

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1153
Committee Substitute Favorable 7/7/99

Short Title: Retired Physician License.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO ISSUE
2 LIMITED VOLUNTEER LICENSES TO RETIRED PHYSICIANS WHO
3 PROVIDE MEDICAL SERVICES TO INDIGENT PATIENTS WITHOUT
4 COMPENSATION AND TO LIMIT THE LIABILITY OF SUCH RETIRED
5 PHYSICIANS.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 90-12 is amended by adding the following new subsection to
9 read as follows:

10 **"§ 90-12. Limited license; limited volunteer license.**

11 (a) The Board may, whenever in its opinion the conditions of the locality where
12 the applicant resides are such as to render it advisable, make any modifications of the
13 requirements of G.S. 90-9, 90-10, and 90-11 as in its judgment the interests of the people
14 living in that locality may demand, and may issue to the applicant a special license, to be
15 entitled a "Limited License,"authorizing the holder of the limited license to practice
16 medicine and surgery within the limits only of the districts specifically described therein.
17 A resident's training license shall expire at the time its holder ceases to be a resident in
18 the training program or obtains any other license to practice medicine issued by the
19 Board. The holder of the limited license practicing medicine or surgery beyond the

1 boundaries of the districts as laid down in said license shall be guilty of a Class 3
2 misdemeanor, and upon conviction shall only be fined not less than twenty-five dollars
3 (\$25.00) nor more than fifty dollars (\$50.00) for each and every offense; and the Board
4 may revoke the limited license, in its discretion, after due notice.

5 (b) As used in subsection (a) of this section:

6 (1) "Limited license" includes a resident's training license.

7 (2) "Resident training license" means a license to practice in a medical
8 education and training program, approved by the Board, for the purpose
9 of education or training.

10 (c) The Board shall issue to an applicant a special license to be entitled a "Limited
11 Volunteer License," authorizing the holder of the limited license to practice medicine and
12 surgery only at clinics which specialize in the treatment of indigent patients. The holder
13 of a limited license issued pursuant to this subsection may not receive compensation for
14 services rendered at clinics specializing in the care of indigent patients. The Board shall
15 issue a limited license under this subsection to an applicant who:

16 (1) Has a license to practice medicine and surgery in another state;

17 (2) Produces a letter from the state of licensure indicating the applicant is in
18 good standing; and

19 (3) Is authorized to treat personnel enlisted in the United States armed
20 services or veterans.

21 The Board shall issue a limited license under this subsection within 30 days after an
22 applicant provides the Board with information satisfying the requirements of this
23 subsection.

24 The holder of a limited license issued pursuant to this subsection who practices
25 medicine or surgery at places other than clinics which specialize in the treatment of
26 indigent patients shall be guilty of a Class 3 misdemeanor and, upon conviction, shall
27 only be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars
28 (\$50.00) for each and every offense; and the Board may revoke the limited license, in its
29 discretion, after due notice.

30 (d) The Board may issue a "Limited Volunteer License" as authorized in subsection
31 (c) of this section to an applicant who is a retired physician and has allowed his or her
32 license to practice medicine and surgery in this State or another state to become inactive.
33 Physicians holding a "Limited Volunteer License" under this subsection shall comply
34 with the continuing medical education requirements adopted by the Board."

35 Section 2. G.S. 90-15 reads as rewritten:

36 **"§ 90-15. License fee; salaries, fees, and expenses of Board.**

37 Each applicant for a license by examination shall pay to the North Carolina Medical
38 Board a fee which shall be prescribed by the Board in an amount not exceeding the sum
39 of four hundred dollars (\$400.00) plus the cost of test materials before being admitted to
40 the examination. Whenever a license is granted without examination, as authorized in
41 G.S. 90-13, the applicant shall pay to the Board a fee in an amount to be prescribed by
42 the Board not in excess of two hundred fifty dollars (\$250.00). Whenever a limited
43 license is granted as provided in G.S. 90-12, the applicant shall pay to the Board a fee not

1 to exceed one hundred fifty dollars (\$150.00), except where a limited license to practice
2 in a medical education and training program approved by the Board for the purpose of
3 education or training is granted, the applicant shall pay a fee of twenty-five dollars
4 ~~(\$25.00).~~ (\$25.00), and where a limited license to practice medicine and surgery only at
5 clinics that specialize in the treatment of indigent patients is granted, the applicant shall
6 not pay a fee. A fee of twenty-five dollars (\$25.00) shall be paid for the issuance of a
7 duplicate license. All fees shall be paid in advance to the North Carolina Medical Board,
8 to be held in a fund for the use of the Board. The compensation and expenses of the
9 members and officers of the Board and all expenses proper and necessary in the opinion
10 of the Board to the discharge of its duties under and to enforce the laws regulating the
11 practice of medicine or surgery shall be paid out of the fund, upon the warrant of the
12 Board. The per diem compensation of Board members shall not exceed two hundred
13 dollars (\$200.00) per day per member for time spent in the performance and discharge of
14 duties as a member. Any unexpended sum or sums of money remaining in the treasury of
15 the Board at the expiration of the terms of office of the members of the Board shall be
16 paid over to their successors in office.

17 For the initial and annual registration of an assistant to a physician, the Board may
18 require the payment of a fee not to exceed a reasonable amount."

19 Section 3. G.S. 90-15.1 reads as rewritten:

20 "**§ 90-15.1. Registration every year with Board.**

21 Every person licensed to practice medicine by the North Carolina Medical Board shall
22 register annually with the Board within 30 days of the person's birthday. A person who
23 registers with the Board shall report to the Board the person's name and office and
24 residence address and any other information required by the Board, and shall pay a
25 registration fee fixed by the Board not in excess of one hundred dollars (\$100.00). A
26 physician who is not actively engaged in the practice of medicine in North Carolina and
27 who does not wish to register the license may direct the Board to place the license on
28 inactive status. For purposes of annual registration, the Board shall use a simplified
29 registration form which allows registrants to confirm information on file with the Board.
30 A physician who fails to register as required by this section shall pay an additional fee of
31 twenty dollars (\$20.00) to the Board. The license of any physician who fails to register
32 and who remains unregistered for a period of 30 days after certified notice of the failure
33 is automatically inactive. ~~A-Except as provided in G.S. 90-12(d), a person whose license~~
34 ~~is inactive shall not practice medicine in North Carolina nor be required to pay the annual~~
35 ~~registration fee. Upon payment of all accumulated fees and penalties, the license of the~~
36 ~~physician may be reinstated, subject to the Board requiring the physician to appear before~~
37 ~~the Board for an interview and to comply with other licensing requirements. The penalty~~
38 ~~may not exceed the maximum fee for a license under G.S. 90-13."~~

39 Section 4. G.S. 90-21.14(a1) reads as rewritten:

40 "(a1) (1) Any volunteer medical or health care provider at a facility of
41 a local health department or at a nonprofit community health ~~center;~~
42 center.

- 1 (2) Any volunteer medical or health care provider rendering services to a
2 patient referred by a local health department as defined in G.S. 130A-
3 2(5) or nonprofit community health center at the provider's place of
4 ~~employment; or employment.~~
- 5 (3) Any volunteer medical or health care provider serving as medical
6 director of an emergency medical services (EMS) ~~agency; agency.~~
- 7 (4) Any retired physician holding a "Limited Volunteer License" under G.S.
8 90-12(d),
9 who receives no compensation for medical services or other related services rendered at
10 the facility, center, ~~or agency or, agency, or clinic, or~~ who neither charges nor receives a
11 fee for medical services rendered to the patient referred by a local health department or
12 nonprofit community health center at the provider's place of employment shall not be
13 liable for damages for injuries or death alleged to have occurred by reason of an act or
14 omission in the rendering of the services unless it is established that the injuries or death
15 were caused by gross negligence, wanton conduct, or intentional wrongdoing on the part
16 of the person rendering the services. The local health department facility, nonprofit
17 community health center, or agency shall use due care in the selection of volunteer
18 medical or health care providers, and this subsection shall not excuse the health
19 department facility, community health center, or agency for the failure of the volunteer
20 medical or health care provider to use ordinary care in the provision of medical services
21 to its patients."
- 22 Section 5. This act is effective when it becomes law.