

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 659
HOUSE BILL 294

AN ACT TO AMEND CHAPTER 90, ARTICLE 12A, OF THE GENERAL STATUTES
RELATING TO PODIATRISTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-202.4 is amended by rewriting lines 1 through 12 to read as follows:

"§ 90-202.4. Board of Podiatry Examiners; terms of office; powers; duties. — (a) There shall be established a Board of Podiatry Examiners for the State of North Carolina. This Board shall consist of four members appointed by the Governor. Three of the members shall be licensed podiatrists who have practiced podiatry in North Carolina for not less than five years immediately preceding their election and who are elected and nominated to the Governor as hereinafter provided. 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 may he or she be 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) All Board members serving on June 30, 1981, shall be eligible to complete their respective terms. No member appointed to the Board on or after July 1, 1981, shall serve more than two complete consecutive three-year terms, except that each member shall serve until his successor is chosen and qualified.

(c) Podiatrist members chosen as provided for in subsection (d) shall be selected upon the expiration of the respective terms of the members of the present Board of Podiatry Examiners. Membership on the Board resulting from appointment before July 1, 1981, shall not be considered in determining the permissible length of service under subsection (b). The Governor shall appoint the public member not later than July 1, 1981.

(d) The Governor shall appoint podiatrist members of the Board from a list provided by the Board of Podiatry Examiners. For each vacancy, the Board shall submit at least three names to the Governor. All nominations of podiatrist members of the Board shall be conducted by the Board of Podiatry Examiners, which is hereby constituted a Board of Podiatry Elections. Every podiatrist with a current North Carolina license residing in this State shall be eligible to vote in all elections. The list of licensed podiatrists shall constitute the registration list for elections. The Board of Podiatry Elections is authorized to make rules relative to the conduct of these elections, provided such rules are not in conflict with the provisions of this section and provided that notice shall be given to all licensed podiatrists residing in North Carolina. All such rules shall be adopted subject to the procedures of Chapter 150A of the General Statutes of North Carolina. From any decision of the Board of Podiatry Elections relative to the conduct of such elections, appeal may be taken to the courts in the manner provided by Chapter 150A of the General Statutes.

(e) 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 podiatrist membership of the Board shall be filled for the period of the unexpired term by the Governor from a list of at least three names submitted by the podiatrist members of the Board. Any vacancy in the public membership of the Board shall be filled by the Governor for the unexpired term.

(f) The Board is authorized to elect its own presiding and other officers.

(g) The Board, in carrying out its responsibilities, shall".

Sec. 2. G.S. 90-202.5 is amended on line 4 by deleting the phrase "is more than 18 years of age,".

Sec. 3. G.S. 90-202.6 is amended on line 1 by designating all of the current language in the section as subsection (a).

Sec. 4. G.S. 90-202.6 is further amended by adding the following new subsections at the end thereof to read as follows:

"(b) The Board may waive the administration of a written examination prepared by it for all initial applicants who have successfully completed the National Board of Podiatry Examination. The Board may administer to such applicants and require them to complete successfully an examination to test clinical competency in the practice of podiatry.

(c) Any applicant who fails to pass his examination shall within one year be entitled to reexamination upon the payment of an amount not to exceed one hundred dollars (\$100.00), but not more than two reexaminations shall be allowed any one applicant prior to filing a new application. Should he fail to pass his third examination, he shall file a new application before he can again be examined."

Sec. 5. G.S. 90-202.7 is rewritten to read as follows:

"§ 90-202.7. Applicants licensed in other states. — If an applicant for licensure is already licensed in another state to practice podiatry, the Board shall issue a license to practice podiatry to the applicant upon evidence that:

- (1) the applicant is currently an active, competent practitioner in good standing; and
- (2) the applicant has practiced at least three years out of the live years immediately preceding his or her application; and
- (3) the applicant currently holds a valid license in another state; and
- (4) no disciplinary proceeding or unresolved complaint is pending anywhere at the time a license is to be issued by this State; and
- (5) the licensure requirements in the other state are equivalent to or higher than those required by this State.

Any license issued upon the application of any podiatrist from any other state shall be subject to all of the provisions of this Article with reference to the license issued by the North Carolina State Board of Podiatry Examiners upon examination of applicants, and the rights and privileges to practice the profession of podiatry under any license so issued shall be subject to the same duties, obligations, restrictions and conditions as imposed by this Article on podiatrists originally examined by the North Carolina State Board of Podiatry Examiners."

Sec. 6. G.S. 90-202.8 is amended by rewriting subsection (a)(8) to read as follows:

"(8) Has advertised services in a false, deceptive, or misleading manner;".

Sec. 7. G.S. 90-202.8(a)(17) and (18) are hereby repealed and the remaining subdivisions are renumbered accordingly.

Sec. 8. G.S. 90-202.8 is further amended by renumbering subsections (b) and (c) as subsections (c) and (d) respectively and by inserting a new subsection (b) to read as follows:

"(b) The Board shall establish a grievance committee to receive complaints concerning a practitioner's business or professional practices. The committee shall consider all complaints and determine whether there is probable cause. After its review, the committee may dismiss

any complaint when it appears that probable cause of a violation cannot be established. Complaints which are not dismissed shall be referred to the Board."

Sec. 9. G.S. 90-202.13 is amended by adding a new sentence to 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. 10. Article 13A, Chapter 131, is amended by adding two new sections to read as follows:

"§ 131-126.10. Hospital privileges. — The granting or denial of privileges to practice in hospitals to licensed physicians and other practitioners licensed by the State of North Carolina to practice surgery on human beings, and the scope and conditions of such privileges, shall be determined by the governing body of the hospital based upon the applicant's education, training, experience, demonstrated competence and ability, judgement, character and the reasonable objectives and regulations of the hospital in which such privileges are sought. Nothing in this Article shall be deemed to mandate hospitals to grant or deny to any parties privileges to practice in said hospitals.

"§ 131-126.11. Procedures for applying for hospital privileges. — The procedures to be followed by a licensed hospital in considering applications of practitioners licensed by the State of North Carolina to practice surgery on human beings, for privileges to practice in such hospitals shall be similar to those which are applicable to applications of physicians licensed to practice medicine. All practitioners must comply with all applicable medical staff bylaws, rules and regulations, including the procedures governing qualification methods of selection and the delineation of privileges. It shall be unlawful for a practitioner with a license that is restricted in scope by such license to admit a patient to a hospital without written proof satisfactory to the governing body of the hospital that a physician licensed to practice medicine in North Carolina who is a member of the medical staff will be responsible for the medical needs of the patient. Such procedures shall be considered public records. Nothing herein shall be deemed to affect the privileges of dentists to practice in hospitals."

Sec. 11. G.S. 143-34.12 is amended by deleting line 10 which reads as follows:

"Chapter 90, Article 12A, entitled 'Podiatrists'."

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1981.