

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 56

Short Title: PA Peer Review.

(Public)

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Sponsors: Representative Gamble.

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Referred to: Health and Human Services.

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February 8, 1993

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE BOARD OF MEDICAL EXAMINERS TO ENTER INTO PEER REVIEW AGREEMENTS WITH THE ACADEMY OF PHYSICIAN ASSISTANTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-21.22 reads as rewritten:

**"§ 90-21.22. Peer review agreements.**

(a) The Board of Medical Examiners may, under rules adopted by the Board in compliance with Chapter 150B of the General Statutes, enter into agreements with the North Carolina Medical Society and its local medical society ~~components~~ components, and with the North Carolina Academy of Physician Assistants for the purpose of conducting peer review activities. 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 physicians licensed by the Board, and of physician assistants certified by the Board, and shall include programs for impaired ~~physicians~~ physicians and impaired physician assistants.

(b) Peer review agreements shall include provisions for the society and for the Academy to receive relevant information from the Board and other sources, conduct the investigation and review in an expeditious manner, provide assurance of confidentiality of nonpublic information and of the review process, make reports of investigations and evaluations to the Board, and to do other related activities for promoting a coordinated and effective peer review process. Peer review agreements shall include provisions assuring due process.

1 (c) Each society which enters a peer review agreement with the Board shall  
2 establish and maintain a program for impaired physicians licensed by the ~~Board~~ Board.  
3 The Academy, after entering a peer review agreement with the Board, shall either enter  
4 an agreement with the North Carolina Medical Society for the inclusion of physician  
5 assistants in the Society's program for impaired physicians, or shall establish and  
6 maintain the Academy's own program for impaired physician assistants. The purpose of  
7 the programs shall be to ~~for the purpose of identifying, reviewing, and evaluating~~ identify,  
8 review, and evaluate the ability of those physicians and physician assistants to function  
9 as physicians in their professional capacity and to provide programs for treatment and  
10 rehabilitation. The Board may provide funds for the administration of impaired  
11 physician and impaired physician assistant programs and shall adopt rules with  
12 provisions for definitions of impairment; guidelines for program elements; procedures  
13 for receipt and use of information of suspected impairment; procedures for intervention  
14 and referral; monitoring treatment, rehabilitation, post-treatment support and  
15 performance; reports of individual cases to the Board; periodic reporting of statistical  
16 information; assurance of confidentiality of nonpublic information and of the review  
17 process.

18 (d) Upon investigation and review of a physician licensed by the Board, or a  
19 physician assistant certified by the Board, or upon receipt of a complaint or other  
20 information, a society which enters a peer review agreement with the ~~Board~~ Board, or  
21 the Academy if it has a peer review agreement with the Board, as appropriate, shall  
22 report immediately to the Board detailed information about any physician or physician  
23 assistant licensed or certified by the Board if:

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

31 (e) Any confidential patient information and other nonpublic information  
32 acquired, created, or used in good faith by the Academy or a society pursuant to this  
33 section shall remain confidential and shall not be subject to discovery or subpoena in a  
34 civil case. No person participating in good faith in the peer review or impaired  
35 physician or impaired physician assistant programs of this section shall be required in a  
36 civil case to disclose any information acquired or opinions, recommendations, or  
37 evaluations acquired or developed solely in the course of participating in any  
38 agreements pursuant to this section.

39 (f) Peer review activities conducted in good faith pursuant to any agreement  
40 under this section shall not be grounds for civil action under the laws of this State and  
41 are deemed to be State directed and sanctioned and shall constitute State action for the  
42 purposes of application of antitrust laws."

43 Sec. 2. This act becomes effective October 1, 1993.