

Scope of Practice

A top priority of the North Carolina Medical Society is to defeat any proposals where patient safety could be at risk. Non-physician practitioners are delivering medical care to a growing number of patients. The efforts to expand practice by non-physicians cut across numerous medical professions. These limited scope practitioners have different education profiles and their practice parameters are determined by varying levels of regulation. Every year, non-physician practitioners come to the North Carolina General Assembly in hopes of expanding their scope of practice through the legislative process instead of attending medical school. Many argue that if scope is expanded, availability of medical care in low access areas will improve and will be delivered at a much lower cost. Many of these practitioners include Naturopaths, Lay Midwives, Chiropractors, Optometrists, Advanced Practice Nurses, Sleep Technicians, Massage Therapists, Colon Hydro Therapists, Licensed Professional Counselors, Alternative Therapists, etc.

2009 Most Significant Scope of Practice Legislation

House Bill 1374 – Physician Therapy Modernization Act - This legislation proposed language to bring the Physical Therapy Practice Act up to date and reflective of nationally and internationally adopted standards including placing requirements on the identifying letters (PT or PTA) to follow a licensee's name on written correspondence. The bill added a definition for physiotherapy to mirror the definition of physical therapy, as this term is widely used internationally for the same services commonly known as physical therapy in North Carolina. HB 1374 allows physical therapists to form professional corporations under the North Carolina Professional Corporation Act. The NCMS opposed this bill which is still eligible for consideration during the 2010 short session of the General Assembly. NCMS will advocate to defeat passage of this legislation next summer.

House Bill 1195 – Definition of Surgery/Optomerty - This bill attempted to define surgery as, "any invasive procedure in which the tissue of the human eye or its adnexa is perforated, punctured, incised, cut, burned, vaporized, ablated, frozen, sutured, probed, or otherwise altered by any mechanical, thermal, light-based, electromagnetic, or chemical means using instruments, including scalpels, needles, laser, radiation, or ultrasound." The legislation was supported by the NCMS. The bill was assigned to the House Committee on Health but didn't receive a committee hearing during the 2009 session of the General Assembly.

House Bill 1404 – Naturopathic Doctors Licensing Act - The purpose of this act was to provide standards for the licensure of those desiring to practice naturopathic medicine in North Carolina. Therapies included in this practice include the use of nutritional supplements, herbs, foods, homeopathic preparations, and the use of heat, cold, water, touch, and light. This bill would establish a NC Naturopathic Doctors Licensing Board to issue licenses and act as a disciplinary body when necessary. HB 1404 would require a naturopathic doctor to designate a licensed

physician to supervise the naturopathic doctor's ordering and interpretation of laboratory tests and diagnostic imaging studies. This bill would not allow naturopathic doctors to prescribe, dispense or administer any legend drugs, perform surgical procedures, or perform chiropractic or acupuncture procedures unless otherwise licensed to do so. This bill was referred to the House Committee on Health but was not heard by the Committee during the 2009 session of the General Assembly. The NCMS opposed this bill.

House Bill 333 – Licensure of Certified Professional Midwives - This bill was heard by the House Committee on Health, and would require the NC Midwifery Joint Committee to develop a proposal to begin licensing certified professional midwives in the state. The law would also have required the newly licensed midwives to carry liability insurance no matter where they practice. The bill was rolled into the Studies Act of 2009, HB 945 - Section XXI, meaning that a mechanism to allow this study to take place has been created. HB 945 was signed by the Governor and became Session Law on September 10, 2009. The Midwifery Joint Committee is studying this issue now in fulfillment of the study bill with the goal of offering recommendations in time for the short session. NCMS is in attendance at all of these meetings.

House Bill 1122 – Licensure of Colon Hydro Therapists – This bill would establish a board and licensing procedure for those who practice Colon Hydrotherapy without a medical license. The bill would have required a physician to sit on the seven-member NC Colon Hydrotherapy Licensing Board. The minimum education requirements for a licensed Colon Hydrotherapist would include a high school diploma or equivalent, 3 credit hours of anatomy and physiology coursework at a postsecondary school, and 100 credit hours of coursework approved by the International Association for Colon Hydrotherapy. Testing and continuing education would also be required under this act. HB 1122 would prohibit licensed colon hydrotherapists from dispensing or administering medication, providing advice regarding the use of medication, and would only allow the use of FDA approved equipment. This bill was assigned to the House Committee on Health in April, but was not heard by the committee as of the close of session in August 2009. The NCMS opposed this bill.

House Bill 842 – Consumer Health Freedom Act - Unlicensed practitioners of complementary and alternative health care have long sought to escape the rigors and limitations of professional licensure. Under the provisions of H842, unlicensed health providers of complementary and alternative health care services (broadly defined) would not be in violation of the Medical Practice Act. The person providing the services would be required to make disclosures to the "patient" before providing services. Certain services and conduct would still be prohibited without a license, including: performing surgery or any other procedure that harmfully punctures the skin of a person except finger pricking for screening purposes, prescribing or administering X-ray radiation, prescribing or administering a legend drug, a legend device, or controlled substance, performing a chiropractic adjustment of an articulation of the spine, performing massage therapy, except for a practice already exempt from massage therapy violations, providing to a person a diagnosis or treatment of a health condition and as a result of these services willfully causes that person recognizable and imminent risk of significant physical or mental harm, holding oneself out as a physician, surgeon, or medical doctor or representing that he or she is licensed, certified, or registered by this State to practice a health care profession.

This bill was assigned to the House Committee on Health in March, but was not heard by the committee as of the close of session in August 2009. The NCMS opposed this bill.

House Bill 746 Licensed Professional Counselors Practice Act Update – This bill allowed the NC Board of Licensed Professional Counselors to raise fees for new license applications, license renewals and late fees for renewals. The bill also clarifies the education requirements for licensing as a professional counselor. Originally HB 746 also amended the definition of counseling to include, “evaluating, diagnosing, and treating mental disorders and other 14 conditions...” The NCMS, partnered with the NC Psychiatry Association, opposed the inclusion of the term “diagnosing” in the definition of counseling, as this term refers more to the practice of medicine rather than to counseling. The term “diagnosing” was removed from the definition of counseling in committee and the bill was ratified and signed by the Governor on July 27, 2009 without NCMS objection.