

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 638

Short Title: Dental Investigations Confidential.

(Public)

Sponsors: Senator Johnson of Wake.

Referred to: Judiciary III.

March 27, 1989

A BILL TO BE ENTITLED

1
2 AN ACT TO MAKE IT CLEAR THAT (LIKE IN NORTH CAROLINA MEDICAL
3 DOCTOR LICENSING MATTERS) INFORMATION DEVELOPED IN
4 INVESTIGATIONS BY THE NORTH CAROLINA BOARD OF DENTAL
5 EXAMINERS MAY BE KEPT CONFIDENTIAL TO AVOID WARNING
6 INVESTIGATIONS SUBJECTS WHO MAY WANT TO HIDE MISCONDUCT
7 AND TO PREVENT PREJUDICING SUBJECTS BY PREMATURE RELEASE
8 OF WHAT ARE LATER REVEALED AS ERRONEOUS OR MISLEADING
9 ACCUSATIONS; AND TO FURTHER MAKE IT CLEAR THAT THE
10 INVESTIGATION INFORMATION MAY NOT BE KEPT CONFIDENTIAL
11 AFTER IT IS USED IN FORMAL BOARD NOTICES OR HEARINGS.

12 The General Assembly of North Carolina enacts:

13 Section 1. G.S. 90-41 is amended by adding a new subsection to read:

14 "(g) Records, papers, and other documents containing information collected or
15 compiled by the Board, or its members or employees, as a result of investigations,
16 inquiries, or interviews conducted in connection with a licensing or disciplinary matter,
17 shall not be considered public records within the meaning of Chapter 132 of the General
18 Statutes; provided, however, that any notice or statement of charges against any
19 licensee, or any notice to any licensee of a hearing in any proceeding, shall be a public
20 record within the meaning of Chapter 132 of the General Statutes, notwithstanding that
21 it may contain information collected and compiled as a result of any investigation,
22 inquiry, or interview; and provided, further, that if any record, paper, or other document
23 containing information collected and compiled by the Board is received and admitted

1 into evidence in any hearing before the Board, it shall then be a public record within the
2 meaning of Chapter 132 of the General Statutes."

3 Sec. 2. This act is effective upon ratification.