonprofit corporation.~~

12 (1) When a closed session is required to prevent the disclosure of
13 information that is privileged or confidential pursuant to a statute of
14 this State or of the United States, or would be privileged or
15 confidential if such information were the subject of a written or
16 electronic data record;

17 (2) When a closed session is required to prevent the premature disclosure
18 of an honorary degree, scholarship, prize, or similar award;

19 (3) When a closed session is required in order to preserve the attorney
20 client privilege between the attorney and the public body, or to permit
21 an attorney employed or retained by the public body to provide legal
22 advice with respect to (i) the public body's rights and obligations
23 pursuant to an existing or proposed contract to which the public body
24 is or will be a party; or (ii) a pending, threatened, or contemplated
25 judicial proceeding in which the public body has a direct interest. As
26 used herein, a 'judicial proceeding' shall mean a claim, lawsuit, appeal,
27 arbitration, or administrative proceeding before a State or federal court
28 or other judicial or quasi-judicial tribunal. The public body shall be
29 deemed to have a 'direct interest' in a judicial proceeding (i) if the
30 public body is or is likely to be a party; (ii) if the public body is the
31 governing or representative body of an entity that is or is likely to be a
32 party; or (iii) if an employee or individual member of the public body
33 is or is likely to be a party, and the judicial proceeding arises out of, or
34 may arise out of, the employee's or member's performance of his or her
35 official duties. During such a closed session, the public body may give
36 instructions to an attorney or other agent concerning the handling or
37 settlement of a pending, threatened or contemplated judicial
38 proceeding. General policy matters may not be discussed in a closed
39 session and nothing herein shall be construed to permit a public body
40 to close a meeting that otherwise would be open merely because an
41 attorney employed or retained by the public body is a participant.

42 (4) When a closed session is required to consider the qualifications,
43 competence, performance, character, fitness, conditions of
44 appointment, or conditions of initial employment of an individual

1 public officer or employee or prospective public officer or employee;
 2 or to hear or investigate a complaint, charge, or grievance by or against
 3 an individual public officer or employee. General personnel policy
 4 issues may not be considered in a closed session. A public body may
 5 not consider the qualifications, competence, performance, character,
 6 fitness, appointment, or removal of a member of the public body or
 7 another body and may not consider or fill a vacancy among its own
 8 membership except in an open meeting. Final action making an
 9 appointment or discharge or removal by a public body having final
 10 authority for the appointment or discharge or removal shall be taken in
 11 an open meeting;

12 (5) To discuss matters relating to the location or expansion of industries or
 13 other businesses in the area served by the public body;

14 (6) When a closed session is required to establish, or to instruct the public
 15 body's staff or negotiating agents concerning, the position to be taken
 16 by or on behalf of the public body in negotiating (i) the price and other
 17 material terms of a contract for the acquisition or sale of real property
 18 by purchase, option, lease, or exchange, or (ii) the amount of
 19 compensation and other material terms of an employment contract. A
 20 public body shall not consider or act upon a proposed contract except
 21 in an open meeting; or

22 (7) When a closed session is required to plan, conduct, or hear reports
 23 concerning investigations of alleged criminal misconduct.

24 (b) Repealed by Session Laws 1991, c. 694, s. 4.

25 (c) ~~Calling an Executive Session a Closed Session.~~ – A public body may hold an
 26 ~~executive session a closed session~~ only upon a motion duly made and adopted at an open
 27 meeting. ~~The motion shall state the general purpose of the executive session and must be~~
 28 ~~approved by the vote of a majority of those present and voting. Every motion to close a~~
 29 ~~meeting shall cite one or more of the permissible purposes listed in subsection (a) of this~~
 30 ~~section. A motion based on subdivision (a)(1) of this section shall also state the name~~
 31 ~~or citation of the statute that renders the information to be discussed privileged or~~
 32 ~~confidential. A motion based on subdivision (a)(3) of this section shall identify the~~
 33 ~~parties in each pending judicial proceeding concerning which the public body expects to~~
 34 ~~receive advice during the closed session.~~

35 (d) ~~Minutes of Executive Session.~~—Notwithstanding the provisions of G.S. 132-
 36 ~~6, minutes and other records made of an executive session may be withheld from public~~
 37 ~~inspection so long as public inspection would frustrate the purpose of the executive~~
 38 ~~session."~~

39 Sec. 3. G.S. 143-318.16B reads as rewritten:

40 "**§ 143-318.16B. Attorney's fees awarded to prevailing party. Assessments and awards**
 41 of attorneys' fees.

42 ~~In any~~ When an action is brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A,
 43 the court ~~shall~~ may make written findings specifying the prevailing party or parties, and
 44 ~~shall~~ may award the prevailing party or parties a reasonable attorney's fee, to be taxed

1 against the losing party or parties as part of the costs. The court may order that all or
2 any portion of any fee as assessed be paid personally by any individual member or
3 members of the public body found by the court to have knowingly or intentionally
4 committed the violation; provided, that no order against any individual member shall
5 issue in any case where the public body or that individual member seeks the advice of
6 an attorney employed or retained by the public body, and such advice is followed."

7 Sec. 4. Article 33C of Chapter 143 of the General Statutes is amended by
8 adding two new sections to read:

9 **"§ 143-318.16C. Accelerated hearing; priority.**

10 Actions brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A shall be set down
11 for immediate hearing, and subsequent proceedings in such actions shall be accorded
12 priority by the trial and appellate courts.

13 **"§ 143-318.16D. Local acts.**

14 Any reference in any city charter or local act to an 'executive session' is amended to
15 read 'closed session'."

16 Sec. 5. G.S. 143B-282.1(a)(3) reads as rewritten:

17 "(3) Deliberations of the Commission shall be conducted in its public
18 meeting unless the Commission determines that consultation with its
19 counsel should be held in ~~an executive session~~ a closed session pursuant
20 to G.S. 143-318.11."

21 Sec. 6. G.S. 90-16 reads as rewritten:

22 **"§ 90-16. Board to keep record; publication of names of licentiates; transcript as**
23 **evidence; receipt of evidence concerning treatment of patient who has**
24 **not consented to public disclosure.**

25 The Board of Examiners shall keep a regular record of its proceedings in a book kept
26 for that purpose, together with the names of the members of the Board present, the
27 names of the applicants for license, and other information as to its actions. The Board of
28 Examiners shall cause to be entered in a separate book the name of each applicant to
29 whom a license is issued to practice medicine or surgery, along with any information
30 pertinent to such issuance. The Board of Examiners shall publish the names of those
31 licensed in three daily newspapers published in the State of North Carolina, within 30
32 days after granting the same. A transcript of any such entry in the record books, or
33 certificate that there is not entered therein the name and proficiency or date of granting
34 such license of a person charged with the violation of the provisions of this Article,
35 certified under the hand of the secretary and the seals of the Board of Medical
36 Examiners of the State of North Carolina, shall be admitted as evidence in any court of
37 this State when it is otherwise competent.

38 The Board may in ~~an executive session~~ a closed session receive evidence involving or
39 concerning the treatment of a patient who has not expressly or impliedly consented to
40 the public disclosure of such treatment as may be necessary for the protection of the
41 rights of such patient or of the accused physician and the full presentation of relevant
42 evidence. All records, papers and other documents containing information collected and
43 compiled by the Board, or its members or employees as a result of investigations,
44 inquiries or interviews conducted in connection with a licensing or disciplinary matter

1 shall not be considered public records within the meaning of Chapter 132 of the General
2 Statutes; provided, however, that any notice or statement of charges against any
3 licensee, or any notice to any licensee of a hearing in any proceeding shall be a public
4 record within the meaning of Chapter 132 of the General Statutes, notwithstanding that
5 it may contain information collected and compiled as a result of any such investigation,
6 inquiry or interview; and provided, further, that if any such record, paper or other
7 document containing information theretofore collected and compiled by the Board, as
8 hereinbefore provided, is received and admitted in evidence in any hearing before the
9 Board, it shall thereupon be a public record within the meaning of Chapter 132 of the
10 General Statutes.

11 In any proceeding before the Board, in any record of any hearing before the Board,
12 and in the notice of the charges against any licensee (notwithstanding any provision
13 herein to the contrary) the Board may withhold from public disclosure the identity of a
14 patient who has not expressly or impliedly consented to the public disclosure of
15 treatment by the accused physician."

16 Sec. 7. G.S. 90-270.15(c) reads as rewritten:

17 "(c) Except as provided otherwise in this Article, the procedure for revocation,
18 suspension, denial, limitations of the license, or other disciplinary, remedial, or
19 rehabilitative actions, shall be in accordance with the provisions of Chapter 150B of the
20 General Statutes. The Board is required to provide the opportunity for a hearing under
21 Chapter 150B to any applicant whose license is denied or to whom licensure is offered
22 subject to any restrictions, probation, disciplinary action, remediation, or other
23 conditions or limitations, or to any licensee before revoking, suspending, or restricting a
24 license or imposing any other disciplinary action or remediation. If the applicant or
25 licensee waives the opportunity for a hearing, the Board's denial, revocation,
26 suspension, or other proposed action becomes final without a hearing having been
27 conducted. Notwithstanding the foregoing, no applicant or licensee is entitled to a
28 hearing for failure to pass an examination. In any proceeding before the Board, in any
29 record of any hearing before the Board, in any complaint or notice of charges against
30 any licensee or applicant for licensure, and in any decision rendered by the Board, the
31 Board may withhold from public disclosure the identity of any clients or patients who
32 have not consented to the public disclosure of treatment by the licensee or applicant.
33 The Board may close a hearing to the public and receive in ~~executive session~~ closed
34 session evidence involving or concerning the treatment or delivery of psychological
35 services to a client or a patient who has not consented to the public disclosure of such
36 treatment or services as may be necessary for the protection and rights of such patient or
37 client of the accused applicant or licensee and the full presentation of relevant evidence.
38 All records, papers and other documents containing information collected and compiled
39 by or on behalf of the Board, as a result of investigations, inquiries or interviews
40 conducted in connection with licensing or disciplinary matters will not be considered
41 public records within the meaning of Chapter 132 of the General Statutes; provided,
42 however, that any notice or statement of charges against any licensee or applicant, or
43 any notice to any licensee or applicant of a hearing in any proceeding, or any decision
44 rendered in connection with a hearing in any proceeding, shall be a public record within

1 the meaning of Chapter 132 of the General Statutes, notwithstanding that it may contain
2 information collected and compiled as a result of such investigation, inquiry, or hearing
3 except that identifying information concerning the treatment or delivery of services to a
4 patient or client who has not consented to the public disclosure of such treatment or
5 services may be deleted; and provided, further, that if any such record, paper or other
6 document containing information theretofore collected and compiled by or on behalf of
7 the Board, as hereinbefore provided, is received and admitted in evidence in any hearing
8 before the Board, it shall thereupon be a public record within the meaning of Chapter
9 132 of the General Statutes, subject to any deletions of identifying information
10 concerning the treatment or delivery of psychological services to a patient or client who
11 has not consented to the public disclosure of such treatment or services."

12 Sec. 8. G.S. 90-390(c) reads as rewritten:

13 "(c) Except as otherwise provided in this Article, the procedure for revocation,
14 suspension, refusal, or other limitations of the certificate shall be in accordance with the
15 provisions of Chapter 150B of the General Statutes. In any proceeding or record of any
16 hearing before the Board, and in any complaint or notice of charges against any certified
17 fee-based pastoral counselor or certified fee-based pastoral counseling associate and in
18 any decision rendered by the Board, the Board shall endeavor to withhold from public
19 disclosure the identity of any counsees or clients who have not consented to the public
20 disclosure of treatment by the certified fee-based pastoral counselor or certified fee-
21 based pastoral counseling associate. The Board may close a hearing to the public and
22 receive in ~~executive session~~ a closed session evidence concerning the treatment or
23 delivery of pastoral counseling services to a counselee or a client who has not consented
24 to public disclosure of treatment or services, as may be necessary for the protection of
25 the counselee's or client's rights and the full presentation of relevant evidence. All
26 records, papers, and documents containing information collected and compiled by or on
27 behalf of the Board as a result of investigations, inquiries, or interviews conducted in
28 connection with certification or disciplinary matters are not public records within the
29 meaning of Chapter 132 of the General Statutes. However, any notice or statement of
30 charges against any certified fee-based pastoral counselor or certified fee-based pastoral
31 counseling associate, any notice to any certified fee-based pastoral counselor or certified
32 fee-based pastoral counseling associate of a hearing in any proceeding, or any decision
33 rendered in connection with a hearing in any proceeding is a public record within the
34 meaning of Chapter 132 of the General Statutes, except that identifying information
35 concerning the treatment or delivery of services to a counselee or client who has not
36 consented to the public disclosure of such treatment or services may be deleted. Any
37 record, paper, or other document containing information collected and compiled by or
38 on behalf of the Board, as provided in this section, that is received and admitted in
39 evidence in any hearing before the Board shall be a public record within the meaning of
40 Chapter 132 of the General Statutes, subject to any deletions of identifying information
41 concerning the treatment or delivery of pastoral counseling services to a counselee or
42 client who has not consented to public disclosure of the treatment or services."

43 Sec. 9. G.S. 120-131(b)(4) reads as rewritten:

1 "(4) Bill, resolution, memorandum, written analysis, letter, or other
2 document resulting from a drafting or information request and it has
3 been distributed at a legislative commission or standing committee or
4 subcommittee meeting not held in executive ~~session~~session, closed
5 session, or on the floor of a house."

6 Sec. 10. Article 5 of Chapter 131E of the General Statutes is amended by
7 adding a new Part to read:

8 **"PART F. CONFIDENTIAL INFORMATION.**

9 **"§ 131E-97. Confidentiality of patient information.**

10 (a) Medical records compiled and maintained by health care facilities in
11 connection with the admission, treatment, and discharge of individual patients are not
12 public records as defined by Chapter 132 of the General Statutes.

13 (b) Charges, accounts, credit histories, and other personal financial records
14 compiled and maintained by health care facilities in connection with the admission,
15 treatment, and discharge of individual patients are not public records as defined by
16 Chapter 132 of the General Statutes.

17 **"§ 131E-98. Confidentiality of personnel information.**

18 (a) Except as provided in subsection (b) of this section, the personnel files of
19 employees or former employees, and the files of applicants for employment, maintained
20 by a public hospital, as defined by G.S. 159-39, are not public records as defined by
21 Chapter 132 of the General Statutes.

22 (b) The following information with respect to each employee of a public hospital,
23 as defined by G.S. 159-39, is a matter of public record: name; age; date of original
24 employment or appointment; beginning and ending dates, position titles, position
25 descriptions, and total compensation of current and former positions; and date of most
26 recent promotion, demotion, transfer, suspension, separation, or other change in position
27 classification. In addition, the following information with respect to each licensed
28 medical provider employed by or having privileges to practice in such a public hospital
29 shall be a matter or public record: educational history and qualifications; date and
30 jurisdiction of original and current licensure; and information relating to medical board
31 certifications or other qualifications of medical specialists.

32 **"§ 131E-99. Confidentiality of credentialing information.**

33 Information acquired by a public hospital, as defined by G.S. 159-39, or by persons
34 acting for or on behalf of such a public hospital, in connection with the credentialing
35 and peer review of persons having or applying for privileges to practice in the hospital
36 is confidential and is not a public record under Chapter 132 of the General Statutes;
37 provided that information otherwise available to the public shall not become
38 confidential merely because it was acquired by the public hospital or by persons acting
39 for or on behalf of the public hospital.

40 **"§ 131E-99.1. Confidentiality of competitive health care information.**

41 Information relating to competitive health care activities of hospitals shall be
42 confidential and not a public record under Chapter 132 of the General Statutes; provided
43 that any contract entered into by or on behalf of a public hospital, as defined by G.S.
44 159-39, shall be a public record unless otherwise exempted by law."

1 Sec. 11. This act becomes effective October 1, 1993.