**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 2003**

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**HOUSE BILL 1148**

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| Short Title: | No Secret Medical Malpractice Settlements. | (Public) |
| Sponsors: | Representative Nesbitt. | |
| Referred to: | Judiciary II. | |

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CONFIDENTIAL SETTLEMENTS OF MEDICAL MALPRACTICE ACTIONS ARE VOID.

The General Assembly of North Carolina enacts:

**SECTION 1.** The General Assembly makes the following findings:

(1) National studies indicate that a small number of physicians are responsible for the majority of occurrences of medical malpractice, and North Carolina consumers have no way to access information about physicians' performance.

(2) Health care providers can now settle medical malpractice lawsuits on a confidential basis, and injured patients have no leverage to insist that settlements be open so as to advise the public of continuing public safety risk from practices and procedures at facilities or from repeat malpractice offenders.

(3) It is in the public interest that the resolution of medical malpractice actions filed in the courts of North Carolina be open.

**SECTION 2.** Article 1B of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-21.18. Settlements of medical malpractice actions; confidentiality agreements void.**

In a medical malpractice action, any agreement to settle claims against any party on a confidential basis is void and unenforceable."

**SECTION 3.** This act becomes effective October 1, 2003, and applies to actions filed on or after that date.