

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 423

Short Title: Quality Assurance Committees.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Human Resources.

March 14, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR CONFIDENTIALITY OF THE PROCEEDINGS OF
2 QUALITY ASSURANCE COMMITTEES IN MENTAL HEALTH, MENTAL
3 RETARDATION, AND SUBSTANCE ABUSE FACILITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 122C-191 is amended by adding the following new
6 subsections:
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8 "(e) A member of a duly appointed quality assurance committee who acts without
9 malice or fraud shall not be subject to liability for damages in any civil action on
10 account of any act, statement, or proceeding undertaken, made, or performed within the
11 scope of the functions of the committee.

12 (f) The proceedings of a quality assurance committee, the records and materials
13 it produces, and the materials it considers shall be confidential are not considered public
14 records within the meaning of G.S. 132-1, "' Public records" defined,' and shall not be
15 subject to discovery or introduction into evidence in any civil action against a facility or
16 a provider of professional health services that results from matters which are the subject
17 of evaluation and review by the committee. No person who was in attendance at a
18 meeting of the committee shall be required to testify in any civil action as to any
19 evidence or other matters produced or presented during the proceedings of the
20 committee or as to any findings, recommendations, evaluations, opinions, or other
21 actions of the committee or its members. However, information, documents, or records
22 otherwise available are not immune from discovery or use in a civil action merely
23 because they were presented during proceedings of the committee. A member of the
24 committee or a person who testifies before the committee may testify in a civil action

1 but cannot be asked about his testimony before the committee or any opinions formed as
2 a result of the committee hearings."

3 Sec. 2. This act shall become effective October 1, 1989.