

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS45518-NBa-181

Short Title: Sacred Relationship/Doctor/Patient. (Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE SACRED RELATIONSHIP OF PATIENT AND PHYSICIAN,
3 PHYSICIAN ASSISTANT, AND NURSE PRACTITIONER.

4 The General Assembly of North Carolina enacts:

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

7 **"§ 90-12.8. Limited prescription, treatment, and administration protection for certain**
8 **health care professionals.**

9 (a) The North Carolina Medical Board and the North Carolina Board of Nursing shall not
10 revoke, fail to renew, suspend, or take any other disciplinary action against (i) a physician
11 licensed to practice medicine under this Article, (ii) a physician assistant licensed under
12 G.S. 90-18.1, or (iii) a nurse practitioner licensed under G.S. 90-18.2 for prescribing or
13 administering a medication or supplement, including any of the drugs listed in this subsection,
14 the physician, physician assistant, or nurse practitioner believes is medically necessary for the
15 treatment of COVID-19 to a patient for at-home use or for use in a health care facility. For the
16 purposes of this section, the term "COVID-19" means the disease caused by the SARS-CoV-2
17 virus.

- 18 (1) Ascorbic Acid.
19 (2) Aspirin.
20 (3) Atorvastatin.
21 (4) Azithromycin.
22 (5) Budesonide.
23 (6) Chloroquine.
24 (7) Colchicine.
25 (8) Cyproheptadine.
26 (9) Dutasteride.
27 (10) Famotidine.
28 (11) Flutamide.
29 (12) Fluvoxamine.
30 (13) Heparin.
31 (14) Hydroxychloroquine.
32 (15) Ivermectin.
33 (16) Melatonin.
34 (17) Methylprednisolone.
35 (18) N-Acetyl-L-Cysteine.
36 (19) Naltrexone.



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- 1 (20) Nitazoxanide.
- 2 (21) Prednisone.
- 3 (22) Spiroolactone.
- 4 (23) Thiamine.
- 5 (24) Vitamin D.
- 6 (25) Zinc.

7 (b) The North Carolina Medical Board and the North Carolina Board of Nursing shall not
8 revoke, fail to renew, suspend, or take any other disciplinary action against (i) a physician
9 licensed to practice medicine under this Article, (ii) a physician assistant licensed under
10 G.S. 90-18.1, or (iii) a nurse practitioner licensed under G.S. 90-18.2 for doing any of the
11 following actions:

- 12 (1) Providing a medical exemption to a patient who is unable to wear a protective
13 mask, undergo a COVID-19 test, or receive a vaccination for COVID-19.
- 14 (2) Treating a patient who is unable to wear a protective mask, undergo a
15 COVID-19 test, or receive a vaccination for COVID-19 for religious, medical,
16 or philosophical reasons.
- 17 (3) Documenting a COVID-19 vaccine injury.

18 (c) A physician acting in good faith in accordance with this section shall not solely
19 constitute immoral or dishonorable conduct, as defined in G.S. 90-14(a)(1), or unprofessional
20 conduct, as defined in G.S. 90-14(a)(6).

21 (d) Nothing in this section shall be construed to grant greater liability protection to a
22 physician's actions in accordance with this section than provided in Article 1B of this Chapter or
23 other applicable provisions of law in this State.

24 (e) If the North Carolina Medical Board or the North Carolina Board of Nursing violates
25 this section, the physician, physician assistant, or nurse practitioner against whom the violation
26 occurred may contest the case under all available administrative remedies available to the
27 aggrieved party. For each separate violation of this section, the Board may be assessed a civil
28 penalty not to exceed five hundred dollars (\$500.00). The clear proceeds of any civil penalty
29 assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in
30 accordance with G.S. 115C-457.2."

31 **SECTION 2.** Article 4A of Chapter 90 of the General Statutes is amended by adding
32 a new section to read:

33 **"§ 90-85.15C. Limited protection for dispensing certain medications.**

34 (a) The North Carolina Board of Pharmacy shall not revoke, fail to renew, suspend, or
35 take any other disciplinary action against a pharmacist for dispensing or administering a
36 medication or supplement, including any of the drugs listed in this subsection, for the treatment
37 of COVID-19 to a patient for at-home use or for use in a health care facility. For the purposes of
38 this section, the term "COVID-19" means the disease caused by the SARS-CoV-2 virus.

- 39 (1) Ascorbic Acid.
- 40 (2) Aspirin.
- 41 (3) Atorvastatin.
- 42 (4) Azithromycin.
- 43 (5) Budesonide.
- 44 (6) Chloroquine.
- 45 (7) Colchicine.
- 46 (8) Cyproheptadine.
- 47 (9) Dutasteride.
- 48 (10) Famotidine.
- 49 (11) Flutamide.
- 50 (12) Fluvoxamine.
- 51 (13) Heparin.

- 1 (14) Hydroxychloroquine.
- 2 (15) Ivermectin.
- 3 (16) Melatonin.
- 4 (17) Methylprednisolone.
- 5 (18) N-Acetyl-L-Cysteine.
- 6 (19) Naltrexone.
- 7 (20) Nitazoxanide.
- 8 (21) Prednisone.
- 9 (22) Spiroinolactone.
- 10 (23) Thiamine.
- 11 (24) Vitamin D.
- 12 (25) Zinc.

13 (b) If the North Carolina Board of Pharmacy violates this section, the licensee against
14 whom the violation occurred may contest the case under all available administrative remedies
15 available to the aggrieved party. For each separate violation of this section, the Board may be
16 assessed a civil penalty not to exceed five hundred dollars (\$500.00). The clear proceeds of any
17 civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund
18 in accordance with G.S. 115C-457.2."

19 **SECTION 3.** The North Carolina Medical Board, the North Carolina Board of
20 Nursing, and the North Carolina Board of Pharmacy shall adopt temporary rules to implement
21 the provisions of this act.

22 **SECTION 4.** There is appropriated from the General Fund to the Department of
23 Health and Human Services the nonrecurring sum of ten thousand dollars (\$10,000) for the
24 2022-2023 fiscal year to monitor the compliance of the North Carolina Medical Board, the North
25 Carolina Board of Nursing, and the North Carolina Board of Pharmacy with the provisions of
26 this act.

27 **SECTION 5.** Section 4 of this act becomes effective July 1, 2022. The remainder of
28 this act becomes effective October 1, 2022, and applies to acts or omissions on or after that date.