

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 724
PROPOSED SENATE COMMITTEE SUBSTITUTE H724-PCS40486-TA-15

Short Title: Amend Composition of NC Medical Board.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL
3 BOARD TO ENSURE THAT AT LEAST ONE PHYSICIAN ASSISTANT AND AT
4 LEAST ONE NURSE PRACTITIONER SERVE AS MEMBERS OF THE BOARD.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-2(a) reads as rewritten:

7 "(a) There is established the North Carolina Medical Board to regulate the practice of
8 medicine and surgery for the benefit and protection of the people of North Carolina. The Board
9 shall consist of ~~12~~ 13 members.

10 (1) Seven of the members shall be duly licensed physicians recommended by
11 the Review Panel and appointed by the Governor as set forth in G.S. 90-3.

12 (2) The remaining ~~five~~ six members shall all be appointed by the Governor as
13 follows:

14 a. One shall be a duly licensed physician who is a doctor of osteopathy
15 or a full-time faculty member of one of the medical schools in North
16 Carolina who utilizes integrative medicine in that person's clinical
17 practice or a member of The Old North State Medical Society. This
18 Board position shall not be subject to recommendations of the
19 Review Panel pursuant to G.S. 90-3.

20 b. Three shall be public members, and these Board positions shall not
21 be subject to recommendations of the Review Panel pursuant to
22 G.S. 90-3. A public member shall not be a health care provider nor
23 the spouse of a health care provider. For the purpose of Board
24 membership, "health care provider" means any licensed health care
25 professional, agent or employee of a health care institution, health
26 care insurer, health care professional school, or a member of any
27 allied health profession. For purposes of this section, a person
28 enrolled in a program as preparation to be a licensed health care
29 professional or an allied health professional shall be deemed a health
30 care provider. For purposes of this section, any person with
31 significant financial interest in a health service or profession is not a
32 public member.

33 c. One shall be a physician assistant as defined in G.S. 90-18.1 ~~or a~~
34 ~~nurse practitioner as defined in G.S. 90-18.2~~ as recommended by the
35 Review Panel pursuant to G.S. 90-3.



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1 d. One shall be a nurse practitioner as defined in G.S. 90-18.2 as
2 recommended by the Review Panel pursuant to G.S. 90-3."

3 **SECTION 2.** G.S. 90-3 reads as rewritten:

4 "**§ 90-3. Review Panel recommends certain Board members; criteria for**
5 **recommendations.**

6 (a) There is created a Review Panel to review all applicants for the physician ~~positions~~
7 ~~and positions,~~ the physician ~~assistant or assistant position,~~ and the nurse practitioner position on
8 the Board except as provided in G.S. 90-2(a)(2)a. The Review Panel shall consist of nine
9 members, including four from the Medical Society, one from the Old North State Medical
10 Society, one from the North Carolina Osteopathic Medical Association, one from the North
11 Carolina Academy of Physician Assistants, one from the North Carolina Nurses Association
12 Council of Nurse Practitioners, and one public member currently serving on the Board. All
13 physicians, physician assistants, and nurse practitioners serving on the Review Panel shall be
14 actively practicing in North Carolina.

15 The Review Panel shall contract for the independent administrative services needed to
16 complete its functions and duties. The Board shall provide funds to pay the reasonable cost for
17 the administrative services of the Review Panel. The Board shall convene the initial meeting of
18 the Review Panel. The Review Panel shall elect a chair, and all subsequent meetings shall be
19 convened by the Review Panel.

20 The Governor shall appoint Board members as provided in G.S. 90-2. The Review Panel
21 shall attempt to make its recommendations to the Governor reflect the composition of the State
22 with regard to gender, ethnic, racial, and age composition.

23 The Review Panel and its members and staff shall not be held liable in any civil or criminal
24 proceeding for exercising, in good faith, the powers and duties authorized by law.

25 (b) To be considered qualified for a physician ~~position or position,~~ the physician
26 assistant position, or nurse practitioner position on the Board, an applicant shall meet each of
27 the following criteria:

- 28 (1) Hold an active, nonlimited license to practice medicine in North Carolina, or
29 in the case of a physician assistant ~~or~~ and nurse practitioner, hold an active
30 license or approval to perform medical acts, tasks, and functions in North
31 Carolina.
- 32 (2) Have an active clinical or teaching practice. For purposes of this subdivision,
33 the term "active" means patient care, or instruction of students in an
34 accredited medical school or residency, or clinical research program, for 20
35 hours or more per week.
- 36 (3) Have actively practiced in this State for at least five consecutive years
37 immediately preceding the appointment.
- 38 (4) Intend to remain in active practice in this State for the duration of the term
39 on the Board.
- 40 (5) Submit at least three letters of recommendation, either from individuals or
41 from professional or other societies or organizations.
- 42 (6) Have no public disciplinary history with the Board or any other licensing
43 board in this State or another state over the past 10 years before applying for
44 appointment to the Board.
- 45 (7) Have no history of felony convictions of any kind.
- 46 (8) Have no misdemeanor convictions related to the practice of medicine.
- 47 (9) Indicate, in a manner prescribed by the Review Panel, that the applicant: (i)
48 understands that the primary purpose of the Board is to protect the public;
49 (ii) is willing to take appropriate disciplinary action against his or her peers
50 for misconduct or violations of the standards of care or practice of medicine;

1 and (iii) is aware of the time commitment needed to be a constructive
2 member of the Board.

3 (c) The ~~review panel~~ Review Panel shall recommend at least two qualified nominees
4 for each open position on the Board. If the Governor chooses not to appoint either of the
5 recommended nominees, the Review Panel shall recommend at least two new qualified
6 nominees.

7 (d) Notice of open ~~physician positions or the physician assistant or nurse practitioner~~
8 ~~position~~ physician, physician assistant, or nurse practitioner positions on the Board shall be sent
9 to all physicians currently licensed to practice medicine in North Carolina and all physician
10 assistants and nurse practitioners currently licensed or approved to perform medical acts, tasks,
11 and functions in this State.

12 (e) Applicants for positions on the Board shall not be required to be members of any
13 professional association or society, except as provided in G.S. 90-2(a)(2)a."

14 **SECTION 3.** This act is effective when it becomes law.