

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 741*
Corrected Copy 4/7/03

Short Title: Medical Board Membership.

(Public)

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

Referred to: Health & Human Resources.

April 3, 2003

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

The General Assembly of North Carolina enacts:

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

"§ 90-2. Medical Board.

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

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

(2) Of the remaining five members, all to be appointed by the Governor, at least three shall be public members and at least one shall be a physician assistant as defined in G.S. 90-18.1 or a nurse practitioner as defined in G.S. 90-18.2. A 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

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.