

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 573
HOUSE BILL 291

AN ACT TO AMEND CHAPTER 90, ARTICLE 1 OF THE GENERAL STATUTES
RELATING TO THE PRACTICE OF MEDICINE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-1 is amended by adding a new sentence to the end thereof to read as follows:

"The name of the society is now the North Carolina Medical Society."

Sec. 2. G.S. 90-2 is rewritten to read as follows:

§ 90-2. Board of Examiners. — (a) In order to properly regulate the practice of medicine and surgery, there is established a Board of Medical Examiners of the State of North Carolina. The board shall consist of eight members. Seven of the members shall be duly licensed physicians elected and nominated to the Governor by the North Carolina Medical Society. The other member shall be a person chosen by the Governor to represent the public at large. The public member shall not be a health care provider nor the spouse of a health care provider. For purposes of board membership, 'health care provider' means any licensed health care professional and any agent or employee of any health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this section, a person enrolled in a program to prepare him to be a licensed health care professional or an allied health professional shall be deemed a health care provider. For purposes of this section, any person with significant financial interest in a health service or profession is not a public member.

(b) No member appointed to the board on or after November 1, 1981, shall serve more than two complete consecutive three-year terms, except that each member shall serve until his successor is chosen and qualifies.

(c) In order to establish regularly overlapping terms, the terms of office of the members currently serving on the board shall expire as follows: two on October 31, 1982; two on October 31, 1984; three on October 31, 1986. Terms of board members shall expire in direct relation to their date of appointment by the society; the terms of the two members first appointed shall expire in 1982, and the terms of the three members last appointed shall expire in 1986. No initial physician member of the board may serve another term until at least three years from the date of expiration of his current term.

The Governor shall appoint the public member not later than October 31, 1981.

(d) Any initial or regular member of the board may be removed from office by the Governor for good cause shown. Any vacancy in the initial or regular physician membership of the board shall be filled for the period of the unexpired term by the Governor from a list of physicians submitted by the North Carolina Medical Society Executive Council. Any vacancy in the public membership of the board shall be filled by the Governor for the unexpired term."

Sec. 3. G.S. 90-3 is rewritten to read as follows:

§ 90-3. Medical Society nominates board. — The Governor shall appoint as physician members of the board physicians elected and nominated by the North Carolina Medical Society."

Sec. 4. G.S. 90-4 is rewritten to read as follows:

§ 90-4. Board elects officers; quorum. — The Board of Medical Examiners is authorized to elect all officers and adopt all bylaws as may be necessary. A majority of the membership of the board shall constitute a quorum for the transaction of business."

Sec. 5. G.S. 90-5 is amended on line 1 by deleting the word "may" and substituting therefor the word "shall".

Sec. 6. The third paragraph of G.S. 90-9 is amended by rewriting the second line thereof to read as follows:

"Board, and if the applicant satisfies the board that he is of good moral character and that he has successfully".

Sec. 7. G.S. 90-11 is rewritten to read as follows:

§ 90-11. Qualifications of applicant for license. — Every applicant for a license to practice medicine or for approval to perform medical acts in the State shall satisfy the Board of Medical Examiners that such applicant is of good moral character and meets the other qualifications for the issuance of such a license or for such approval before any such license or approval is granted by the board to such applicant."

Sec. 8. G.S. 90-12 is amended by rewriting lines 3 and 4 to read as follows:

"advisable, make such modifications of the requirements of G.S. 90-9, 90-10, and 90-11 as".

Sec. 9. G.S. 90-14 is amended on line 1 by designating all the currently existing language as subsection (a).

G.S. 90-14 is further amended in the last paragraph by rewriting line 2 to read as follows:

"to an applicant or revoke a license issued to him, may suspend such a license for a."

Sec. 10. A new subsection is added to the end of G.S. 90-14 to read as follows:

"(b) The board shall refer to the State Medical Society Physician Health and Effectiveness Committee all physicians whose health and effectiveness have been significantly impaired by alcohol, drug addiction or mental illness."

Sec. 11. G.S. 90-14.4 is amended on line 1 by deleting the word "given" and the comma preceding that word. G.S. 90-14.4 is further amended on line 2 by inserting the word "within" between the word "Board" and the number "20".

Sec. 12. G.S. 90-14.8 is amended on lines 1 and 2 of the second paragraph by deleting the phrase "either by an applicant or a licensee,".

Sec. 13. G.S. 90-14.12 is amended by adding a new sentence at the end thereof to read as follows:

"Actions under this section shall be commenced in the judicial district in which the respondent resides or has his principal place of business or in which the alleged acts occurred."

Sec. 14. Article 1, Chapter 90 of the General Statutes is amended by adding a new section to read as follows:

§ 90-14.13. Reports of disciplinary action by health care institutions; immunity from liability. — The chief administrative officer of every licensed hospital or other health care institution in the State shall, after consultation with the chief of staff of such institution, report to the board any revocation, suspension, or limitation of a physician's privileges to practice in that institution. Each such institution shall also report to the board resignations from practice in that institution by persons licensed under this Article. The board shall report all violations of this subsection known to it to the licensing agency for the institution involved.

Any person making a report required by this section shall be immune from any criminal prosecution or civil liability resulting therefrom unless such person knew the report was false or acted in reckless disregard of whether the report was false."

Sec. 15. G.S. 90-15 is amended on line 12 by inserting between the word "training" and the comma following that word the phrase "is granted".

Sec. 16. G.S. 90-21 is amended on lines 1 and 2 and on line 12 by deleting the words "to 90-20".

Sec. 17. G.S. 143-34.12 is amended by deleting line 3 which reads as follows: "Chapter 90, Article 1, entitled 'Practice of Medicine'".

Sec. 18. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1981.