

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 104

Short Title: Medical Information Waiver.

(Public)

Sponsors: Senators Horton; and
Hoyle.

Referred to: Transportation.

February 13, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND
PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO
THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE
RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION
PROGRAM STUDY COMMISSION.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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