

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE DRH30216-LU-46 (3/20)**

Short Title: Exempt Alt. Medicine/Practice of Medicine. (Public)

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Sponsors: Representative Luebke.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE PRACTICE OF COMPLEMENTARY OR  
ALTERNATIVE FORMS OF HEALTH CARE FROM THE PRACTICE OF  
MEDICINE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 90-18(c) reads as rewritten:

"(c) The following shall not constitute practicing medicine or surgery as defined  
in subsection (b) of this section:

- (1) The administration of domestic or family remedies in cases of emergency.
- (2) The practice of dentistry by any legally licensed dentist engaged in the practice of dentistry and dental surgery.
- (3) The practice of pharmacy by any legally licensed pharmacist engaged in the practice of pharmacy.
- (3a) The provision of drug therapy management by a licensed pharmacist engaged in the practice of pharmacy pursuant to an agreement that is physician, pharmacist, patient, and disease specific when performed in accordance with rules and rules developed by a joint subcommittee of the North Carolina Medical Board and the North Carolina Board of Pharmacy and approved by both Boards. Drug therapy management shall be defined as: (i) the implementation of predetermined drug therapy which includes diagnosis and product selection by the patient's physician; (ii) modification of prescribed drug dosages, dosage forms, and dosage schedules; and (iii) ordering tests; (i), (ii), and (iii) shall be pursuant to an agreement that is physician, pharmacist, patient, and disease specific.

- 1           (4)    The practice of medicine and surgery by any surgeon or physician of  
2           the United States army, navy, or public health service in the discharge  
3           of his official duties.
- 4           (5)    The treatment of the sick or suffering by mental or spiritual means  
5           without the use of any drugs or other material means.
- 6           (6)    The practice of optometry by any legally licensed optometrist engaged  
7           in the practice of optometry.
- 8           (7)    The practice of midwifery as defined in G.S. 90-178.2.
- 9           (8)    The practice of chiropody by any legally licensed chiropodist when  
10          engaged in the practice of chiropody, and without the use of any drug.
- 11          (9)    The practice of osteopathy by any legally licensed osteopath when  
12          engaged in the practice of osteopathy as defined by law, and especially  
13          G.S. 90-129.
- 14          (10)   The practice of chiropractic by any legally licensed chiropractor when  
15          engaged in the practice of chiropractic as defined by law, and without  
16          the use of any drug or surgery.
- 17          (11)   The practice of medicine or surgery by any nonregistered reputable  
18          physician or surgeon who comes into this State, either in person or by  
19          use of any electronic or other mediums, on an irregular basis, to  
20          consult with a resident registered physician or to consult with  
21          personnel at a medical school about educational or medical training.  
22          This proviso shall not apply to physicians resident in a neighboring  
23          state and regularly practicing in this State.
- 24          (12)   Any person practicing radiology as hereinafter defined shall be  
25          deemed to be engaged in the practice of medicine within the meaning  
26          of this Article. "Radiology" shall be defined as, that method of medical  
27          practice in which demonstration and examination of the normal and  
28          abnormal structures, parts or functions of the human body are made by  
29          use of X ray. Any person shall be regarded as engaged in the practice  
30          of radiology who makes or offers to make, for a consideration, a  
31          demonstration or examination of a human being or a part or parts of a  
32          human body by means of fluoroscopic exhibition or by the shadow  
33          imagery registered with photographic materials and the use of X rays;  
34          or holds himself out to diagnose or able to make or makes any  
35          interpretation or explanation by word of mouth, writing or otherwise of  
36          the meaning of such fluoroscopic or registered shadow imagery of any  
37          part of the human body by use of X rays; or who treats any disease or  
38          condition of the human body by the application of X rays or radium.  
39          Nothing in this subdivision shall prevent the practice of radiology by  
40          any person licensed under the provisions of Articles 2, 7, 8, and 12A  
41          of this Chapter.
- 42          (13)   The performance of any medical acts, tasks, and functions by a  
43          licensed physician assistant at the direction or under the supervision of  
44          a physician in accordance with rules adopted by the Board. This

1 subdivision shall not limit or prevent any physician from delegating to  
2 a qualified person any acts, tasks, and functions that are otherwise  
3 permitted by law or established by custom. The Board shall authorize  
4 physician assistants licensed in this State or another state to perform  
5 specific medical acts, tasks, and functions during a disaster.

6 (14) The practice of nursing by a registered nurse engaged in the practice of  
7 nursing and the performance of acts otherwise constituting medical  
8 practice by a registered nurse when performed in accordance with  
9 rules and regulations developed by a joint subcommittee of the North  
10 Carolina Medical Board and the Board of Nursing and adopted by both  
11 boards.

12 (15) The practice of dietetics/nutrition by a licensed dietitian/nutritionist  
13 under the provisions of Article 25 of this Chapter.

14 (16) The practice of acupuncture by a licensed acupuncturist in accordance  
15 with the provisions of Article 30 of this Chapter.

16 (17) The use of an automated external defibrillator as provided in G.S.  
17 90-21.15.

18 (18) The practice of medicine by any nonregistered physician residing in  
19 another state or foreign country who is contacted by one of the  
20 physician's regular patients for treatment by use of the Internet or a  
21 toll-free telephone number while the physician's patient is temporarily  
22 in this State.

23 (19) The practice of a complementary or an alternative form of health care,  
24 so long as the practitioner discloses to a client his or her professional  
25 training and qualifications and discloses to a client that he or she is not  
26 a licensed medical doctor. For purposes of this subdivision,  
27 complementary or alternative forms of health care shall include the  
28 healing modalities, therapies, and health care systems as defined by the  
29 National Institutes of Health's National Center for Complementary and  
30 Alternative Medicine (NCCAM), the World Health Organization-  
31 Traditional or Complementary/Alternative Medicine (WHO CAM),  
32 and the White House Commission on Complementary and Alternative  
33 Medicine Policy (WHCCAMP)."

34 **SECTION 2.** This act is effective when it becomes law.