

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 746
Committee Substitute Favorable 4/29/25
Committee Substitute #2 Favorable 5/6/25

Short Title: Limited Immunity/Nurses.

(Public)

Sponsors:

Referred to:

April 3, 2025

A BILL TO BE ENTITLED
AN ACT TO PROVIDE LIMITED IMMUNITY AGAINST MEDICAL MALPRACTICE FOR
REGISTERED NURSES ACTING UNDER THE SUPERVISION OF A HEALTH CARE
PROVIDER AS ARTICULATED IN BYRD V. MARION GENERAL HOSPITAL, 202
N.C. 337 (1932).

Whereas, Byrd v. Marion General Hospital, 202 N.C. 337 (1932) established case law
in North Carolina, enduring for 90 years, that prevented a registered nurse from being liable when
acting under the orders of a physician; and

Whereas, that case law was overturned in Connette ex rel. Gullatte v. Charlotte
Mecklenburg Hospital Authority, 2022-NCSC-95; and

Whereas, both the majority of the court and the dissent in that decision pointed out
that the authority to prevent this liability is a function of the North Carolina General Assembly,
but the General Assembly has been silent; and

Whereas, this General Assembly establishes the prevention from this liability with
the enactment of this general law; Now, therefore,
The General Assembly of North Carolina enacts:

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

"§ 90-21.14A. Registered nurses; limited immunity.

(a) For purposes of this section, the term "nurse" means any individual licensed under
Article 9A, Article 9G, or Article 10A of this Chapter.

(b) A nurse shall not be liable for damages in a malpractice action, provided the nurse
acted within the nurse's scope of practice and the nurse's actions were consistent with directions
provided by a supervising health care provider.

(c) Because a nurse holds an independent duty of care to a patient, a nurse shall not be
liable for damages in a malpractice action when the nurse, acting in good faith, raises a concern
regarding another health care provider's order that may be inconsistent with patient safety.

(d) This limited immunity from damages shall not apply if the nurse acts with gross
negligence, recklessness, or intentional misconduct."

SECTION 2. This act is effective October 1, 2025, and applies to acts or omissions
occurring on or after that date.

