

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 481
SENATE BILL 359

AN ACT TO TRANSFER AUTHORITY TO SET FEES FOR SCREENING TESTS
FOR ASBESTOSIS OR SILICOSIS TO THE SECRETARY OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-72 reads as rewritten:

"§ 97-72. Appointment of advisory medical committee; terms of office; duties and functions; salaries and expenses.

(a) There shall be an advisory medical committee consisting of three members, who shall be licensed physicians in good professional standing and peculiarly qualified in the diagnosis ~~and/or~~ or treatment of occupational diseases. They shall be appointed by the Industrial Commission with the approval of the Governor, and one of them shall be designated as chairman of the committee by the Industrial Commission. The members of committee shall be appointed to serve terms as follows: one for a term of two years, one for a term of four years, and one for a term of six years. Upon the expiration of each term as above mentioned the Industrial Commission shall appoint a successor for a term of six years; except that the terms of the members first appointed shall expire June 30, 1936. The function of the committee shall be to conduct examinations and make reports as required by G.S. ~~97-61-97-61.1 through 97-61.6 and 97-68 to through~~ 97-71, and to assist in any postmortem examinations provided for in G.S. 97-67 when so directed by the Industrial Commission. Members of the committee shall devote to the duties of the office so much of their time as may be required in the conducting of examinations with reasonable promptness, and they shall attend hearings as scheduled by the Industrial Commission when their attendance is desired for the purpose of examining and cross-examining them respecting any report or reports made by them.

(b) The members of the advisory medical committee shall be paid one hundred dollars (\$100.00) per month ~~and not to exceed three dollars (\$3.00) plus not more than ten dollars (\$10.00) per film examined.~~ The fee per film shall be ~~determined and approved~~ established by the Secretary of ~~Human Resources.~~ Environment, Health, and Natural Resources.

(c) Notwithstanding any other provision of this Article, the Industrial Commission, in its discretion, may designate a qualified physician who is not a member of the advisory medical committee to perform an examination of an employee who has filed a claim for benefits for asbestosis or silicosis. This physician shall file his reports

in the same manner a member of the advisory medical committee files reports; and these reports shall be deemed reports of the advisory medical committee."

Sec. 2. G.S. 97-73 reads as rewritten:

"§ 97-73. Expenses of making examinations.

(a) The Industrial Commission shall establish a schedule of reasonable charges to defray expenses incurred in making conducting examinations and making reports pursuant to G.S. 97-60, 97-61 G.S. 97-61.1 through 97-61.6 and 97-67, 97-67 through 97-71, such charges to be collected in accordance with rules and regulations which shall be adopted by the Industrial Commission. Said charges shall be collected from employers who by order of the Industrial Commission are determined to be subject to the hazards of asbestosis and/or silicosis.

(b) The Secretary of Environment, Health, and Natural Resources shall establish a schedule of reasonable charges for examinations conducted by the Department of Environment, Health, and Natural Resources pursuant to G.S. 97-60. Such charges shall be collected in accordance with rules adopted by the Secretary of Environment, Health, and Natural Resources and shall be used, subject to appropriation by the General Assembly, to defray the costs of conducting the examinations.

(c) Charges imposed pursuant to this section shall be collected from employers who by order of the Industrial Commission are determined to be subject to the hazards of asbestosis or silicosis."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 2nd day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives