

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 741\*

Short Title: Medical Board Membership. (Public)

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Sponsors: Senators Lucas; Dannelly, Gulley, Dorsett, Holloman, and Malone.

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Referred to: Health & Human Resources.

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April 3, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE OLD NORTH CAROLINA STATE MEDICAL SOCIETY  
3 TO MAKE RECOMMENDATIONS TO THE GOVERNOR FOR NOMINATIONS  
4 TO THE NORTH CAROLINA MEDICAL BOARD.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-2 reads as rewritten:

7 "**§ 90-2. Medical Board.**

8 (a) In order to properly regulate the practice of medicine and surgery for the  
9 benefit and protection of the people of North Carolina, there is established the North  
10 Carolina Medical Board. The Board shall consist of 12 members.

11 (1) Seven of the members shall be duly licensed ~~physicians elected and~~  
12 ~~nominated to the Governor by the North Carolina Medical Society.~~  
13 physicians. The Governor shall elect and nominate members upon the  
14 recommendations of the two general medical societies of North  
15 Carolina. The North Carolina Medical Society shall recommend four  
16 nominees to the Governor, and the Old North Carolina State Medical  
17 Society shall nominate three nominees to the Governor.

18 (2) Of the remaining five members, all to be appointed by the Governor, at  
19 least three shall be public members and at least one shall be a  
20 physician assistant as defined in G.S. 90-18.1 or a nurse practitioner as  
21 defined in G.S. 90-18.2. A public member shall not be a health care  
22 provider nor the spouse of a health care provider. For purposes of  
23 board membership, "health care provider" means any licensed health  
24 care professional and any agent or employee of any health care  
25 institution, health care insurer, health care professional school, or a  
26 member of any allied health profession. For purposes of this section, a  
27 person enrolled in a program to prepare him to be a licensed health  
28 care professional or an allied health professional shall be deemed a  
29 health care provider. For purposes of this section, any person with

1                   significant financial interest in a health service or profession is not a  
2                   public member.

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

6           (c)    In order to establish regularly overlapping terms, the terms of office of the  
7 members shall expire as follows: two on October 31, 1993; four on October 31, 1994;  
8 four on October 31, 1995; and two on October 31, 1996.

9           (d)    Any member of the Board may be removed from office by the Governor for  
10 good cause shown. Any vacancy in the ~~physician~~ membership of the Board shall be  
11 filled for the period of the unexpired term by the ~~Governor from a list of physicians~~  
12 ~~submitted by the North Carolina Medical Society Executive Council. Any vacancy in~~  
13 ~~the public, physician assistant, or nurse practitioner membership of the Board shall be~~  
14 ~~filled by the Governor for the unexpired term.~~Governor.

15           (e)    The North Carolina Medical Board shall have the power to acquire, hold,  
16 rent, encumber, alienate, and otherwise deal with real property in the same manner as  
17 any private person or corporation, subject only to approval of the Governor and the  
18 Council of State as to the acquisition, rental, encumbering, leasing, and sale of real  
19 property. Collateral pledged by the Board for an encumbrance is limited to the assets,  
20 income, and revenues of the Board."

21           **SECTION 2.** G.S. 90-3 reads as rewritten:

22 "**§ 90-3. Medical Society ~~nominates~~ and Old Medical Society nominate Board.**

23           The Governor shall appoint as physician members of the Board physicians elected  
24 and nominated by the North Carolina Medical ~~Society~~Society and the Old North  
25 Carolina State Medical Society. However, the Governor may choose to appoint, for a  
26 second term, any physician member currently serving on the Board, notwithstanding  
27 any other nomination from the North Carolina Medical Society or the Old North  
28 Carolina State Medical Society."

29           **SECTION 3.** Notwithstanding G.S. 90-3, as enacted in Section 2 of this act,  
30 members serving on the North Carolina Medical Board on the effective date of this act  
31 may complete the terms for which they were appointed. When the term of any of the  
32 seven members appointed by the Governor upon the recommendation of the North  
33 Carolina Medical Society is completed, the vacancy shall be filled in accordance with  
34 G.S. 90-2, as enacted in Section 1 of this act.

35           **SECTION 4.** This act is effective when it becomes law.