

March 19, 2009

H 703. DISAPPROVE NC MEDICAL BOARD RULES. Filed 3/19/09. *TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION.*

Disapproves the following rules adopted by the North Carolina Medical Board on July 16, 2008, and approved by the Rules Review Commission on August 21, 2008: 21 NCAC 32X .0101 (required information), 21 NCAC 32X .0103 (reporting of medical judgments, awards, payments and settlements), and 21 NCAC 32X .0105 (publication of judgments, awards, payments, or settlements).

Intro. by Glazier, Allen, England.

UNCODIFIED

March 24, 2009

H 703. DISAPPROVE NCMB RULE/REPT. PUB. CERTAIN JAPS (NEW). Filed 3/19/09. House committee substitute makes the following changes to 1st edition.

Deletes 21 NCAC 32X .0101 (Required Information) from the list of adopted and approved rules that were disapproved in the 1st edition.

Amends GS 90-5.2(a) to add certain malpractice information received pursuant to proposed GS 90-5.3 to the required data collected by the North Carolina Medical Board (NCMB).

Enacts new GS 90-5.3 regarding the reporting and publication of medical judgments, awards, payments, and settlements. Requires all physicians and physician assistants who are licensed or applying for licensure to report to NCMB all: (1) medical malpractice judgments or awards affecting them and (2) settlements or payments of \$75,000 or more affecting them that occurred on or after May 1, 2008. Specifies that the report must contain: (1) the date of the judgment, award, payment, or settlement; (2) the specialty in which the physician or physician assistant practiced at the time that the incident occurred that resulted in the judgment, award, payment, or settlement; (3) the city, state, and country in which the incident occurred; and (4) the date that the incident occurred. Directs NCMB to publish the information that it collects under this proposed section on the NCMB website or other publication for a period of seven years from the date of the judgment, award, payment, or settlement. Restricts NCMB from releasing or publishing individually identifiable numeric values of the reported judgment, award, payment, or settlement or any information that provides the identity of the patient associated with the judgment, award, payment, or settlement. Directs NCMB to permit the physician or physician assistant to publish an explanatory statement regarding the judgment, award, payment, or settlement and stating whether the case is under appeal. Provides guidelines to which the statement must adhere. Defines *settlement* for the purposes of this proposed section. Provides that nothing in this proposed statute is to limit NCMB from collecting the necessary information to administer Article 1 of GS Chapter 90.

Amends the title to reflect the added bill content.

March 31, 2009

H 703. DISAPPROVE NCMB RULE/REPT. PUB. CERTAIN JAPS. Filed 3/19/09. House amendment makes the following changes to 2nd edition. Clarifies that the reporting requirements in proposed GS 90-5.3(a)(2) (requiring all physicians and physician assistants who are licensed or applying for licensure to report judgments, awards, payments, and settlements to the NC Medical Board) apply to all settlements in the amount of \$75,000 or more (was, settlements or payments) related to an incident of alleged malpractice involving the physician or physician assistant where the settlement occurred on or after May 1, 2008. Adds an additional reporting requirement, proposed GS 90-5.3(a)(3) to require the reporting of all payments in the aggregate amount of \$75,000 or more (1) that are related to an incident of alleged medical malpractice affecting or involving the physician or physician assistant, and (2) where the full payment or first payment in a series of payments occurred on or after May 1, 2008. Clarifies the term *settlement* to reference a payment made from any other source of funds (deletes reference to lump-sum payment and multiple payments). Makes technical correction.

JUNE 17, 2009

H 703. DISAPPROVE NCMB RULE/REPT. PUB. CERTAIN JAPS. Filed 3/19/09. Senate committee substitute makes the following changes to 3rd edition. Modifies proposed GS 90-5.3(a) to provide that all physicians and physician assistants, licensed or applying for licensure, must report to the Medical Board all settlements (was, payments) in the aggregate amount of \$75,000 or more related to any one incident of alleged medical malpractice not already reported pursuant to (a)(2), where instead of a single payment made on or after May 1, 2008, there are a series of payments made to the same claimant which, in aggregate, is \$75,000 or more (was, where the full payment or first payment in a series of payments occurred on or after May 1, 2008).

Disapproves rule 13 NCAC 07F.0901 (Scope) as adopted by the Department of Labor on February 19, 2009, and approved by the Rules Review Commission on March 19, 2009.

Upon the effective date of the act, directs the Department of Labor (Department) to immediately adopt a temporary rule, without prior notice or hearing, that establishes the scope of application for the Department's rules governing the standards for cranes and derricks in a manner substantially identical to the rule disapproved by the act, except that the temporary rule must include an exclusion for service trucks with mobile lifting devices designed specifically for use in the power line and electric service industries such as digger derricks (radial boom derricks). Sets forth the procedure for the temporary rule to be adopted.

Makes conforming changes to the title.

JULY 2, 2009

SL 2009-217 (H 703). DISAPPROVE NCMB RULE/REPORT PUBLICATION CERTAIN JUDGMENTS, AWARDS, PAYMENTS, SETTLEMENTS. *AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION, TO REQUIRE THE NORTH CAROLINA BOARD OF MEDICINE TO PUBLISH CERTAIN JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS, TO DISAPPROVE A RULE ADOPTED BY THE DEPARTMENT OF LABOR AND TO AUTHORIZE THE ADOPTION OF A TEMPORARY RULE TO REPLACE THE DISAPPROVED RULE.* Summarized in *Daily Bulletin* 3/19/09, 3/24/09, 3/31/09, and 6/17/09. Enacted June 30, 2009. Effective June 30, 2009.