



# HOUSE BILL 228: Modernize Laws Pertaining to NC Medical Board.

2019-2020 General Assembly

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<b>Committee:</b>	Senate Finance. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	July 9, 2019
<b>Introduced by:</b>	Rep. Murphy	<b>Prepared by:</b>	Cindy Avrette
<b>Analysis of:</b>	Sixth Edition		Staff Attorney

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**OVERVIEW:** *House Bill 228 would modernize the laws governing the North Carolina Medical Board (Board) and the practice of medicine. The fee provisions are not substantive changes:*

- *Section 17, page 7, allows the Board to collect the fee for conducting a background check from the applicant and remit it to the Department of Public Safety. The statute currently allows the imposition of the fee to cover the background check.*
- *Section 45, page 22, prohibits the Board from setting fees through the rule-making process. Any fees set pursuant to rules adopted by the Board and applicable on June 1, 2019, remain valid.*

**BILL ANALYSIS:** In addition to the changes noted above, House Bill 228 would do the following:

- Create an affirmative duty for licensees to report suspected sexual misconduct, fraudulent prescribing, drug diversion, or theft to the Board.
- Require 130 weeks of medical education for a physician license.
- Increase civil penalties for practice outside the scope of various limited purpose licenses.
- Remove geographic limits on where the Board can meet (currently, Raleigh) and allow the Superior Court in the county where the Board is located to hear appeals of decisions not to issue a license and appeals of disciplinary action (currently, Wake County Superior Court).
- Clarify the Board's disciplinary authority including authority over applicants and inactive licenses.
- Create a new criminal offense punishable as a Class C felony for sexual contact or penetration under pretext of medical treatment.
- Allow death certificates to be completed by any physician, physician assistant, or nurse practitioner who took reasonable efforts to determine the patient's cause of death.

For a more complete summary, please see [Bill Summary for House Bill 228, Sixth Edition](#).

**EFFECTIVE DATE:** Except as otherwise provided, the act would become effective October 1, 2019.

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