

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1192
HOUSE BILL 1017

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 90 OF THE GENERAL STATUTES, TO
PROMOTE THE INCREASED USE OF PEER REVIEW GROUPS.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 90 of the General Statutes is amended by adding new sections as follows:

"§ 90-49.1. **Title.** — G.S. 90-49.1 through G.S. 90-49.5 may be cited as the "Dental Peer Review Protection Act".

"§ 90-49.2. **Immunity of a member.** — No member of a dental peer review committee of a State or local dental society shall be held liable in damages to any person for any action taken or recommendation made within the scope of the functions of that committee, except with regard to Medicare and Medicaid charges or payments if the committee member acts without malice and in reasonable belief that the action or recommendation was warranted by the facts known to him after reasonable effort to obtain the facts of the matter as to which the action was taken or recommendation was made.

"§ 90-49.3. **Immunity of witnesses before dental peer review committee** — Notwithstanding any other provision of law, no person providing information to any dental peer review committee or organization shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law unless:

- (i) the information is unrelated to the performance of the duty or function of the peer review committee or organization, or
- (ii) the information is false, and the person providing the information knew, or had good reason to believe that the information was false.

"§ 90-49.4. **Confidentiality of review organization's proceedings and records.** — The proceedings and records of a dental review committee except those concerning the investigation and consideration of Medicare and Medicaid charges or payments, shall be held in confidence and shall not be subject to discovery or introduction into evidence in any civil action arising out of the matters which are the subject of evaluation and review by the committee; and no person who was in attendance at a meeting of the committee shall be permitted or required to testify in any civil action as to any evidence or other matters produced or presented during the proceedings of the committee or as to any findings, recommendations, evaluations, opinions, or other actions of the committee or any members thereof, except with regard to Medicare and Medicaid charges or payments: Provided, however, that information, documents or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil action merely because they were presented during proceedings of a committee, nor should any person who testifies before a committee or who is a member of a committee be prevented from testifying as to matters within his knowledge, but the witness shall not be asked about his testimony before a committee or opinions formed by him as a result of the committee hearings, except with regard to Medicare and Medicaid charges or payments.

"§ 90-49.5. **No limitation or previous privileges and immunities.** — Nothing in this G.S. 90-49.1 through G.S. 90-49.4 shall be deemed to annul, abridge, or limit in any manner any privileges or immunities heretofore existing under the laws of this State."

Sec. 2. This act is effective January 1, 1981, and does not apply to actions taken or recommendations made prior to that ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.