

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 795  
Second Edition Engrossed 5/12/93  
Senate Judiciary II Committee Substitute Adopted 6/29/94

Short Title: Amend "Runners" Law.

(Public)

Sponsors:

Referred to:

April 8, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW PERTAINING TO THE PROHIBITION OF  
3 CERTAIN SOLICITATIONS BY HEALTH CARE PROVIDERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. The title to Article 27 of Chapter 90 of the General Statutes is  
6 amended to read:

7 "ARTICLE 27.  
8 **"RUNNERS REFERRAL FEES AND PAYMENT FOR CERTAIN**  
9 **SOLICITATIONS PROHIBITED."**

10 Sec. 2. G.S. 90-401 reads as rewritten:

11 **"§ 90-401. Runners Referral fees and payment for certain solicitations prohibited.**

12 A health care provider shall not financially compensate in any manner a person,  
13 firm, or corporation for recommending or securing the health care provider's  
14 employment by a patient, or as a reward for having made a recommendation resulting in  
15 the health care provider's employment by a patient. No health care provider who refers  
16 a patient of that health care provider to another health care provider shall receive  
17 financial or other compensation from the health care provider receiving the referral as a  
18 payment solely or primarily for the referral. This provision-section shall not be  
19 construed to prohibit a health care provider's purchase of advertising which does not  
20 entail direct personal contact or telephone contact of a potential patient. from a bona fide  
21 mass media outlet."

1           Sec. 3. Article 27 of Chapter 90 of the General Statutes is amended by  
2 adding the following new section to read:

3 **"§ 90-401.1. Direct solicitation prohibited.**

4           It shall be unlawful for a health care provider or the provider's employee or agent to  
5 initiate direct personal contact or telephone contact with any injured, diseased, or  
6 infirm person, or with any other person residing in the injured, diseased, or infirmed  
7 person's household, for a period of 90 days following the injury or the onset of the  
8 disease or infirmity, if the purpose of initiating the contact, in whole or in part, is to  
9 attempt to induce or persuade the injured, diseased, or infirmed person to become a  
10 patient of the health care provider. This section shall not be construed to prohibit a  
11 health care provider's use of posted letters, brochures, or information packages to solicit  
12 injured, diseased, or infirmed persons, so long as such use does not entail direct  
13 personal contact with the person."

14           Sec. 4. G.S. 90-402 reads as rewritten:

15 **"§ 90-402. Sanctions.**

16           Violation of ~~G.S. 90-401~~ the provisions of this Article shall be grounds for the  
17 offending health care provider's licensing board to suspend or revoke the health care  
18 provider's license, to refuse to renew the health care provider's license, or to take any  
19 other disciplinary action authorized by law."

20           Sec. 5. If any provision or application of this act is held invalid, such  
21 invalidity shall not affect other provisions or applications of this act which can be given  
22 effect without the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

24           Sec. 6. This act becomes effective October 1, 1994.