

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 449

Short Title: Health Worker Liability.

(Public)

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Sponsors: Senator Cooper.

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Referred to: Judiciary I/Constitution

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March 21, 1995

A BILL TO BE ENTITLED

AN ACT RELATING TO PRACTICE RESTRICTIONS IMPOSED ON HEALTH CARE WORKERS WHO ARE INFECTED WITH HIV OR HEPATITIS B.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-144 is amended by adding the following new subsection to read:

"(h) Anyone who assists in an inquiry or investigation conducted by the State Health Director for the purpose of evaluating the risk of transmission of HIV or Hepatitis B from an infected health care worker to patients, or who serves on an expert panel established by the State Health Director for that purpose, shall be immune from civil liability that otherwise might be incurred or imposed for any acts or omissions which result from such assistance or service, provided that the person acts in good faith and the acts or omissions do not amount to gross negligence, willful or wanton misconduct, or intentional wrongdoing. This qualified immunity does not apply to acts or omissions which occur while the person is operating or responsible for the operation of a motor vehicle. Nothing in this subsection provides immunity from liability for a violation of G.S. 130A-143."

Sec. 2. This act is effective upon ratification.