

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1301  
Committee Substitute Favorable 5/17/05  
Senate Health Care Committee Substitute Adopted 6/29/06

Short Title: PT Bd. Lic/Strngth Bd. Med/Patient Safe Org. (Public)

Sponsors:

Referred to:

April 20, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO REQUIRE LICENSEES TO DEMONSTRATE CONTINUING COMPETENCE IN THE PRACTICE OF PHYSICAL THERAPY, AND STRENGTHENING THE AUTHORITY OF THE NORTH CAROLINA MEDICAL BOARD TO DISCIPLINE PHYSICIANS AND CERTAIN OTHERS, AND DESIGNATING INFORMATION RELEASED TO PATIENT SAFETY ORGANIZATIONS AS CONFIDENTIAL, AND ALLOWING CERTAIN GROUPS TO PRACTICE AS PROFESSIONAL CORPORATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-270.26 is amended by adding the following new subdivision to read:

**"§ 90-270.26. Powers of the Board.**

The Board shall have the following general powers and duties:

...

(3a) Establish mechanisms for assessing the continuing competence of licensed physical therapists or physical therapist assistants to engage in the practice of physical therapy, including approving rules requiring licensees to periodically, or in response to complaints or incident reports, submit to the Board: (i) evidence of continuing education experiences; (ii) evidence of minimum standard accomplishments; or (iii) evidence of compliance with other Board-approved measures, audits, or evaluations; and specify remedial actions if necessary or desirable to obtain license renewal or reinstatement;

...."

**SECTION 2.** G.S. 90-270.32 reads as rewritten:

**"§ 90-270.32. Renewal of license; lapse; revival.**

1 (a) Every licensed physical therapist or physical therapist assistant shall, during  
2 the month of January of every year, apply to the Board for a renewal of licensure and  
3 pay to the secretary-treasurer the prescribed fee. Licenses that are not so renewed shall  
4 automatically lapse. The Board may decline to renew licenses of physical therapists or  
5 physical therapist assistants for failure to comply with any required continuing  
6 competency measures.

7 (b) The manner in which lapsed licenses shall be ~~revived~~ revived, reinstated, or  
8 extended shall be established by the Board in its discretion."

9 **SECTION 3.1.** G.S. 55B-14(c) is amended by adding the following new  
10 subdivision to read:

11 "(9) A physician practicing orthopedics and a podiatrist who is licensed  
12 under Article 12A of Chapter 90 of the General Statutes to render  
13 either or both of orthopedic services and podiatric and related services  
14 that the respective stockholders are licensed, certified, or otherwise  
15 approved to provide."

16 **SECTION 3.2.** G.S. 131E-95(c) reads as rewritten:

17 "(c) Information that is confidential and is not subject to discovery or use in civil  
18 actions under this section may be released to a professional standards review  
19 organization that performs any accreditation or certification including the Joint  
20 Commission on Accreditation of Healthcare ~~Organizations.~~ Organizations, or to a  
21 patient safety organization or its designated contractors. Information released under this  
22 subsection shall be limited to that which is reasonably necessary and relevant to the  
23 standards review organization's determination to grant or continue accreditation or  
24 ~~certification.~~ certification, or the patient safety organization's or its contractors' analysis  
25 of patient safety and health care quality. Information released under this subsection  
26 retains its confidentiality and is not subject to discovery or use in any civil actions as  
27 provided under this section, and the standards review or patient safety organization shall  
28 keep the information confidential subject to this ~~section.~~ section, except as necessary to  
29 carry out the organization's patient safety, accreditation, or certification activities. For  
30 the purposes of this section, 'patient safety organization' means an entity that collects  
31 and analyzes patient safety or health care quality data of providers for the purpose of  
32 improving patient safety and the quality of health care delivery and includes, but is not  
33 limited to, an entity formed pursuant to Public Law No. 109-41."

34 **SECTION 4.** G.S. 90-14 reads as rewritten:

35 "**§ 90-14. Revocation, suspension, annulment or denial of license.**

36 (a) The Board shall have the power to place on probation with or without  
37 conditions, impose limitations and conditions on, publicly reprimand, assess monetary  
38 redress, issue public letters of concern, mandate free medical services, require  
39 satisfactory completion of treatment programs or remedial or educational training, fine,  
40 deny, annul, suspend, or revoke a license or other authority to practice medicine in this  
41 State, issued by the Board to any person who has been found by the Board to have  
42 committed any of the following acts or conduct, or for any of the following reasons:

43 (1) Immoral or dishonorable conduct.

44 (2) Producing or attempting to produce an abortion contrary to law.

- 1 (3) Made false statements or representations to the Board, or who has  
2 willfully concealed from the Board material information in connection  
3 with an application for a license.
- 4 (4) Repealed by Session Laws 1977, c. 838, s. 3.
- 5 (5) Being unable to practice medicine with reasonable skill and safety to  
6 patients by reason of illness, drunkenness, excessive use of alcohol,  
7 drugs, chemicals, or any other type of material or by reason of any  
8 physical or mental abnormality. The Board is empowered and  
9 authorized to require a physician licensed by it to submit to a mental or  
10 physical examination by physicians designated by the Board before or  
11 after charges may be presented against the physician, and the results of  
12 the examination shall be admissible in evidence in a hearing before the  
13 Board.
- 14 (6) Unprofessional conduct, including, but not limited to, departure from,  
15 or the failure to conform to, the standards of acceptable and prevailing  
16 medical practice, or the ethics of the medical profession, irrespective  
17 of whether or not a patient is injured thereby, or the committing of any  
18 act contrary to honesty, justice, or good morals, whether the same is  
19 committed in the course of the physician's practice or otherwise, and  
20 whether committed within or without North Carolina. The Board shall  
21 not revoke the license of or deny a license to a person solely because  
22 of that person's practice of a therapy that is experimental,  
23 nontraditional, or that departs from acceptable and prevailing medical  
24 practices unless, by competent evidence, the Board can establish that  
25 the treatment has a safety risk greater than the prevailing treatment or  
26 that the treatment is generally not effective.
- 27 (7) Conviction in any court of a crime involving moral turpitude, or the  
28 violation of a law involving the practice of medicine, or a conviction  
29 of a felony; provided that a felony conviction shall be treated as  
30 provided in subsection (c) of this section.
- 31 (8) By false representations has obtained or attempted to obtain practice,  
32 money or anything of value.
- 33 (9) Has advertised or publicly professed to treat human ailments under a  
34 system or school of treatment or practice other than that for which the  
35 physician has been educated.
- 36 (10) Adjudication of mental incompetency, which shall automatically  
37 suspend a license unless the Board orders otherwise.
- 38 (11) Lack of professional competence to practice medicine with a  
39 reasonable degree of skill and safety for patients. In this connection the  
40 Board may consider repeated acts of a physician indicating the  
41 physician's failure to properly treat a patient. The Board may, upon  
42 reasonable grounds, require a physician to submit to inquiries or  
43 examinations, written or oral, ~~by members of the Board or by other~~  
44 ~~physicians licensed to practice medicine in this State,~~ as the Board

1 deems necessary to determine the professional qualifications of such  
2 licensee. In order to annul, suspend, deny, or revoke a license of an  
3 accused person, the Board shall find by the greater weight of the  
4 evidence that the care provided was not in accordance with the  
5 standards of practice for the procedures or treatments administered.

6 (11a) Not actively practiced medicine or practiced as a physician assistant,  
7 or having not maintained continued competency, as determined by the  
8 Board, for the two-year period immediately preceding the filing of an  
9 application for an initial license from the Board or a request, petition,  
10 motion, or application to reactivate an inactive, suspended, or revoked  
11 license previously issued by the Board. The Board is authorized to  
12 adopt any rules or regulations it deems necessary to carry out the  
13 provisions of this subdivision.

14 (12) Promotion of the sale of drugs, devices, appliances or goods for a  
15 patient, or providing services to a patient, in such a manner as to  
16 exploit the patient, and upon a finding of the exploitation, the Board  
17 may order restitution be made to the payer of the bill, whether the  
18 patient or the insurer, by the physician; provided that a determination  
19 of the amount of restitution shall be based on credible testimony in the  
20 record.

21 (13) Having a license to practice medicine or the authority to practice  
22 medicine revoked, suspended, restricted, or acted against or having a  
23 license to practice medicine denied by the licensing authority of any  
24 jurisdiction. For purposes of this subdivision, the licensing authority's  
25 acceptance of a license to practice medicine voluntarily relinquished  
26 by a physician or relinquished by stipulation, consent order, or other  
27 settlement in response to or in anticipation of the filing of  
28 administrative charges against the physician's license, is an action  
29 against a license to practice medicine.

30 (14) The failure to respond, within a reasonable period of time and in a  
31 reasonable manner as determined by the Board, to inquiries from the  
32 Board concerning any matter affecting the license to practice  
33 medicine.

34 (15) The failure to complete an amount not to exceed 150 hours of  
35 continuing medical education during any three consecutive calendar  
36 years pursuant to rules adopted by the Board.

37 ~~For any of the foregoing reasons, the Board may deny the issuance of a license to an~~  
38 ~~applicant or revoke a license issued to a physician, may suspend such a license for a~~  
39 ~~period of time, and may impose conditions upon the continued practice after such period~~  
40 ~~of suspension as the Board may deem advisable, may limit the accused physician's~~  
41 ~~practice of medicine with respect to the extent, nature or location of the physician's~~  
42 ~~practice as the Board deems advisable. The Board may, in its discretion and upon such~~  
43 terms and conditions and for such period of time as it may prescribe, restore a license so

1 revoked or ~~rescinded~~, otherwise acted upon, except that no license that has been revoked  
2 shall be restored for a period of two years following the date of revocation.

3 (b) The Board shall refer to the ~~State Medical Society Physician Health and~~  
4 ~~Effectiveness Committee North Carolina Physicians Health Program~~ all physicians and  
5 physician assistants whose health and effectiveness have been significantly impaired by  
6 alcohol, drug addiction or mental illness. Sexual misconduct shall not constitute mental  
7 illness for purposes of this subsection.

8 (c) A felony conviction shall result in the automatic revocation of a license  
9 issued by the Board, unless the Board orders otherwise or receives a request for a  
10 hearing from the person within 60 days of receiving notice from the Board, after the  
11 conviction, of the provisions of this subsection. If the Board receives a timely request  
12 for a hearing in such a case, the provisions of G.S. 90-14.2 shall be followed.

13 (d) ~~The Board and its members and staff may release confidential or nonpublic~~  
14 ~~information to any health care licensure board in this State or another state about the~~  
15 ~~issuance, denial, annulment, suspension, or revocation of a license, or the voluntary~~  
16 ~~surrender of a license by a Board licensed physician, including the reasons for the~~  
17 ~~action, or an investigative report made by the Board. The Board shall notify the~~  
18 ~~physician within 60 days after the information is transmitted. A summary of the~~  
19 ~~information that is being transmitted shall be furnished to the physician. If the physician~~  
20 ~~requests, in writing, within 30 days after being notified that such information has been~~  
21 ~~transmitted, he shall be furnished a copy of all information so transmitted. The notice or~~  
22 ~~copies of the information shall not be provided if the information relates to an ongoing~~  
23 ~~criminal investigation by any law enforcement agency, or authorized Department of~~  
24 ~~Health and Human Services personnel with enforcement or investigative~~  
25 ~~responsibilities.~~

26 (e) The Board and its members and staff shall not be held liable in any civil or  
27 criminal proceeding for exercising, in good faith, the powers and duties authorized by  
28 law.

29 (f) A person, partnership, firm, corporation, association, authority, or other entity  
30 acting in good faith without fraud or malice shall be immune from civil liability for (i)  
31 reporting or reporting, investigating, or providing an expert medical opinion to the  
32 Board regarding the acts or omissions of a licensee or applicant that violate the  
33 provisions of subsection (a) of this section or any other provision of law relating to the  
34 fitness of a licensee or applicant to practice medicine and (ii) initiating or conducting  
35 proceedings against a licensee or applicant if a complaint is made or action is taken in  
36 good faith without fraud or malice. A person shall not be held liable in any civil  
37 proceeding for testifying before the Board in good faith and without fraud or malice in  
38 any proceeding involving a violation of subsection (a) of this section or any other law  
39 relating to the fitness of an applicant or licensee to practice medicine, or for making a  
40 recommendation to the Board in the nature of peer review, in good faith and without  
41 fraud and malice.

42 (g) Prior to taking action against any licensee who practices integrative medicine  
43 for providing care not in accordance with the standards of practice for the procedures or

1 treatments administered, the Board shall consult with a licensee who practices  
2 integrative medicine."

3 **SECTION 5.** G.S. 90-14.5 reads as rewritten:

4 "**§ 90-14.5. Use of ~~trial examiner or~~ hearing committee and depositions.**

5 ~~Where the licensee requests that the hearing herein provided for be held by the~~  
6 ~~Board in a county other than the county designated for the holding of the meeting of the~~  
7 ~~Board at which the matter is to be heard, the Board may designate in writing one or~~  
8 ~~more of its members to conduct the hearing as a trial examiner or trial committee, to~~  
9 ~~take evidence and report a written transcript thereof to the Board at a meeting where a~~  
10 ~~majority of the members are present and participating in the decision. Evidence and~~  
11 ~~testimony may also be presented at such hearings and to the Board in the form of~~  
12 ~~depositions taken before any person designated in writing by the Board for such purpose~~  
13 ~~or before any person authorized to administer oaths, in accordance with the procedure~~  
14 ~~for the taking of depositions in civil actions in the superior court.~~

15 (a) The Board, in its discretion, may designate in writing three or more of its  
16 members to conduct hearings as a hearing committee to take evidence.

17 (b) Evidence and testimony may be presented at hearings before the Board or a  
18 hearing committee in the form of depositions before any person authorized to administer  
19 oaths in accordance with the procedure for the taking of depositions in civil actions in  
20 the superior court.

21 (c) The hearing committee shall submit a recommended decision that contains  
22 findings of fact and conclusions of law to the Board. Before the Board makes a final  
23 decision, it shall give each party an opportunity to file written exceptions to the  
24 recommended decision made by the hearing committee and to present oral arguments to  
25 the Board. A quorum of the Board will issue a final decision."

26 **SECTION 6.** G.S. 90-14.13 reads as rewritten:

27 "**§ 90-14.13. Reports of disciplinary action by health care institutions; reports of**  
28 **professional liability insurance awards or settlements; immunity from**  
29 **liability.**

30 (a) The chief administrative officer of every licensed hospital or other health care  
31 institution, including Health Maintenance Organizations, as defined in G.S. 58-67-5,  
32 preferred providers, as defined in G.S. 58-50-56, and all other provider organizations  
33 that issue credentials to physicians who practice medicine in the State, shall, after  
34 consultation with the chief of staff of that institution, report to the Board ~~any revocation,~~  
35 ~~suspension, or limitation of~~ the following actions involving a physician's privileges to  
36 practice in that ~~institution.~~ institution within 30 days of the date that the action takes  
37 effect:

38 (1) A summary revocation, summary suspension, or summary limitation  
39 of privileges, regardless of whether the action has been finally  
40 determined.

41 (2) A revocation, suspension, or limitation of privileges that has been  
42 finally determined by the governing body of the institution.

43 (3) A resignation from practice or voluntary reduction of privileges.

1           (4) Any action reportable pursuant to Title IV of P.L. 99-660, the Health  
2           Care Quality Improvement Act of 1986, as amended, not otherwise  
3           reportable under subdivisions (1), (2), or (3) of this subsection.

4           (a1) A hospital is not required to ~~report the report:~~

5           (1) The suspension or limitation of a physician's privileges for failure to  
6           timely complete medical records unless the suspension or limitation is  
7           the third within the calendar year for failure to timely complete  
8           medical records. Upon reporting the third suspension or limitation, the  
9           hospital shall also report the previous two suspensions.~~suspensions or~~  
10           limitations. The institution shall also report to the Board resignations  
11           from practice in that institution by persons licensed under this Article.

12           (2) A resignation from practice due solely to the physician's completion of  
13           a medical residency, internship, or fellowship.

14           (a2) The Board shall report all violations of ~~this subsection (a) of this section~~  
15           known to it to the licensing agency for the institution involved. The licensing agency for  
16           the institution involved is authorized to order the payment of a civil penalty of two  
17           hundred fifty dollars (\$250.00) for a first violation and five hundred dollars (\$500.00)  
18           for each subsequent violation if the institution fails to report as required under  
19           subsection (a) of this section.

20           (b) Any licensed physician who does not possess professional liability insurance  
21           shall report to the Board any award of damages or any settlement of any malpractice  
22           complaint affecting his or her practice within 30 days of the award or settlement.

23           (c) The chief administrative officer of each insurance company providing  
24           professional liability insurance for physicians who practice medicine in North Carolina,  
25           the administrative officer of the Liability Insurance Trust Fund Council created by  
26           G.S. 116-220, and the administrative officer of any trust fund or other fund operated or  
27           administered by a hospital authority, group, or provider shall report to the Board within  
28           30 days:~~days any of the following:~~

29           (1) Any award of damages or settlement of any claim or lawsuit affecting  
30           or involving the physician a person licensed under this Article that it  
31           insures, or insures.

32           (2) Any cancellation or nonrenewal of its professional liability coverage of  
33           a physician, if the cancellation or nonrenewal was for cause.

34           (3) A malpractice payment that is reportable pursuant to Title IV of P.L.  
35           99-660, the Health Care Quality Improvement Act of 1986, as  
36           amended, not otherwise reportable under subdivision (1) or (2) of this  
37           subsection.

38           ~~(d) The Board may request details about any action and the officers shall~~  
39           ~~promptly furnish the requested information. The reports required by this section are~~  
40           ~~privileged and shall not be open to the public.~~ The Board shall report all violations of  
41           this ~~paragraph~~ section to the Commissioner of Insurance. The Commissioner of  
42           Insurance is authorized to order the payment of a civil penalty of two hundred fifty  
43           dollars (\$250.00) for a first violation and five hundred dollars (\$500.00) for each

1 subsequent violation against an insurer for failure to report as required under this  
2 section.

3 (e) The Board may request details about any action covered by this section, and  
4 the licensees or officers shall promptly furnish the requested information. The reports  
5 required by this section are privileged, not open to the public, confidential and are not  
6 subject to discovery, subpoena, or other means of legal compulsion for release to  
7 anyone other than the Board or its employees or agents involved in application for  
8 license or discipline, except as provided in G.S. 90-16. Any person/officer making a  
9 report required by this section, providing additional information required by the Board,  
10 or testifying in any proceeding as a result of the report or required information shall be  
11 immune from any criminal prosecution or civil liability resulting therefrom unless such  
12 person knew the report was false or acted in reckless disregard of whether the report  
13 was false."

14 SECTION 7. G.S. 90-16 reads as rewritten:

15 "**§ 90-16. Self-reporting requirements; confidentiality of Board investigative**  
16 **information; cooperation with law enforcement; patient protection;**  
17 **Board to keep public records. ~~record; publication of names of licentiates;~~**  
18 **~~transcript as evidence; receipt of evidence concerning treatment of~~**  
19 **~~patient who has not consented to public disclosure.~~**

20 (a) The North Carolina Medical Board shall keep a regular record of its  
21 proceedings in a book kept for that purpose, together with the names of the members of  
22 the Board present, the names of the applicants for license, and other information as to its  
23 actions. The North Carolina Medical Board shall cause to be entered in a separate book  
24 the name of each applicant to whom a license is issued to practice medicine or surgery,  
25 along with any information pertinent to such issuance. The North Carolina Medical  
26 Board shall publish the names of those licensed in three daily newspapers published in  
27 the State of North Carolina, within 30 days after granting the same. A transcript of any  
28 such entry in the record books, or certificate that there is not entered therein the name  
29 and proficiency or date of granting such license of a person charged with the violation  
30 of the provisions of this Article, certified under the hand of the secretary and the seals of  
31 the North Carolina Medical Board, shall be admitted as evidence in any court of this  
32 State when it is otherwise competent.

33 (b) The Board may in a closed session receive evidence involving or concerning  
34 the treatment of a patient who has not expressly or impliedly consented to the public  
35 disclosure of such treatment as may be necessary for the protection of the rights of such  
36 patient or of the accused physician and the full presentation of relevant evidence.

37 (c) All records, papers, investigative files, investigative reports, other  
38 investigative information and other documents containing information in the possession  
39 of or received or gathered~~collected and compiled~~ by the Board, or its members or  
40 employees as a result of investigations, inquiries or interviews conducted in connection  
41 with a licensing, ~~or complaint or, disciplinary matter~~matter, or report of professional  
42 liability insurance awards or settlements pursuant to G.S. 90-14.13, shall not be  
43 considered public records within the meaning of Chapter 132 of the General Statutes;  
44 ~~provided, however, that any~~ Statutes and are privileged, confidential, and not subject to



1 discovery, subpoena, or other means of legal compulsion for release to any person other  
2 than the Board, its employees or agents involved in the application for license or  
3 discipline of a license holder, except as provided in subsection (d) of this section. For  
4 purposes of this subsection, investigative information includes information relating to  
5 the identity of, and a report made by, a physician or other person performing an expert  
6 review for the Board.

7 (d) The Board shall provide the licensee or applicant with access to all  
8 information in its possession that the Board intends to offer into evidence in presenting  
9 its case in chief at the contested hearing on the matter, subject to any privilege or  
10 restriction set forth by rule, statute, or legal precedent, upon written request from a  
11 licensee or applicant who is the subject of a complaint or investigation, or from the  
12 licensee's or applicant's counsel, unless good cause is shown for delay. The Board is not  
13 required to provide any of the following:

14 (1) A Board investigative report.

15 (2) The identity of a non-testifying complainant.

16 (3) Attorney-client communications, attorney work product, or other  
17 materials covered by a privilege recognized by the Rules of Civil  
18 Procedure or the Rules of Evidence.

19 (e) Information furnished to a licensee or applicant, or counsel for a licensee or  
20 applicant, under subsection (d) of this section shall be subject to discovery or subpoena  
21 between and among the parties in a civil case in which the licensee is a party.

22 (f) Any notice or statement of charges against any licensee, or any notice to any  
23 licensee of a hearing in any proceeding shall be a public record within the meaning of  
24 Chapter 132 of the General Statutes, notwithstanding that it may contain information  
25 collected and compiled as a result of any such investigation, inquiry or interview; and  
26 provided, further, that if any such record, paper or other document containing  
27 information theretofore collected and compiled by the Board, as hereinbefore provided,  
28 is received and admitted in evidence in any hearing before the Board, it shall thereupon  
29 be a public record within the meaning of Chapter 132 of the General Statutes.

30 (g) In any proceeding before the Board, in any record of any hearing before the  
31 Board, and in the notice of the charges against any licensee (notwithstanding any  
32 provision herein to the contrary) the Board may withhold from public disclosure the  
33 identity of a patient who has not expressly or impliedly consented to the public  
34 disclosure of treatment by the accused physician.

35 (h) If investigative information in the possession of the Board, its employees, or  
36 agents indicates that a crime may have been committed, the Board shall report the  
37 information to the appropriate law enforcement agency.

38 (i) The Board shall cooperate with and assist a law enforcement agency  
39 conducting a criminal investigation of a licensee by providing information that is  
40 relevant to the criminal investigation to the investigating agency. Information disclosed  
41 by the Board to an investigative agency remains confidential and may not be disclosed  
42 by the investigating agency except as necessary to further the investigation.

43 (j) All persons licensed under this Article shall self-report to the Board within 30  
44 days of arrest or indictment any of the following:

- 1 (1) Any felony arrest or indictment.
- 2 (2) Any arrest for driving while impaired or driving under the influence.
- 3 (3) Any arrest or indictment for the possession, use, or sale of any
- 4 controlled substance.

5 (k) The Board, its members and staff, may release confidential or nonpublic  
6 information to any health care licensure board in this State or another state about the  
7 issuance, denial, annulment, suspension, or revocation of a license, or the voluntary  
8 surrender of a license by a licensee of the Board, including the reasons for the action, or  
9 an investigative report made by the Board. The Board shall notify the licensee within 60  
10 days after the information is transmitted. A summary of the information that is being  
11 transmitted shall be furnished to the licensee. If the licensee requests in writing within  
12 30 days after being notified that the information has been transmitted, the licensee shall  
13 be furnished a copy of all information so transmitted. The notice or copies of the  
14 information shall not be provided if the information relates to an ongoing criminal  
15 investigation by any law enforcement agency or authorized Department of Health and  
16 Human Services personnel with enforcement or investigative responsibilities."

17 **SECTION 8.** G.S. 90-21.22(d) reads as rewritten:

18 "(d) Upon investigation and review of a physician licensed by the Board, or a  
19 physician assistant approved by the Board, or upon receipt of a complaint or other  
20 information, a society which enters a peer review agreement with the Board, or the  
21 Academy if it has a peer review agreement with the Board, as appropriate, shall report  
22 immediately to the Board detailed information about any physician or physician  
23 assistant licensed or approved by the Board if:

- 24 (1) The physician or physician assistant constitutes an imminent danger to  
25 the public or to himself by reason of impairment, mental illness,  
26 physical illness, the commission of professional sexual boundary  
27 violations, or any other reason;
- 28 (2) The physician or physician assistant refuses to cooperate with the  
29 program, refuses to submit to treatment, or is still impaired after  
30 treatment and exhibits professional incompetence; or
- 31 (3) It reasonably appears that there are other grounds for disciplinary  
32 action."

33 **SECTION 9.** G.S. 131E-87 reads as rewritten:

34 **"§ 131E-87. Reports of disciplinary action; immunity from liability.**

35 The chief administrative officer of each licensed hospital in the State shall report to  
36 the appropriate occupational licensing board the details, as prescribed by the board, of  
37 any revocation, suspension, ~~or limitation~~ limitation, or voluntary reduction of privileges  
38 of a health care provider to practice in that hospital. Each hospital shall also report to  
39 the board its medical staff resignations. Reports concerning physician privileges and  
40 resignations shall be made in accordance with G.S. 90-14.13. Any person making a  
41 report required by this section shall be immune from any resulting criminal prosecution  
42 or civil liability unless the person knew the report was false or acted in reckless  
43 disregard of whether the report was false."

1           **SECTION 10.(a)** The subcommittee of the North Carolina Medical Board  
2 and the subcommittee of the Board of Nursing, directed to work jointly to develop rules  
3 to govern the performance of medical acts by registered nurses pursuant to G.S. 90-6(b),  
4 shall examine adding the provisions of G.S. 90-14(a) to their joint rules that set forth  
5 grounds for action against a registered nurse's approval to perform medical acts.

6           **SECTION 10.(b)** The subcommittee of the North Carolina Medical Board  
7 and the subcommittee of the North Carolina Board of Pharmacy, directed to work  
8 jointly to develop rules to govern the performance of medical acts by clinical  
9 pharmacist practitioners pursuant to G.S. 90-6(c), shall examine adding the provisions  
10 of G.S. 90-14(a) to the joint rules that set forth grounds for action against a clinical  
11 pharmacist practitioner's approval to perform medical acts.

12           **SECTION 10.(c)** The North Carolina Medical Board, the Board of Nursing,  
13 and the North Carolina Board of Pharmacy shall report to the Chairs of the House  
14 Committee on Health, the Senate Committee on Health Care, the House Select  
15 Committee on Health Care, and the Subcommittee on Patient Safety, Quality and  
16 Accountability of the House Select Committee on Health Care on the adoption of the  
17 provisions of G.S. 90-14(a) as part of the joint rules governing the practice of medical  
18 acts for nurse practitioners and clinical pharmacist practitioners. The boards shall file  
19 their reports no later than September 1, 2006.

20           **SECTION 10.(d)** The North Carolina Medical Board shall examine the  
21 provisions of G.S. 90-14.13 and may develop policies or guidance governing the  
22 reporting requirements of that section. The Medical Board may recommend additional  
23 legislation, if necessary, to implement these policies prior to the convening of the 2007  
24 General Assembly.

25           **SECTION 11.** Sections 4 through 9 of this act become effective October 1,  
26 2006. The remainder of this act is effective when it becomes law. Section 4 applies to  
27 acts or omissions that occur on or after the effective date. Section 5 applies to hearings  
28 held on or after the effective date. Section 6 applies to awards entered or settlements  
29 entered into on or after the effective date.