

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 923

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Short Title: Exempt Alt. Medicine/Practice of Medicine. (Public)

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Sponsors: Representative Luebke.

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Referred to: Health.

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April 8, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT THE PRACTICE OF COMPLEMENTARY OR  
3 ALTERNATIVE FORMS OF HEALTH CARE FROM THE PRACTICE OF  
4 MEDICINE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-18(c) reads as rewritten:

7 "(c) The following shall not constitute practicing medicine or surgery as defined  
8 in subsection (b) of this section:

- 9 (1) The administration of domestic or family remedies in cases of  
10 emergency.
- 11 (2) The practice of dentistry by any legally licensed dentist engaged in the  
12 practice of dentistry and dental surgery.
- 13 (3) The practice of pharmacy by any legally licensed pharmacist engaged  
14 in the practice of pharmacy.
- 15 (3a) The provision of drug therapy management by a licensed pharmacist  
16 engaged in the practice of pharmacy pursuant to an agreement that is  
17 physician, pharmacist, patient, and disease specific when performed in  
18 accordance with rules and rules developed by a joint subcommittee of  
19 the North Carolina Medical Board and the North Carolina Board of  
20 Pharmacy and approved by both Boards. Drug therapy management  
21 shall be defined as: (i) the implementation of predetermined drug  
22 therapy which includes diagnosis and product selection by the patient's  
23 physician; (ii) modification of prescribed drug dosages, dosage forms,  
24 and dosage schedules; and (iii) ordering tests; (i), (ii), and (iii) shall be  
25 pursuant to an agreement that is physician, pharmacist, patient, and  
26 disease specific.
- 27 (4) The practice of medicine and surgery by any surgeon or physician of  
28 the United States army, navy, or public health service in the discharge  
29 of his official duties.

- 1 (5) The treatment of the sick or suffering by mental or spiritual means  
2 without the use of any drugs or other material means.
- 3 (6) The practice of optometry by any legally licensed optometrist engaged  
4 in the practice of optometry.
- 5 (7) The practice of midwifery as defined in G.S. 90-178.2.
- 6 (8) The practice of chiropody by any legally licensed chiropodist when  
7 engaged in the practice of chiropody, and without the use of any drug.
- 8 (9) The practice of osteopathy by any legally licensed osteopath when  
9 engaged in the practice of osteopathy as defined by law, and especially  
10 G.S. 90-129.
- 11 (10) The practice of chiropractic by any legally licensed chiropractor when  
12 engaged in the practice of chiropractic as defined by law, and without  
13 the use of any drug or surgery.
- 14 (11) The practice of medicine or surgery by any nonregistered reputable  
15 physician or surgeon who comes into this State, either in person or by  
16 use of any electronic or other mediums, on an irregular basis, to  
17 consult with a resident registered physician or to consult with  
18 personnel at a medical school about educational or medical training.  
19 This proviso shall not apply to physicians resident in a neighboring  
20 state and regularly practicing in this State.
- 21 (12) Any person practicing radiology as hereinafter defined shall be  
22 deemed to be engaged in the practice of medicine within the meaning  
23 of this Article. "Radiology" shall be defined as, that method of medical  
24 practice in which demonstration and examination of the normal and  
25 abnormal structures, parts or functions of the human body are made by  
26 use of X ray. Any person shall be regarded as engaged in the practice  
27 of radiology who makes or offers to make, for a consideration, a  
28 demonstration or examination of a human being or a part or parts of a  
29 human body by means of fluoroscopic exhibition or by the shadow  
30 imagery registered with photographic materials and the use of X rays;  
31 or holds himself out to diagnose or able to make or makes any  
32 interpretation or explanation by word of mouth, writing or otherwise of  
33 the meaning of such fluoroscopic or registered shadow imagery of any  
34 part of the human body by use of X rays; or who treats any disease or  
35 condition of the human body by the application of X rays or radium.  
36 Nothing in this subdivision shall prevent the practice of radiology by  
37 any person licensed under the provisions of Articles 2, 7, 8, and 12A  
38 of this Chapter.
- 39 (13) The performance of any medical acts, tasks, and functions by a  
40 licensed physician assistant at the direction or under the supervision of  
41 a physician in accordance with rules adopted by the Board. This  
42 subdivision shall not limit or prevent any physician from delegating to  
43 a qualified person any acts, tasks, and functions that are otherwise  
44 permitted by law or established by custom. The Board shall authorize

1 physician assistants licensed in this State or another state to perform  
2 specific medical acts, tasks, and functions during a disaster.

3 (14) The practice of nursing by a registered nurse engaged in the practice of  
4 nursing and the performance of acts otherwise constituting medical  
5 practice by a registered nurse when performed in accordance with  
6 rules and regulations developed by a joint subcommittee of the North  
7 Carolina Medical Board and the Board of Nursing and adopted by both  
8 boards.

9 (15) The practice of dietetics/nutrition by a licensed dietitian/nutritionist  
10 under the provisions of Article 25 of this Chapter.

11 (16) The practice of acupuncture by a licensed acupuncturist in accordance  
12 with the provisions of Article 30 of this Chapter.

13 (17) The use of an automated external defibrillator as provided in G.S.  
14 90-21.15.

15 (18) The practice of medicine by any nonregistered physician residing in  
16 another state or foreign country who is contacted by one of the  
17 physician's regular patients for treatment by use of the Internet or a  
18 toll-free telephone number while the physician's patient is temporarily  
19 in this State.

20 (19) The practice of a complementary or an alternative form of health care,  
21 so long as the practitioner discloses to a client his or her professional  
22 training and qualifications and discloses to a client that he or she is not  
23 a licensed medical doctor. For purposes of this subdivision,  
24 complementary or alternative forms of health care shall include the  
25 healing modalities, therapies, and health care systems as defined by the  
26 National Institutes of Health's National Center for Complementary and  
27 Alternative Medicine (NCCAM), the World Health Organization-  
28 Traditional or Complementary/Alternative Medicine (WHO CAM),  
29 and the White House Commission on Complementary and Alternative  
30 Medicine Policy (WHCCAMP)."

31 **SECTION 2.** This act is effective when it becomes law.