

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 583

Short Title: Physician Education and Registration.

(Public)

Sponsors: Senator Forrester.

Referred to: Children & Human Resources.

April 1, 1997

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE PHYSICIANS TO COMPLETE ONE HUNDRED FIFTY
2 HOURS OF CONTINUING EDUCATION, TO REQUIRE PHYSICIANS TO
3 REGISTER ANNUALLY WITH THE NORTH CAROLINA MEDICAL BOARD
4 AND TO MAKE A TECHNICAL CHANGE IN THE PRACTICE OF MEDICINE
5 ACT.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 90-14(a) reads as rewritten:

9 "(a) The Board shall have the power to deny, annul, suspend, or revoke a license, or
10 other authority to practice medicine in this State, issued by the Board to any person who
11 has been found by the Board to have committed any of the following acts or conduct, or
12 for any of the following reasons:

- 13 (1) Immoral or dishonorable conduct.
14 (2) Producing or attempting to produce an abortion contrary to law.
15 (3) Made false statements or representations to the Board, or who has
16 willfully concealed from the Board material information in connection
17 with ~~his~~an application for a license.
18 (4) Repealed by Session Laws 1977, c. 838, s. 3.
19 (5) Being unable to practice medicine with reasonable skill and safety to
20 patients by reason of illness, drunkenness, excessive use of alcohol,

1 drugs, chemicals, or any other type of material or by reason of any
2 physical or mental abnormality. The Board is empowered and
3 authorized to require a physician licensed by it to submit to a mental or
4 physical examination by physicians designated by the Board before or
5 after charges may be presented against ~~him,~~ the physician, and the
6 results of the examination shall be admissible in evidence in a hearing
7 before the Board.

8 (6) Unprofessional conduct, including, but not limited to, departure from, or
9 the failure to conform to, the standards of acceptable and prevailing
10 medical practice, or the ethics of the medical profession, irrespective of
11 whether or not a patient is injured thereby, or the committing of any act
12 contrary to honesty, justice, or good morals, whether the same is
13 committed in the course of ~~his~~ the physician's practice or otherwise, and
14 whether committed within or without North Carolina. The Board shall
15 not revoke the license of or deny a license to a person solely because of
16 that person's practice of a therapy that is experimental, nontraditional, or
17 that departs from acceptable and prevailing medical practices unless, by
18 competent evidence, the Board can establish that the treatment has a
19 safety risk greater than the prevailing treatment or that the treatment is
20 generally not effective.

21 (7) Conviction in any court of a crime involving moral turpitude, or the
22 violation of a law involving the practice of medicine, or a conviction of
23 a felony; provided that a felony conviction shall be treated as provided
24 in subsection (c) of this section.

25 (8) By false representations has obtained or attempted to obtain practice,
26 money or anything of value.

27 (9) Has advertised or publicly professed to treat human ailments under a
28 system or school of treatment or practice other than that for which ~~he~~ the
29 physician has been educated.

30 (10) Adjudication of mental incompetency, which shall automatically
31 suspend a license unless the Board orders otherwise.

32 (11) Lack of professional competence to practice medicine with a reasonable
33 degree of skill and safety for patients. In this connection the Board may
34 consider repeated acts of a physician indicating ~~his~~ the physician's
35 failure to properly treat a patient. The Board may, upon reasonable
36 grounds, require a physician to submit to inquiries or examinations,
37 written or oral, by members of the Board or by other physicians licensed
38 to practice medicine in this State, as the Board deems necessary to
39 determine the professional qualifications of such licensee.

40 (12) Promotion of the sale of drugs, devices, appliances or goods for a
41 patient, or providing services to a patient, in such a manner as to exploit
42 the patient, and upon a finding of the exploitation, the Board may order
43 restitution be made to the payer of the bill, whether the patient or the

1 insurer, by the physician; provided that a determination of the amount of
2 restitution shall be based on credible testimony in the record.

3 (13) Having a license to practice medicine or the authority to practice
4 medicine revoked, suspended, restricted, or acted against or having a
5 license to practice medicine denied by the licensing authority of any
6 jurisdiction. For purposes of this subdivision, the licensing authority's
7 acceptance of a license to practice medicine voluntarily relinquished by
8 a physician or relinquished by stipulation, consent order, or other
9 settlement in response to or in anticipation of the filing of administrative
10 charges against the physician's license, is an action against a license to
11 practice medicine.

12 (14) The failure to respond, within a reasonable period of time and in a
13 reasonable manner as determined by the Board, to inquiries from the
14 Board concerning any matter affecting the license to practice medicine.

15 (15) The failure to complete 150 hours of continuing medical education
16 during any three calendar years. At least 60 of the hours required shall
17 consist of the physician attending formally organized educational
18 meetings, including conferences, symposia, and other similar learning
19 activities. The physician shall maintain written documentation of all
20 hours completed and such documentation may be inspected by the
21 Board to verify the physician's compliance with this subdivision.

22 For any of the foregoing reasons, the Board may deny the issuance of a license to an
23 applicant or revoke a license issued to ~~him~~, a physician, may suspend such a license for a
24 period of time, and may impose conditions upon the continued practice after such period
25 of suspension as the Board may deem advisable, may limit the accused physician's
26 practice of medicine with respect to the extent, nature or location of ~~his~~ the physician's
27 practice as the Board deems advisable. The Board may, in its discretion and upon such
28 terms and conditions and for such period of time as it may prescribe, restore a license so
29 revoked or rescinded, except that no license that has been revoked shall be restored for a
30 period of two years following the date of revocation."

31 Section 2. G.S. 90-15.1 reads as rewritten:

32 **"§ 90-15.1. (Effective January 1, 1998) Registration every year with Board.**

33 Every person licensed to practice medicine by the North Carolina Medical Board
34 ~~shall, prior to January 31 of each year, shall register with~~ annually with the Board within 30
35 days of the person's birthday. the Board.—A person who registers with the Board shall
36 report to the Board the person's name and office and residence address and any other
37 information required by the Board, and shall pay a registration fee fixed by the Board not
38 in excess of one hundred dollars (\$100.00). For purposes of annual registration, the Board
39 shall use a simplified registration form which allows registrants to confirm information
40 on file with the Board. A physician who fails to register ~~by January 31 as required by this~~
41 section shall pay an additional fee of twenty dollars (\$20.00) to the Board. The license of
42 any physician who fails to register and said ~~the~~ failure continues for a period of 30 days
43 after certified notice of said ~~the~~ failure, is automatically suspended. Upon payment of all

1 accumulated fees and penalties, the license of the physician may be reinstated, subject to
2 the Board requiring the physician to appear before the Board for an interview and to
3 comply with other licensing requirements."

4 Section 3. G.S. 90-16 reads as rewritten:

5 "**§ 90-16. Board to keep record; publication of names of licentiates; transcript as**
6 **evidence; receipt of evidence concerning treatment of patient who has not**
7 **consented to public disclosure.**

8 The North Carolina Medical Board shall keep a regular record of its proceedings in a
9 book kept for that purpose, together with the names of the members of the Board present,
10 the names of the applicants for license, and other information as to its actions. The North
11 Carolina Medical Board shall cause to be entered in a separate book the name of each
12 applicant to whom a license is issued to practice medicine or surgery, along with any
13 information pertinent to such issuance. The North Carolina Medical Board shall publish
14 the names of those licensed in three daily newspapers published in the State of North
15 Carolina, within 30 days after granting the same. A transcript of any such entry in the
16 record books, or certificate that there is not entered therein the name and proficiency or
17 date of granting such license of a person charged with the violation of the provisions of
18 this Article, certified under the hand of the secretary and the seals of the ~~Board of Medical~~
19 ~~Examiners of the State of North Carolina,~~ North Carolina Medical Board, shall be admitted
20 as evidence in any court of this State when it is otherwise competent.

21 The Board may in a closed session receive evidence involving or concerning the
22 treatment of a patient who has not expressly or impliedly consented to the public
23 disclosure of such treatment as may be necessary for the protection of the rights of such
24 patient or of the accused physician and the full presentation of relevant evidence. All
25 records, papers and other documents containing information collected and compiled by
26 the Board, or its members or employees as a result of investigations, inquiries or
27 interviews conducted in connection with a licensing or disciplinary matter shall not be
28 considered public records within the meaning of Chapter 132 of the General Statutes;
29 provided, however, that any notice or statement of charges against any licensee, or any
30 notice to any licensee of a hearing in any proceeding shall be a public record within the
31 meaning of Chapter 132 of the General Statutes, notwithstanding that it may contain
32 information collected and compiled as a result of any such investigation, inquiry or
33 interview; and provided, further, that if any such record, paper or other document
34 containing information theretofore collected and compiled by the Board, as hereinbefore
35 provided, is received and admitted in evidence in any hearing before the Board, it shall
36 thereupon be a public record within the meaning of Chapter 132 of the General Statutes.

37 In any proceeding before the Board, in any record of any hearing before the Board,
38 and in the notice of the charges against any licensee (notwithstanding any provision
39 herein to the contrary) the Board may withhold from public disclosure the identity of a
40 patient who has not expressly or impliedly consented to the public disclosure of treatment
41 by the accused physician."

42 Section 4. This act is effective when it becomes law.