

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 608
Committee Substitute Favorable 4/17/01
Senate Education/Higher Education Committee Substitute Adopted 5/9/01

Short Title: School Employee Health Certificate.

(Public)

Sponsors:

Referred to:

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 (a) ~~All public school employees upon initial employment, and those who have~~
8 ~~been 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 to the superintendent a certificate 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. A local board or a superintendent may require any school employee~~
22 ~~to take a physical examination when considered necessary.~~

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

27 (b) One of the following individuals shall prepare any certificate required under
28 this section:

1 (1) A physician licensed to practice in North Carolina.

2 (2) A nurse practitioner approved under G.S. 90-18(14).

3 (3) A physician's assistant licensed to practice in North Carolina.

4 (c) Notwithstanding subsection (b) of this section, in the case of a person initially
5 employed in a public school, any of the following who holds a current unrestricted
6 license or registration in another state may prepare the certificate so long as evidence of
7 that license or registration is on the certificate:

8 (1) A physician.

9 (2) A nurse practitioner.

10 (3) A physician's assistant.

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

19 (e) It shall be the duty of the superintendent of the school in which the person is
20 employed to enforce the provisions of this section. Any person violating any of the
21 provisions of this section shall be guilty of a Class 1 misdemeanor."

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