

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 869  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10301-LGqq-63A (03/20)

Short Title: Change Membership of Medical Board. (Public)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL  
3 BOARD.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 90-2 reads as rewritten:

6 "§ 90-2. Medical Board.

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

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



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 (3) Two public members appointed by the General Assembly in accordance with  
4 G.S. 120-121, one upon recommendation of the Speaker of the House of  
5 Representatives and one upon the recommendation of the President Pro  
6 Tempore of the Senate.

7 (a1) Each appointing and nominating authority shall endeavor to see, insofar as possible,  
8 that its appointees and nominees to the Board reflect the composition of the State with regard to  
9 gender, ethnic, racial, and age composition.

10 (b) No member shall serve more than two complete three-year terms in a lifetime,  
11 except that each member shall serve until a successor is chosen and qualifies.

12 (b1) A public member appointed pursuant to sub-subdivision (a)(2)b. and subdivision  
13 (a)(3) of this section shall not be a health care provider nor the spouse of a health care provider.  
14 For the purpose of Board membership, "health care provider" means any licensed health care  
15 professional, agent, or employee of a health care institution, health care insurer, health care  
16 professional school, or a member of any allied health profession. For purposes of this section, a  
17 person enrolled in a program as preparation to be a licensed health care professional or an allied  
18 health professional shall be deemed a health care provider. For purposes of this section, any  
19 person with significant financial interest in a health service or profession is not a public  
20 member.

21 (c) Repealed by Session Laws 2003-366, s. 1, effective October 1, 2003.

22 (d) Any member of the Board may be removed from office by the Governor for good  
23 cause shown. Any vacancy in the physician, physician assistant, or nurse practitioner  
24 membership of the Board shall be filled for the period of the unexpired term by the Governor  
25 from a list submitted by the Review Panel pursuant to G.S. 90-3 except as provided in  
26 G.S. 90-2(a)(2)a. Any vacancy in the public membership of the Board shall be filled by the  
27 ~~Governor~~ appropriate appointing authority for the unexpired term.

28 (e) The North Carolina Medical Board shall have the power to acquire, hold, rent,  
29 encumber, alienate, and otherwise deal with real property in the same manner as any private  
30 person or corporation, subject only to approval of the Governor and the Council of State as to  
31 the acquisition, rental, encumbering, leasing, and sale of real property. Collateral pledged by  
32 the Board for an encumbrance is limited to the assets, income, and revenues of the Board."

33 **SECTION 2.** For the term of the public member appointed by the Governor  
34 expiring in 2017, that member shall be appointed by the General Assembly upon the  
35 recommendation of the Speaker of the House of Representatives, in accordance with  
36 G.S. 120-121. For the term of the public member appointed by the Governor expiring in 2018,  
37 that member shall be appointed by the General Assembly upon the recommendation of the  
38 President Pro Tempore of the Senate, in accordance with G.S. 120-121. As terms expire  
39 thereafter or as vacancies occur prior to the expiration of a term, the members on the Medical  
40 Board shall be appointed in accordance with G.S. 90-2, as amended by this act.

41 **SECTION 3.** This act is effective when it becomes law and applies to vacancies  
42 occurring after June 30, 2017.