

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 743  
Health Care Committee Substitute Adopted 5/24/11  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S743-PCS95109-SQ-56

Short Title: Encourage Volunteer Health Care Providers.

(Public)

Sponsors:

Referred to:

April 20, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENCOURAGE THE PROVISION OF MEDICAL SERVICES TO INDIGENT  
3 PERSONS BY PROVIDING FOR A RETIRED LIMITED VOLUNTEER LICENSE AND  
4 BY BROADENING THE APPLICABILITY OF A LIMITED VOLUNTEER LICENSE  
5 AND BY LIMITING LIABILITY FOR NONPROFIT COMMUNITY HEALTH  
6 REFERRAL SERVICES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 90-12.1A reads as rewritten:

9 **"§ 90-12.1A. Limited volunteer license.**

10 (a) The Board may issue a "~~military~~ limited volunteer license" to an applicant who:

11 (1) Has a license to practice medicine and surgery in another ~~state;~~state; ~~and~~

12 (2) Produces a letter from the state of licensure indicating the ~~applicant is~~  
13 applicant's license is active and in good standing; ~~and standing.~~

14 (3) ~~Is authorized to treat personnel enlisted in a branch of the United States~~  
15 ~~armed services or veterans.~~

16 (b) ~~The Board may issue a "retired limited volunteer license" to an applicant who is a~~  
17 ~~retired physician and has allowed his or her license to practice medicine and surgery in this~~  
18 ~~State or another state to become inactive.~~

19 (c) ~~A physician holding a limited license under this section shall comply with the~~  
20 ~~continuing medical education requirements pursuant to rules adopted by the Board.~~

21 (d) The Board shall issue a limited license under this section within 30 days after an  
22 applicant provides the Board with information satisfying the requirements of this section.

23 (e) The holder of a limited license under this section may practice medicine and surgery  
24 only at clinics that specialize in the treatment of indigent patients. The holder of the limited  
25 license may not receive compensation for services rendered at clinics specializing in the care of  
26 indigent patients.

27 (e1) The holder of a limited volunteer license shall practice medicine and surgery within  
28 this State for no more than 30 days per calendar year.

29 (f) The holder of a limited license issued pursuant to this section who practices  
30 medicine or surgery at places other than clinics that specialize in the treatment of indigent  
31 patients shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not less  
32 than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. The



1 Board, in its discretion, may revoke the limited license after due notice is given to the holder of  
2 the limited license.

3 (g) The Board may, by rule, require an applicant for a limited license under this section  
4 to comply with other requirements or submit additional information the Board deems  
5 appropriate."

6 **SECTION 2.** Article 1 of Chapter 90 of the General Statutes is amended by adding  
7 a new section to read:

8 **"§ 90-12.1B. Retired limited volunteer license.**

9 (a) The Board may issue a "retired limited volunteer license" to an applicant who is a  
10 physician and who has allowed his or her license to practice medicine and surgery in this State  
11 or another state to become inactive.

12 (b) A physician holding a limited license under this section shall comply with the  
13 continuing medical education requirements pursuant to rules adopted by the Board.

14 (c) The holder of a limited license under this section may practice medicine and surgery  
15 only at clinics that specialize in the treatment of indigent patients. The holder of the limited  
16 license may not receive compensation for services rendered at clinics specializing in the care of  
17 indigent patients.

18 (d) The Board shall issue a limited license under this section within 30 days after an  
19 applicant provides the Board with information satisfying the requirements of this section.

20 (e) The holder of a limited license issued pursuant to this section who practices  
21 medicine or surgery at places other than clinics that specialize in the treatment of indigent  
22 patients shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not less  
23 than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. The  
24 Board, in its discretion, may revoke the limited license after due notice is given to the holder of  
25 the limited license.

26 (f) The Board may, by rule, require an applicant for a limited license under this section  
27 to comply with other requirements or submit additional information the Board deems  
28 appropriate."

29 **SECTION 3.** G.S. 90-12.4 reads as rewritten:

30 **"~~§ 90-12.4.~~ § 90-12.4A Physician assistant limited volunteer license.**

31 (a) The Board shall issue a limited volunteer license which shall authorize a physician  
32 assistant to perform medical acts, tasks, and functions without payment or other compensation  
33 if the physician assistant meets one of the following to an applicant who:

34 (1) Holds a current license or registration in another state and submits proof of  
35 this status to the Board; and

36 (2) Holds a current license in this State and is not currently employed as a  
37 physician assistant. Produces a letter from the state of licensure indicating the  
38 applicant's license or registration is active and in good standing.

39 (3) Is a member of the United States armed services or is employed by the  
40 Veterans' Administration or another federal agency.

41 (b) The Board shall issue a limited license under this section within 30 days after the  
42 applicant provides the Board with information satisfying the requirements of this section.

43 (c) The holder of a limited license may perform medical acts, tasks, or functions as a  
44 physician assistant only at clinics that specialize in the treatment of indigent patients. The  
45 holder of a limited license may not receive payment or other compensation for services  
46 rendered at clinics specializing in the care of indigent patients. The holder of a limited  
47 volunteer license shall practice as a physician assistant within this State for no more than 30  
48 days per calendar year.

49 (d) Before initiating the performance of medical acts, tasks, or functions as a physician  
50 assistant licensed under this section, the physician assistant shall provide the Board the name,

1 address, and telephone number of the physician licensed under this Article who will supervise  
2 the physician assistant in the clinic specializing in the care of indigent patients.

3 (e) The holder of a limited license issued pursuant to this section who practices as a  
4 physician assistant at places other than clinics that specialize in the treatment of indigent  
5 patients shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not less  
6 than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. The  
7 Board, in its discretion, may revoke the limited license after due notice is given to the holder of  
8 the limited license.

9 (f) The Board may, by rule, require an applicant for a limited license under this section  
10 to comply with other requirements or submit additional information the Board deems  
11 appropriate."

12 **SECTION 4.** Article 1 of Chapter 90 of the General Statutes is amended by adding  
13 a new section to read:

14 **"§ 90-12.4B. Physician Assistant retired limited volunteer license.**

15 (a) The Board may issue a "retired limited volunteer license" to an applicant who is a  
16 physician assistant and who has allowed his or her license to become inactive.

17 (b) A physician assistant holding a retired limited volunteer license under this section  
18 shall comply with the continuing medical education requirements pursuant to rules adopted by  
19 the Board.

20 (c) The holder of a retired limited volunteer license under this section may perform  
21 medical acts, tasks, or functions as a physician assistant only at clinics that specialize in the  
22 treatment of indigent patients. The holder of a retired limited volunteer license may not receive  
23 compensation for services rendered at clinics specializing in the care of indigent patients.

24 (d) The Board shall issue a retired limited volunteer license under this section within 30  
25 days after an applicant provides the Board with information satisfying the requirements of this  
26 section.

27 (e) The holder of a retired limited volunteer license issued pursuant to this section who  
28 practices as a physician assistant at places other than clinics that specialize in the treatment of  
29 indigent patients shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined  
30 not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense.  
31 The Board, in its discretion, may revoke the limited license after due notice is given to the  
32 holder of the limited license.

33 (f) The Board may, by rule, require an applicant for a retired limited volunteer license  
34 under this section to comply with other requirements or submit additional information the  
35 Board deems appropriate."

36 **SECTION 5.** G.S. 90-13.1 reads as rewritten:

37 **"§ 90-13.1. License fees.**

38 (a) Each applicant for a license to practice medicine and surgery in this State under  
39 either G.S. 90-9.1 or G.S. 90-9.2 shall pay to the North Carolina Medical Board an application  
40 fee of three hundred fifty dollars (\$350.00).

41 (b) Each applicant for a limited license to practice in a medical education and training  
42 program under G.S. 90-12.01 shall pay to the Board a fee of one hundred dollars (\$100.00).

43 (c) An applicant for a limited volunteer license under G.S. 90-12.1A or G.S. 90-12.1B  
44 shall not pay a fee.

45 (d) A fee of twenty-five dollars (\$25.00) shall be paid for the issuance of a duplicate  
46 license.

47 (e) All fees shall be paid in advance to the North Carolina Medical Board, to be held in  
48 a fund for the use of the Board.

49 (f) For the initial and annual licensure of an anesthesiologist assistant, the Board may  
50 require the payment of a fee not to exceed one hundred fifty dollars (\$150.00)."

51 **SECTION 6.** G.S. 90-13.2 reads as rewritten:

1 **"§ 90-13.2. Registration every year with Board.**

2 (a) Every person licensed to practice medicine by the North Carolina Medical Board  
3 shall register annually with the Board within 30 days of the person's birthday.

4 (b) A person who registers with the Board shall report to the Board the person's name  
5 and office and residence address and any other information required by the Board, and shall  
6 pay an annual registration fee of one hundred seventy-five dollars (\$175.00), except those who  
7 have a limited license to practice in a medical education and training program approved by the  
8 Board for the purpose of education or training shall pay a registration fee of one hundred  
9 twenty-five dollars (~~\$125.00~~) and (~~\$125.00~~), those who have a retired limited volunteer license  
10 pursuant to G.S. 90-12.1B shall pay an annual registration fee of twenty-five dollars (~~\$25.00~~)-  
11 (~~\$25.00~~), and those who have a limited volunteer license pursuant to G.S. 90-12.1A shall pay  
12 no annual registration fee. However, licensees who have a limited license to practice for the  
13 purpose of education and training under G.S. 90-12.01 shall not be required to pay more than  
14 one annual registration fee for each year of training.

15 (c) A physician who is not actively engaged in the practice of medicine in North  
16 Carolina and who does not wish to register the license may direct the Board to place the license  
17 on inactive status.

18 (d) A physician who is not actively engaged in the practice of medicine in North  
19 Carolina and who does not wish to register the license may direct the Board to place the license  
20 on inactive status.

21 (e) A physician who fails to register as required by this section shall pay an additional  
22 fee of fifty dollars (\$50.00) to the Board. The license of any physician who fails to register and  
23 who remains unregistered for a period of 30 days after certified notice of the failure is  
24 automatically inactive. The Board shall retain jurisdiction over the holder of the inactive  
25 license.

26 (f) Except as provided in ~~G.S. 90-12.1A~~, G.S. 90-12.1B, a person whose license is  
27 inactive shall not practice medicine in North Carolina nor be required to pay the annual  
28 registration fee.

29 (g) Upon payment of all accumulated fees and penalties, the license of the physician  
30 may be reinstated, subject to the Board requiring the physician to appear before the Board for  
31 an interview and to comply with other licensing requirements. The penalty may not exceed the  
32 maximum fee for a license under G.S. 90-13.1."

33 **SECTION 7.** G.S. 90-21.16 reads as rewritten:

34 **"§ 90-21.16. Volunteer health care professionals; liability limitation.**

35 (a) This section applies as follows:

- 36 (1) Any volunteer medical or health care provider at a facility of a local health  
37 department or at a nonprofit community health center,
- 38 (2) Any volunteer medical or health care provider rendering services to a patient  
39 referred by a local health department as defined in ~~G.S. 130A-2(5)~~  
40 ~~or G.S. 130A-2(5)~~, nonprofit community health center, or nonprofit  
41 community health referral service at the provider's place of employment,
- 42 (3) Any volunteer medical or health care provider serving as medical director of  
43 an emergency medical services (EMS) ~~agency, agency, or~~
- 44 (4) ~~Any retired physician holding a "Limited Volunteer License" under~~  
45 ~~G.S. 90-12.1A, or~~
- 46 (5) Any volunteer medical or health care provider licensed or certified in this  
47 State who provides services within the scope of the provider's license or  
48 certification at a free clinic facility,

49 who receives no compensation for medical services or other related services rendered at the  
50 facility, center, agency, or clinic, or who neither charges nor receives a fee for medical services  
51 rendered to the patient referred by a local health ~~department~~ or department, nonprofit

1 community health center, or nonprofit community health referral service at the provider's  
2 place of employment shall not be liable for damages for injuries or death alleged to have  
3 occurred by reason of an act or omission in the rendering of the services unless it is established  
4 that the injuries or death were caused by gross negligence, wanton conduct, or intentional  
5 wrongdoing on the part of the person rendering the services. The free clinic, local health  
6 department facility, nonprofit community health center, nonprofit community health referral  
7 service, or agency shall use due care in the selection of volunteer medical or health care  
8 providers, and this subsection shall not excuse the free clinic, health department facility,  
9 community health center, or agency for the failure of the volunteer medical or health care  
10 provider to use ordinary care in the provision of medical services to its patients.

11 (b) Nothing in this section shall be deemed or construed to relieve any person from  
12 liability for damages for injury or death caused by an act or omission on the part of such person  
13 while rendering health care services in the normal and ordinary course of his or her business or  
14 profession. Services provided by a medical or health care provider who receives no  
15 compensation for his or her services and who voluntarily renders such services at the provider's  
16 place of employment, facilities of free clinics, local health departments as defined in  
17 G.S. 130A-2, nonprofit community health centers, or as a volunteer medical director of an  
18 emergency medical services (EMS) agency, are deemed not to be in the normal and ordinary  
19 course of the volunteer medical or health care provider's business or profession.

20 (c) As used in this section, a "free clinic" is a nonprofit, 501(c)(3) tax-exempt  
21 organization organized for the purpose of providing health care services without charge or for a  
22 minimum fee to cover administrative costs and that maintains liability insurance covering the  
23 acts and omissions of the free clinic and any liability pursuant to subsection (a) of this section.

24 (d) A nonprofit community health referral service that refers low-income patients to  
25 physicians for free services is not liable for the acts or omissions of the physician in rendering  
26 service to that patient if the ~~physician maintains professional liability coverage for that~~  
27 ~~service.~~ nonprofit community health referral service maintains liability insurance covering the  
28 acts and omissions of the nonprofit health referral service and any liability pursuant to  
29 subsection (a) of this section.

30 (e) As used in this section, a "nonprofit community health referral service" is a  
31 nonprofit, 501(c)(3) tax-exempt organization organized to provide for no charge the referral of  
32 low-income, uninsured patients to volunteer health care providers who provide health care  
33 services without charge to patients."

34 **SECTION 8.** This act is effective when it becomes law.