

LEGISLATIVE NEWS FOR NC ASHRM MEMBERS

1. Any NCHA member can monitor the North Carolina Hospital Association website for updates on legislative news. Many of your facilities are members of NCHA and anyone affiliated with a member organization can receive the user name and password for your facility by contacting the NCHA Help Desk at helpdesk@ncha.org or by calling 919-677-4142. In addition, the N.C. General Assembly website, which is at <http://www.ncga.state.nc.us/> has copies of all recently passed legislation.
2. **New Medical Malpractice Arbitration Law.** Effective January 1, 2008, N.C.G.S. 90-21.60, et. al. provides that all parties to a medical malpractice lawsuit may agree to arbitrate the case. Should the parties choose to arbitrate in accordance with the new law, then a hearing will be held before an arbitrator within 9 months. Expedited discovery rules also apply. Damages are limited to \$1 Million per dispute. Once the new law takes effect, attorneys representing parties in a medical malpractice case will be required to offer arbitration under this statute to the named plaintiff(s) and defendant(s).
3. **Update to Advanced Directives.** On October 1, 2007, the N.C. Legislature revised the model Health Care Power of Attorney (HCPOA), and the model Living Will. Copies of the model forms along with Frequently Asked Questions about the forms are available at the N.C. Secretary of State website at <http://www.secretary.state.nc.us/ahcdr/>
4. **Medical Orders for Scope of Treatment.** Effective, October 1, 2007 the N.C. Legislature directed the Secretary of the N.C. Department of Health and Human Services to develop a Medical Orders for Scope of Treatment (MOST) form, which allows physicians and patients to designate what types of extraordinary care should be withheld from a patient at the end of life. This could include withholding antibiotics, IV fluids, feeding tubes, and other medical interventions.
 - [DHSR - Do Not Resuscitate \(DNR\) & Medical Orders for Scope of Treatment \(MOST\) Forms](#)
 - [MOST FAQ](#)
 - [MOST Form](#)
5. **Revisions to Informed Consent Law.** Informed Consent laws were updated at N.C.G.S. 90-21.13 by the N.C. Legislature as of October 1, 2007. In short, the hierarchy of who can consent on behalf of an incapacitated patient has been revised. In addition, the new law allows a patient's attending physician, in conjunction with another physician who agrees on the patient's medical condition and necessity for treatment, to provide treatment without consent of the patient. To access an article on the revisions to the informed consent law click here: [Informed Consent Article](#).

6. **Guidelines for Informed Consent in Hospitals** were updated by the Center for Medicare and Medicaid Services on April 13, 2007. The guidelines link is <http://www.cms.hhs.gov/surveycertificationgeninfo/downloads/scletter07-17.pdf> . The new guidelines update informed consent standards and address the specifics of informed consent policies that should be present in all hospitals that accept Medicare and Medicaid.
7. **Public Physician Profiles.** A new law, HB 818, effective October 1, 2007 provides that the N.C. Medical board shall develop public profiles for all physicians licensed in North Carolina. The profiles will include, among other things, malpractice judgments and settlements involving the physician. The profiles will also include disciplinary action taken against a physician by a hospital pursuant to N.C.G.S. 90-14.13 that involves the revocation or suspension of a physician's privileges on the hospital's medical staff.

For more information, please contact Ken M. Nanney, Chairperson of the Legislative Committee for NC ASHRM at knanney@carolinashealthcare.org