

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 746
Committee Substitute Favorable 4/29/25
PROPOSED COMMITTEE SUBSTITUTE H746-PCS40565-BC-35

Short Title: Limited Immunity/Nurses.

(Public)

Sponsors:

Referred to:

April 3, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE LIMITED IMMUNITY AGAINST MEDICAL MALPRACTICE FOR
3 REGISTERED NURSES ACTING UNDER THE SUPERVISION OF A HEALTH CARE
4 PROVIDER AS ARTICULATED IN BYRD V. MARION GENERAL HOSPITAL, 202
5 N.C. 337 (1932).

6 Whereas, Byrd v. Marion General Hospital, 202 N.C. 337 (1932) established case law
7 in North Carolina, enduring for 90 years, that prevented a registered nurse from being liable when
8 acting under the orders of a physician; and

9 Whereas, that case law was overturned in Connette ex rel. Gullatte v. Charlotte
10 Mecklenburg Hospital Authority, 2022-NCSC-95; and

11 Whereas, both the majority of the court and the dissent in that decision pointed out
12 that the authority to prevent this liability is a function of the North Carolina General Assembly,
13 but the General Assembly has been silent; and

14 Whereas, this General Assembly establishes the prevention from this liability with
15 the enactment of this general law; Now, therefore,
16 The General Assembly of North Carolina enacts:

17 **SECTION 1.** Article 1B of Chapter 90 of the General Statutes is amended by adding
18 a new section to read:

19 **"§ 90-21.14A. Registered nurses; limited immunity.**

20 (a) For purposes of this section, the term "nurse" means any individual licensed under
21 Article 9A, Article 9G, or Article 10A of this Chapter.

22 (b) A nurse shall not be liable for damages in a malpractice action, provided the nurse
23 acted within the nurse's scope of practice and the nurse's actions were consistent with directions
24 provided by a supervising health care provider.

25 (c) Because a nurse holds an independent duty of care to a patient, a nurse shall not be
26 liable for damages in a malpractice action when the nurse, acting in good faith, raises a concern
27 regarding another health care provider's order that may be inconsistent with patient safety.

28 (d) This limited immunity from damages shall not apply if the nurse acts with gross
29 negligence, recklessness, or intentional misconduct."

30 **SECTION 2.** This act is effective October 1, 2025, and applies to acts or omissions
31 occurring on or after that date.



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