

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE DRH60303-LU-119 (04/09)**

Short Title: Review Medical Records Held By Medical Board. (Public)

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Sponsors: Representative Luebke.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ALLOW A PERSON TO REVIEW MEDICAL RECORDS HELD BY  
THE NORTH CAROLINA MEDICAL BOARD UNDER CERTAIN  
CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-16(c) reads as rewritten:

"(c) All records, papers, investigative files, investigative reports, other investigative information and other documents containing information in the possession of or received or gathered by the Board, or its members or employees as a result of investigations, inquiries or interviews conducted in connection with a licensing, complaint or, disciplinary matter, or report of professional liability insurance awards or settlements pursuant to G.S. 90-14.13, shall not be considered public records within the meaning of Chapter 132 of the General Statutes and are privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than the Board, its employees or agents involved in the application for license or discipline of a license holder, except as provided in subsection (d) of this section. However, the Board may, upon request, allow the patient or the patient's spouse, parent, guardian, nearest relative, or other person authorized to give consent for the patient of a licensee or applicant to review medical records held by the Board and the Board's response to complaints filed with the Board regarding the patient's case. For purposes of this subsection, investigative information includes information relating to the identity of, and a report made by, a physician or other person performing an expert review for the Board."

**SECTION 2.** This act is effective when it becomes law.