

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 608  
Committee Substitute Favorable 4/17/01

Short Title: School Employee Health Certificate.

(Public)

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Sponsors:

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Referred to:

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March 14, 2001

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR  
3 PUBLIC SCHOOL EMPLOYEES.

4 The General Assembly of North Carolina enacts:

5                   **SECTION 1.** G.S. 115C-323 reads as rewritten:

6 "**§ 115C-323. Employee health certificate.**

7       ~~All public school employees upon initial employment, and those who have been~~  
8 ~~separated from public school employment more than one school year, including~~  
9 ~~superintendents, supervisors, principals, teachers, and any other employees in the public~~  
10 ~~schools of the State, shall file in the office of the superintendent, before assuming his~~  
11 ~~duties, a certificate from a physician licensed to practice medicine in the State of North~~  
12 ~~Carolina, certifying that said person does not have tuberculosis in the communicable~~  
13 ~~form, or other communicable disease, or any disease, physical or mental, which would~~  
14 ~~impair the ability of the said person to perform effectively his duties. A local school~~  
15 ~~board or a superintendent may require any person herein named to take a physical~~  
16 ~~examination when deemed necessary. Any person initially employed in a public school~~  
17 or reemployed in a public school after an absence of more than one school year shall  
18 provide a certificate to the superintendent certifying that the person does not have any  
19 physical or mental disease, including tuberculosis in the communicable form or other  
20 communicable disease, that would impair the person's ability to perform his or her  
21 duties effectively. The certificate shall be prepared by a physician licensed to practice in  
22 North Carolina or by a licensed nurse practitioner or a licensed physician's assistant, as  
23 provided in G.S. 90-18.3. In the case of a person initially employed in a public school,  
24 the certificate may be prepared by a physician, a nurse practitioner, or a physician's  
25 assistant who holds a current unrestricted license or registration in another state and  
26 submits proof of this license on the certificate. A local school board or a superintendent  
27 may require any school employee to take a physical examination when deemed  
28 necessary.

1 Any public school employee who has been absent for more than 40 successive  
2 school days because of a communicable disease must, before returning to work, ~~file~~  
3 ~~with the superintendent a physician's certificate~~ provide a certificate to the  
4 superintendent certifying that the individual is free from any communicable disease.

5 ~~The examining physician shall make the aforesaid certificates on an examination~~  
6 ~~form certificate shall be prepared on a form~~ supplied by the Superintendent of Public  
7 Instruction. The certificate shall be issued only after a physical examination has been  
8 conducted, at the time of the certification, ~~and such examination shall be~~ in accordance  
9 with rules and regulations adopted by the Superintendent of Public Instruction, with  
10 approval of the Secretary of Health and Human ~~Services, and such Services. These~~ rules  
11 and regulations may ~~include the requirement of~~ require an X-ray chest examination for  
12 all new employees of the public school system.

13 It shall be the duty of the superintendent of the school in which the person is  
14 employed to enforce the provisions of this section.

15 Any person violating any of the provisions of this section shall be guilty of a Class 1  
16 misdemeanor."

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