

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 690
SENATE BILL 900

AN ACT TO CLARIFY THE DISCIPLINARY AUTHORITY OF THE BOARD OF
MEDICAL EXAMINERS AND TO OTHERWISE AMEND THE MEDICAL PRACTICE
ACT.

The General Assembly of North Carolina enacts:

Section 1. Section 90-8 of the General Statutes is hereby amended to read as follows:

"Officers may administer oaths, and subpoena witnesses and records. — The president and secretary of the board may administer oaths to all persons appearing before it as the board may deem necessary to the performance of its duties, and to summon and to issue subpoenas for the appearance of any witnesses deemed necessary to testify concerning any matter to be heard before or inquired into by the board, and to order that records concerning the treatment of patients relevant to the board's inquiry be produced before the board or for inspection and copying by representatives of the board by the custodian of such records."

Sec. 2. Section 90-10 of the General Statutes is hereby amended as follows: By inserting in line 3 of said section after the word "Examiners" and before the word ", provided" the words "or who has passed such other examination which the board deems to be equivalent to the examination given by the board,".

Sec. 3. Section 90-13 of the General Statutes is hereby amended by adding a new sentence to such section reading as follows: "Such a license may be granted for such a period of time and upon such conditions as the board may deem advisable."

Sec. 4. Section 90-14 of the General Statutes is hereby amended to read as follows:

"Revocation, suspension, annulment or denial of license. — The board shall have the power to deny, annul, suspend, or revoke a license, or other authority to practice medicine in this State, issued by the board to any person who has been found by the board to have committed any of the following acts or conduct, or for any of the following reasons:

1. Immoral or dishonorable conduct;
2. Producing or attempting to produce an abortion contrary to law;
3. Made false statements or representations to the board, or who has willfully concealed from the board material information in connection with his application for a license;
4. Obtained or attempted to obtain practice in his profession by the making of false representations;
5. Being unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality. The board is empowered and authorized to require a physician licensed by it to submit to a mental or physical examination by physicians designated by the board before or after charges may be presented against him, and the results of examination shall be admissible in evidence in a hearing before the board;
6. Unprofessional conduct, including, but not limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, or the committing of any act contrary to honesty, justice, or good morals, whether the same is

committed in the course of his practice or otherwise, and whether committed within or without North Carolina;

7. Conviction in any court of the commission of a crime involving moral turpitude, or of the violation of a law involving the practice of medicine or the conviction of a felony;

8. By false representations has obtained or attempted to obtain practice, money or anything of value;

9. Has advertised or publicly professed to treat human ailments under a system or school of treatment or practice other than that for which he has been educated;

10. Adjudication of mental incompetency, which shall automatically suspend a license unless the board orders otherwise;

11. Lack of professional competence to practice medicine with a reasonable degree of skill and safety for patients. In this connection the board may consider repeated acts of a physician indicating his failure to properly treat a patient and may require such physician to submit to inquiries or examinations, written or oral, by members of the board or by other physicians licensed to practice medicine in this State, as the board deems necessary to determine the professional qualifications of such licensee;

12. Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such a manner as to exploit the patient for financial gain of the physician;

13. Suspension or revocation of a license to practice medicine in any other state, or territory of the United States, or other country.

For any of the foregoing reasons, the board may deny the issuance of a license to an applicant, revoke a license issued to it, may suspend such a license for a period of time, and may impose conditions upon the continued practice after such period of suspension as the board may deem advisable, may limit the accused physician's practice of medicine with respect to the extent, nature or location of his practice as the board deems advisable. The board may, in its discretion and upon such terms and conditions and for such period of time as it may prescribe, restore a license so revoked or rescinded."

Sec. 5. Section 90-14.2 of the General Statutes is hereby amended by deleting the first sentence of such section and inserting in lieu thereof the following:

"Before the board shall revoke, restrict or suspend any license granted by it, the licensee shall be given a written notice indicating the general nature of the charges, accusation, or complaint made against him, which notice may be prepared by a committee or one or more members of the board designated by the board, and stating that such licensee will be given an opportunity to be heard concerning such charges or complaint at a time and place stated in such notice, or at a time and place to be thereafter designated by the board, and the board shall hold a public hearing not less than 30 days from the date of the service of such notice upon such licensee, at which such licensee may appear personally and through counsel, may cross examine witnesses and present evidence in his own behalf."

Sec. 6. This act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1975.