

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 803

Short Title: Clarify Med. Practice Act.

(Public)

Sponsors: Senator Ezzell.

Referred to: Human Resources.

April 5, 1989

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE MEDICAL PRACTICE ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-18 reads as rewritten:

"§ 90-18. Practicing without license; practicing defined; penalties.

No person shall practice medicine or surgery, or any of the branches thereof, nor in any case prescribe for the cure of diseases unless he shall have been first licensed and registered so to do in the manner provided in this Article, and if any person shall practice medicine or surgery without being duly licensed and registered, as provided in this Article, he shall not be allowed to maintain any action to collect any fee for such services. The person so practicing without license shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or imprisoned at the discretion of the court for each and every offense.

Any person shall be regarded as practicing medicine or surgery within the meaning of this Article who shall diagnose or attempt to diagnose, treat or attempt to treat, operate or attempt to operate on, or prescribe for or administer to, or profess to treat any human ailment, physical or mental, or any physical injury to or deformity of another ~~person~~ person and includes any invasive procedure by any means, which alters, penetrates, changes, or violates in any way, human tissue, and includes any preoperative, perioperative and postoperative care for surgery: Provided, that the following cases shall not come within the definition above recited:

- (1) The administration of domestic or family remedies in cases of emergency.

- 1 (2) The practice of dentistry by any legally licensed dentist engaged in the
2 practice of dentistry and dental surgery.
- 3 (3) The practice of pharmacy by any legally licensed pharmacist
4 engaged in the practice of pharmacy.
- 5 (4) The practice of medicine and surgery by any surgeon or physician of
6 the United States army, navy, or public health service in the discharge
7 of his official duties.
- 8 (5) The treatment of the sick or suffering by mental or spiritual means
9 without the use of any drugs or other material means.
- 10 (6) The practice of optometry by any legally licensed optometrist
11 engaged in the practice of optometry.
- 12 (7) The practice of midwifery as defined in G.S. 90-178.2.
- 13 (8) The practice of chiropody by any legally licensed chiropodist when
14 engaged in the practice of chiropody, and without the use of any drug.
- 15 (9) The practice of osteopathy by any legally licensed osteopath when
16 engaged in the practice of osteopathy as defined by law, and especially
17 G.S. 90-129.
- 18 (10) The practice of chiropractic by any legally licensed chiropractor when
19 engaged in the practice of chiropractic as defined by law, and without
20 the use of any drug or surgery.
- 21 (11) The practice of medicine or surgery by any reputable physician or
22 surgeon in a neighboring state coming into this State for consultation
23 with a resident registered physician. This proviso shall not apply to
24 physicians resident in a neighboring state and regularly practicing in
25 this State.
- 26 (12) Any person practicing radiology as hereinafter defined shall be
27 deemed to be engaged in the practice of medicine within the meaning
28 of this Article. 'Radiology' shall be defined as, that method of medical
29 practice in which demonstration and examination of the normal and
30 abnormal structures, parts or functions of the human body are made by
31 use of X ray. Any person shall be regarded as engaged in the practice
32 of radiology who makes or offers to make, for a consideration, a
33 demonstration or examination of a human being or a part or parts of a
34 human body by means of fluoroscopic exhibition or by the shadow
35 imagery registered with photographic materials and the use of X rays;
36 or holds himself out to diagnose or able to make or makes any
37 interpretation or explanation by word of mouth, writing or otherwise of
38 the meaning of such fluoroscopic or registered shadow imagery of any
39 part of the human body by use of X rays; or who treats any disease or
40 condition of the human body by the application of X rays or radium.
41 Nothing in this subdivision shall prevent the practice of radiology by
42 any person licensed under the provisions of Articles 2, 7, 8, and 12 of
43 this Chapter.

- 1 (13) Any act, task or function performed by an assistant to a person
2 licensed as a physician by the Board of Medical Examiners when
3 a. Such assistant is approved by and annually registered with the
4 Board as one qualified by training or experience to function as
5 an assistant to a physician, except that no more than two
6 assistants may be currently registered for any physician, and
7 b. Such act, task or function is performed at the direction or under
8 the supervision of such physician, in accordance with rules and
9 regulations promulgated by the Board, and
10 c. The services of the assistant are limited to assisting the
11 physician in the particular field or fields for which the assistant
12 has been trained, approved and registered;
13 Provided that this subdivision shall not limit or prevent any physician
14 from delegating to a qualified person any acts, tasks or functions
15 which are otherwise permitted by law or established by custom.
- 16 (14) The practice of nursing by a registered nurse engaged in the practice of
17 nursing and the performance of acts otherwise constituting medical
18 practice by a registered nurse when performed in accordance with
19 rules and regulations developed by a joint subcommittee of the Board
20 of Medical Examiners and the Board of Nursing and adopted by both
21 boards."
- 22 Sec. 2. This act is effective upon ratification.