

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 231

Short Title: Medical Information Waiver.

(Public)

Sponsors: Representatives Hiatt; Ellis and Ramsey.

Referred to: Judiciary I.

February 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND
2 PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO
3 THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE
4 RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION
5 PROGRAM STUDY COMMISSION.
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7 The General Assembly of North Carolina enacts:

8 Section 1. Article 2 of Chapter 20 of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 20-9.1. Physicians and psychologists providing medical information on drivers**
11 **with physical and mental disabilities.**

12 (a) Notwithstanding G.S. 8-51 for physicians and G.S. 8-51.3 for psychologists, or
13 any other law relating to confidentiality of communications between physicians or
14 psychologists and their patients, a physician or a psychologist duly licensed in the State
15 of North Carolina may disclose to the Commissioner information about a patient who has
16 a mental or physical disability that the physician or psychologist believes may affect the
17 patient's ability to safely operate a motor vehicle. This information shall be limited to the
18 patient's name, address, date of birth, and diagnosis.

1 **(b)** The information provided to the Commissioner pursuant to subsection (a) of
2 this section shall be confidential and shall be used only for the purpose of determining the
3 qualifications of the patient to operate a motor vehicle.

4 **(c)** A physician or psychologist disclosing information pursuant to this section is
5 immune from any civil or criminal liability that might otherwise be incurred or imposed
6 based on the disclosure provided that the physician or psychologist was acting in good
7 faith and without malice. In any proceeding involving liability, good faith and lack of
8 malice is presumed and must be proven by the complainant."

9 Section 2. This act is effective when it becomes law.