

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 703
Committee Substitute Favorable 3/24/09**

Short Title: Disapprove NCMB Rule/Rept. Pub. Certain JAPS. (Public)

Sponsors:

Referred to:

March 23, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL
3 BOARD AND APPROVED BY THE RULES REVIEW COMMISSION AND TO
4 REQUIRE THE NORTH CAROLINA BOARD OF MEDICINE TO PUBLISH CERTAIN
5 JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Pursuant to G.S. 150B-21.3(b1), 21 NCAC 32X .0103 (Reporting of
8 Medical Judgments, Awards, Payments or Settlements) and 21 NCAC 32X .0105 (Publication
9 of Judgments, Awards, Payments or Settlements), as adopted by the North Carolina Medical
10 Board on July 16, 2008, and approved by the Rules Review Commission on August 21, 2008,
11 are disapproved.

12 **SECTION 2.** G.S. 90-5.2(a) reads as rewritten:

13 **"§ 90-5.2. Board to collect and publish certain data.**

14 (a) The Board shall require all physicians and physician assistants to report to the Board
15 certain information, including, but not limited to, the following:

- 16 (1) The names of any schools of medicine or osteopathy attended and the year
17 of graduation.
- 18 (2) Any graduate medical or osteopathic education at any institution approved
19 by the Accreditation Council of Graduate Medical Education, the Committee
20 for the Accreditation of Canadian Medical Schools, the American
21 Osteopathic Association, or the Royal College of Physicians and Surgeons
22 of Canada.
- 23 (3) Any specialty board of certification as approved by the American Board of
24 Medical Specialties, the Bureau of Osteopathic Specialists of American
25 Osteopathic Association, or the Royal College of Physicians and Surgeons
26 of Canada.
- 27 (4) Specialty area of practice.
- 28 (5) Hospital affiliations.
- 29 (6) Address and telephone number of the primary practice setting.
- 30 (7) An e-mail address or facsimile number which shall not be made available to
31 the public and shall be used for the purpose of expediting the dissemination
32 of information about a public health emergency.
- 33 (8) Any final disciplinary order or other action required to be reported to the
34 Board pursuant to G.S. 90-14.13 that results in a suspension or revocation of
35 privileges.
- 36 (9) Any final disciplinary order or action of any regulatory board or agency
37 including other state medical boards, the United States Food and Drug



Administration, the United States Drug Enforcement Administration, Medicare, or the North Carolina Medicaid program.

(10) Conviction of a felony.

(11) Conviction of certain misdemeanors, occurring within the last 10 years, in accordance with rules adopted by the Board.

(12) Any medical license, active or inactive, granted by another state or country.

(13) Certain malpractice information received pursuant to ~~G.S. 90-14.13~~G.S. 90-5.3, G.S. 90-14.13, or from other sources in accordance with rules adopted by the Board."

SECTION 3. Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-5.3. Reporting and publication of medical judgments, awards, payments, and settlements.

(a) All physicians and physician assistants licensed or applying for licensure by the Board shall report to the Board:

(1) All medical malpractice judgments or awards affecting or involving the physician or physician assistant.

(2) All settlements or payments in the amount of seventy-five thousand dollars (\$75,000) or more affecting or involving the physician or physician assistant occurring on or after May 1, 2008.

(b) The report shall contain the following information:

(1) The date of judgment, award, payment, or settlement.

(2) The specialty in which the physician or physician assistant was practicing at the time the incident occurred that resulted in the judgment, award, payment, or settlement.

(3) The city, state, and country in which the incident occurred that resulted in the judgment, award, payment, or settlement.

(4) The date the incident occurred that resulted in the judgment, award, payment, or settlement.

(c) The Board shall publish on the Board's Web site or other publication information collected under this section. The Board shall publish this information for seven years from the date of the judgment, award, payment, or settlement. The Board shall not release or publish individually identifiable numeric values of the reported judgment, award, payment, or settlement. The Board shall not release or publish the identity of the patient associated with the judgment, award, payment, or settlement. The Board shall allow the physician or physician assistant to publish a statement explaining the circumstances that led to the judgment, award, payment, or settlement, and whether the case is under appeal. The Board shall ensure these statements:

(1) Conform to the ethics of the medical profession.

(2) Not contain individually identifiable numeric values of the judgment, award, payment, or settlement.

(3) Not contain information that would disclose the patient's identity.

(d) The term "settlement" for the purpose of this section includes a lump-sum payment or the first payment of multiple payments, a payment made from personal funds, or a payment by a third party on behalf of the physician or physician assistant.

(e) Nothing in this section shall limit the Board from collecting information needed to administer this Article."

SECTION 4. This act is effective when it becomes law.