



HOUSE BILL 746: Limited Immunity/Nurses.

2025-2026 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 6, 2025
Introduced by:	Reps. Carson Smith, White, Lambeth	Prepared by:	Jason Moran-Bates
Analysis of:	PCS to Second Edition H746-CSBC-35		Staff Attorney

OVERVIEW: *The PCS to House Bill 746 would make nurses immune from damages in malpractice suits if (i) they were acting within their scope of practice and consistent with directions provided by a supervising healthcare provider or (ii) they raised concerns about directions that may endanger patient safety.*

BILL ANALYSIS: The PCS to House Bill 746 would grant nurses immunity from damages in malpractice suits provided they acted within their scope of practice and consistent with directions from a supervising healthcare provider. It would also give nurses immunity from damages when they raised good faith concerns about directions that may endanger patient safety. There would be no immunity from damages when the actions were grossly negligent, reckless, or the misconduct was intentional.

EFFECTIVE DATE: This bill would become effective October 1, 2025, 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*, 382 N.C. 57 (2022).

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