

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 703
Committee Substitute Favorable 3/24/09
Third Edition Engrossed 3/31/09**

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

(Public)

Sponsors:

Referred to:

March 23, 2009

A BILL TO BE ENTITLED

AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION AND TO REQUIRE THE NORTH CAROLINA BOARD OF MEDICINE TO PUBLISH CERTAIN JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS.

The General Assembly of North Carolina enacts:

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

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

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

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

- (1) The names of any schools of medicine or osteopathy attended and the year of graduation.
- (2) Any graduate medical or osteopathic education at any institution approved by the Accreditation Council of Graduate Medical Education, the Committee for the Accreditation of Canadian Medical Schools, the American Osteopathic Association, or the Royal College of Physicians and Surgeons of Canada.
- (3) Any specialty board of certification as approved by the American Board of Medical Specialties, the Bureau of Osteopathic Specialists of American Osteopathic Association, or the Royal College of Physicians and Surgeons of Canada.
- (4) Specialty area of practice.
- (5) Hospital affiliations.
- (6) Address and telephone number of the primary practice setting.
- (7) An e-mail address or facsimile number which shall not be made available to the public and shall be used for the purpose of expediting the dissemination of information about a public health emergency.
- (8) Any final disciplinary order or other action required to be reported to the Board pursuant to G.S. 90-14.13 that results in a suspension or revocation of privileges.



- 1 (9) Any final disciplinary order or action of any regulatory board or agency
2 including other state medical boards, the United States Food and Drug
3 Administration, the United States Drug Enforcement Administration,
4 Medicare, or the North Carolina Medicaid program.
5 (10) Conviction of a felony.
6 (11) Conviction of certain misdemeanors, occurring within the last 10 years, in
7 accordance with rules adopted by the Board.
8 (12) Any medical license, active or inactive, granted by another state or country.
9 (13) Certain malpractice information received pursuant to
10 ~~G.S. 90-14.13~~G.S. 90-5.3, G.S. 90-14.13, or from other sources in
11 accordance with rules adopted by the Board."

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

14 **"§ 90-5.3. Reporting and publication of medical judgments, awards, payments, and**
15 **settlements.**

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

- 18 (1) All medical malpractice judgments or awards affecting or involving the
19 physician or physician assistant.
20 (2) All settlements in the amount of seventy-five thousand dollars (\$75,000) or
21 more related to an incident of alleged medical malpractice affecting or
22 involving the physician or physician assistant where the settlement occurred
23 on or after May 1, 2008.
24 (3) All payments in the aggregate amount of seventy-five thousand dollars
25 (\$75,000) or more related to an incident of alleged medical malpractice
26 affecting or involving the physician or physician assistant not already
27 reported pursuant to subdivision (2) of this subsection where the full
28 payment or first payment of a series of payments occurred on or after May 1,
29 2008.

30 (b) The report required under subsection (a) of this section shall contain the following
31 information:

- 32 (1) The date of judgment, award, payment, or settlement.
33 (2) The specialty in which the physician or physician assistant was practicing at
34 the time the incident occurred that resulted in the judgment, award, payment,
35 or settlement.
36 (3) The city, state, and country in which the incident occurred that resulted in
37 the judgment, award, payment, or settlement.
38 (4) The date the incident occurred that resulted in the judgment, award,
39 payment, or settlement.

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

- 49 (1) Conform to the ethics of the medical profession.
50 (2) Not contain individually identifiable numeric values of the judgment, award,
51 payment, or settlement.

- 1 (3) Not contain information that would disclose the patient's identity.
2 (d) The term "settlement" for the purpose of this section includes a payment made from
3 personal funds, a payment by a third party on behalf of the physician or physician assistant, or a
4 payment from any other source of funds.
5 (e) Nothing in this section shall limit the Board from collecting information needed to
6 administer this Article."
7 **SECTION 4.** This act is effective when it becomes law.