

March 14, 2007

**H 818. AMEND PRACTICE OF MEDICINE LAWS.-AB.** Filed 3/14/07. *TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE.*

To be summarized in tomorrow's *Daily Bulletin*.

**Intro. by Allen.**

GS 90

March 15, 2007

**H 818. AMEND PRACTICE OF MEDICINE LAWS.-AB.** Filed 3/14/07. *TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE.*

Reorganizes and amends GS Chapter 90, Article 1, which governs the practice of medicine, most notably: (1) Enacts new GS 90-1A defining the major terms used in Article 1; (2) Enacts new GS 90-5.1 setting forth the powers and duties of the North Carolina Medical Board; (3) Repeals GS 90-9 and 90-10, governing examinations required for a medical license and enacts new GS 90-9.1, 90-9.2, 90-9.3, and 90-10.1 in their stead; (4) Repeals GS 90-12 and 90-13, governing limited licenses, and enacts new GS 90-12A, 90-21.1A, 90-12.2A and 90-12.3 in their stead; (5) Enacts new GS 90-13.3 setting the compensation of Medical Board members; (6) Makes other clarifying and conforming changes.

**Intro. by Allen.**

GS 90

May 3, 2007

**H 818. AMEND PRACTICE OF MEDICINE LAWS.** Filed 3/14/07. House committee substitute makes the following changes to 1st edition. Modifies proposed GS 90-1A to amend the definition of the practice of medicine or surgery as follows: (1) removes from the definition rendering a determination of medical necessity or a decision affecting the diagnosis or treatment of a patient; (2) removes from the definition rendering a documented medical opinion concerning the diagnosis or treatment of a patient or the actual rendering of treatment to a patient in this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within a state to the physician or the physician's agent; (3) clarifies that the definition includes the performance of an action by electronic means inside or outside the state; and (4) includes using the designation *doctor*, or other listed titles, unless (i) the designation additionally contains the description of or reference to (was, description of) another branch of the healing arts for which the individual is licensed, or (ii) the use of the designation *doctor* or *physician* is otherwise allowed by law. Modifies proposed GS 90-5.1(a)(5) to provide that the rules for disposition of records of a deceased licensee do not apply to records created or maintained by persons licensed under other articles of the chapter or to medical records maintained in the normal course of business by licensed health care institutions.

Modifies proposed GS 90-9.1 to clarify that the requirements apply to those eligible for licensure as a physician under the article. Makes conforming amendment to GS 90-13.1(a) to require applicants for a limited license to practice in a medical education and training program to pay a \$100 fee. Amends GS 90-14(11) to allow the North Carolina Medical Board to discipline anyone who has made false statements to the board or willfully concealed material information in connection with an application, request, or petition for reinstatement or revocation of a license, an annual registration of a license, or an investigation or inquiry by the board. Also amends the caption of GS 90-14. Amends GS 90-14.2 to expand the statute to all disciplinary actions against any license granted by it (was, revocation, restriction, or suspension of any license granted by it) and makes conforming statute caption change. Makes a conforming change to GS 90-14.10. Repeals GS 90-14.4 (Place of hearings for revocation or suspension of license). Amends GS 90-14.8 to require review of the board's decision to suspend or revoke a license to take place in the Wake County Superior Court (deletes review in the superior court in the county in which the hearing was held or upon agreement of the parties to the appeal in any other superior court of the state); makes conforming changes. Amends GS 90-18(8) (acts that do not constitute practicing medicine or surgery) to (1) replace references to the practice of chiropractic with podiatry and podiatric medicine and surgery and (2) remove the prohibition against podiatric physicians using drugs in practicing podiatry.

May 14, 2007

**H 818. AMEND PRACTICE OF MEDICINE LAWS.** Filed 3/14/07. House committee substitute makes the following changes to 2nd edition. Clarifies that the proposed definition in GS 90-1A of *practice of medicine or surgery* applies only in Article 1 (practice of medicine) of GS Chapter 90. Deletes language in new GS 90-8.2 setting a \$5 fee for reactivating an incomplete application. Amends GS 90-14.6 (evidence admissible) to provide for the forms in which documentary evidence may be received and to allow admission of the most reliable and substantial evidence available when evidence is not reasonably available under the Rules of Civil Procedure and Rules of Evidence. Changes the effective date from when the act becomes law to October 1, 2007.

June 12, 2007

**H 818. AMEND PRACTICE OF MEDICINE LAWS.** Filed 3/14/07. House committee substitute makes the following changes to 3rd edition. Modifies proposed new GS 90-1A to remove from the definition of the *practice of medicine and surgery* cosmetic procedures employing lasers or other means involving revision, destruction, incision, or structural alteration of human tissue. Amends GS 90-14.5 to provide that hearing officers are entitled to per diem compensation and reimbursement for expenses authorized by the board, not to exceed \$200 per member (was, hearing officers were entitled to receive compensation and reimbursement as authorized in the Article). Amends GS 90-16 to require the board to inform a person that has complained about a patient's care of (1) the board's decision regarding the complaint and (2) the board's basis for the decision. Provides for when the board may provide the patient or a complainant with a licensee's written response to the complaint concerning the patient's care. Provides that the information provided to the patient or the complainant is inadmissible as evidence in any civil proceeding, but information otherwise available is not immune from discovery or for use in a civil action just because the information was included in the board's review or was the subject of information given to the patient or complainant. Makes technical and conforming changes.

July 26, 2007

**H 818. AMEND PRACTICE OF MEDICINE LAWS.** Filed 3/14/07. Senate committee substitute makes the following changes to 4th edition.

*NC Medical Board appointments.* Effective January 1, 2008, amends GS 90-3 to remove the requirement that the Governor appoint physicians nominated by the North Carolina Medical Society to the NC Medical Board (board) and instead creates a nine-member Review Panel (panel) to review applicants to the board for the physician and physician assistant or nurse practitioner positions and make two recommendations for each open position to the Governor. Exempts members and staff of the panel from civil or criminal liability while exercising their duties. Establishes criteria to be met by applicants for physician and physician assistant or nurse practitioner positions. Requires notice of open positions to be sent. Makes conforming and technical changes to GS 90-2. Also provides that the three members of the public on the board are not subject to the recommendations of the panel and prohibits public members from being a health care provider or the spouse of one. Removes the prohibition on the physician's assistant or nurse practitioner from being a health care provider or spouse of one.

*Information to the board.* Enacts new GS 90-5.2 requiring all physicians and physician's assistants to report specified information to the board and requires the board to make the information available to the public. Provides that failure to provide the required information or providing false information may be considered unprofessional conduct.

*Notice.* Amends GS 90-14.3 to add employees of the board to those who may serve notice. Also provides that notice is deemed to have been served on the date showing delivery to the licensee's or applicant's last known address regardless of whether the notice was actually received.

*Volunteer dentists.* Enacts new GS 90-37.2 allowing the NC Board of Dental Examiners to issue a temporary volunteer permit to allow dental school graduates who are licensed in another state to practice dentistry under the supervision of a dentist licensed in NC. Sets conditions on the permits including conditions on permit duration, scope of practice, and compensation.

*Misc.* Deletes the proposed amendment to GS 90-8.2 removing the fee for reactivation of an inactive incomplete application. Moves proposed new GS 90-10.1 into a new section of the bill. Deletes the repeal of GS 90-9 (examination for license; scope; conditions and prerequisites), GS 90-10 (provision in lieu of examination), and GS 90-13 (when license without examination allowed). Deletes the following proposed new statutes: GS 90-12A, GS 90-12.1A, GS 90-12.2A, GS 90-12.3. Deletes all of the proposed changes to GS 90-13.1 except the removal of the provisions concerning the compensation and expenses of members of the board and the registration fees for a physician's assistant. Deletes the proposed changes to GS 90-13.2. Makes technical changes to GS 90-16. Makes technical section numbering changes. Makes a conforming title change.

July 27, 2007

**H 818. AMEND PRACTICE OF MEDICINE LAWS.** Filed 3/14/07. Senate amendment makes the following changes to 5th edition. Modifies the definition of *practice of medicine or surgery* in proposed GS 90-1A(5) and makes a technical correction to the proposed amendments to GS 90-11.

July 31, 2007

**H 818. AMEND PRACTICE OF MEDICINE LAWS.** Filed 3/14/07. Senate amendment makes the following changes to 5th edition. Recodifies GS 90-11(a1) as GS 90-9.4 (requirements for licensure as an anesthesiologist assistant).

August 10, 2007

**SL 2007-346 (H 818). AMEND PRACTICE OF MEDICINE LAWS. AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE AND TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY.** Summarized in *Daily Bulletin* 3/15/07, 5/3/07, 5/14/07, 6/12/07, 7/26/07, 7/27/07, and 7/31/07. Enacted August 7, 2007. Sections 2 and 4 are effective January 1, 2008. The remainder is effective October 1, 2007.