



HOUSE BILL 746: Limited Immunity/Nurses.

2025-2026 General Assembly

Committee:	House Health. If favorable, re-refer to Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 29, 2025
Introduced by:	Reps. Carson Smith, White, Lambeth	Prepared by:	Jessica Boney Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *House Bill 746 would provide limited immunity from medical malpractice actions for registered nurses acting under the supervision of a health care provider.*

BILL ANALYSIS:

House Bill 746 would enact **G.S. 90-21.15B** Registered nurses; limited immunity.

The following would apply if a nurse acted at the direction of a supervising health care provider during the course of health care treatment:

- The nurse would not owe a separate duty of care to the patient.
- The nurse would not be engaged in a collaborative process with joint responsibility as part of a health care team.
- The nurse's primary duty would be to diligently execute the orders of a physician.
- The collaboration with other health care providers would not create an independent separate duty of care to the patient, unless certain conditions apply.

The recovery under a medical malpractice action would not be allowed against a nurse on the sole grounds that the nurse owed a separate duty of care to the patient if the nurse was acting at the direction of a health care provider.

A nurse would not be exempt from (i) the duty to exhibit professional conduct, (ii) from acts or omission so negligent to lead a reasonable person to anticipate substantial injury or harm or (ii) from acts or omissions constituting gross negligence, wanton conduct, or intentional wrongdoing.

The limited immunity would not apply to a nurse acting outside of the supervision of a health care provider.

EFFECTIVE DATE: This act would be effective when it became law and apply to acts or omissions occurring on or after that date.

BACKGROUND: *Byrd v. Marion General Hospital*, 202 N.C. 337 (1932), held a nurse is not liable when acting under the orders of a physician. The case was overturned by *Connette ex rel. Gullatte v. Charlotte Mecklenburg Hospital Authority*, 2022-NCSC-95.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578