

April 3, 2003

**S 882. DUE PROCESS FOR PHYSICIANS.** *TO AMEND VARIOUS PROVISIONS RELATING TO THE NORTH CAROLINA MEDICAL BOARD UNDER THE LAWS REGULATING THE PRACTICE OF MEDICINE.* Amends GS 90-2(a)(1) to require that one member of the NC Medical Board must be a faculty member at one of the state medical schools. Amends subsection (d) of the statute to provide that a member of the board may be removed for good cause shown, including malicious prosecution or abuse of power, and to provide for the filling of a vacancy in physician membership on the board by the Governor (was, by the Governor, from a list of physicians submitted by the NC Medical Society Executive Council). Amends GS 90-8 to limit the board's subpoena power to persons with knowledge related to a matter before the board. Also adds provisions regarding qualifications of and disclosure of medical expert witnesses. Amends GS 90-14(a)(6) regarding unprofessional conduct to specify that the standards of practice in any specialty, including complementary treatments, shall be defined by specialists in that field. Broadens protection of practitioners of experimental or nontraditional practices from actions on their licenses or harassment and investigation solely based on their type of practice. Specifies with respect to advertisement of areas in which a person is not educated, that a duly licensed physician is not prohibited from displaying all of his or her certifications in public documents. Requires the same financial disclosures for selling nutritional supplements or vitamins as those for drugs, devices, appliances, or goods. Amends GS 90-14.2 to require that in order to annul, suspend, deny, or revoke a license of an accused physician, the board must find "by the greater weight of evidence that there is a pattern of incompetence and that the care provided was not in accordance with the standards of practice for the procedure or treatments administered." Amends GS 90-14.2 to provide that members of the board who were involved in any part of the investigation shall not participate on the hearing committee. Amends GS 90-14.5 to provide for a right of appeal to the full board when a trial examiner or committee recommends license revocation, suspension, or retraction. Amends GS 90-14.6 to specify the physician's right to call witnesses and present evidence. Provides that members of the board are not immune from liability for failing to exercise in good faith their powers and duties authorized by law.

**Intro. by Hartsell.**

Ref. to	GS 90
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