

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1153

Short Title: Retired Physician License.

(Public)

Sponsors: Representatives Justus; and Cansler.

Referred to: Finance.

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
20 boundaries of the districts as laid down in said license shall be guilty of a Class 3

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

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

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

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

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

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

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

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

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

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

29 (d) The Board shall issue a "Limited Volunteer License" as authorized in
30 subsection (c) of this section to an applicant who is a retired physician and has allowed
31 his or her license to practice medicine and surgery in this State or another state to become
32 inactive."

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

34 **"§ 90-15. License fee; salaries, fees, and expenses of Board.**

35 Each applicant for a license by examination shall pay to the North Carolina Medical
36 Board a fee which shall be prescribed by the Board in an amount not exceeding the sum
37 of four hundred dollars (\$400.00) plus the cost of test materials before being admitted to
38 the examination. Whenever a license is granted without examination, as authorized in
39 G.S. 90-13, the applicant shall pay to the Board a fee in an amount to be prescribed by
40 the Board not in excess of two hundred fifty dollars (\$250.00). Whenever a limited
41 license is granted as provided in G.S. 90-12, the applicant shall pay to the Board a fee not
42 to exceed one hundred fifty dollars (\$150.00), except where a limited license to practice
43 in a medical education and training program approved by the Board for the purpose of

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

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

17 Section 3. G.S. 90-21.14(a1) reads as rewritten:

- 18 "(a1) (1) Any volunteer medical or health care provider at a facility of
19 a local health department or at a nonprofit community health ~~center;~~
20 center.
- 21 (2) Any volunteer medical or health care provider rendering services to a
22 patient referred by a local health department as defined in G.S. 130A-
23 2(5) or nonprofit community health center at the provider's place of
24 ~~employment; or employment.~~
- 25 (3) Any volunteer medical or health care provider serving as medical
26 director of an emergency medical services (EMS) ~~agency; agency.~~
- 27 (4) Any retired physician holding a "Limited Volunteer License" under G.S.
28 90-12(d),

29 who receives no compensation for medical services or other related services rendered at
30 the facility, center, ~~or agency or, agency, or clinic,~~ or who neither charges nor receives a
31 fee for medical services rendered to the patient referred by a local health department or
32 nonprofit community health center at the provider's place of employment shall not be
33 liable for damages for injuries or death alleged to have occurred by reason of an act or
34 omission in the rendering of the services unless it is established that the injuries or death
35 were caused by gross negligence, wanton conduct, or intentional wrongdoing on the part
36 of the person rendering the services. The local health department facility, nonprofit
37 community health center, or agency shall use due care in the selection of volunteer
38 medical or health care providers, and this subsection shall not excuse the health
39 department facility, community health center, or agency for the failure of the volunteer
40 medical or health care provider to use ordinary care in the provision of medical services
41 to its patients."

42 Section 4. This act is effective when it becomes law.