

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 359

Short Title: Fees/Asbestosis Exams.

(Public)

Sponsors: Senators Murphy; Forrester and Marvin.

Referred to: Environment and Natural Resources.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO TRANSFER AUTHORITY TO SET FEES FOR SCREENING TESTS
FOR ASBESTOSIS OR SILICOSIS TO THE SECRETARY OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-72 reads as rewritten:

"§ 97-72. Appointment of advisory medical committee; terms of office; duties and functions; salaries and expenses.

(a) There shall be an advisory medical committee consisting of three members, who shall be licensed physicians in good professional standing and peculiarly qualified in the diagnosis and/or treatment of occupational diseases. They shall be appointed by the Industrial Commission with the approval of the Governor, and one of them shall be designated as chairman of the committee by the Industrial Commission. The members of committee shall be appointed to serve terms as follows: one for a term of two years, one for a term of four years, and one for a term of six years. Upon the expiration of each term as above mentioned the Industrial Commission shall appoint a successor for a term of six years; except that the terms of the members first appointed shall expire June 30, 1936. The function of the committee shall be to conduct examinations and make reports as required by G.S. ~~97-61-97-61.1~~ 97-61.1 through 97-61.6 and 97-68 ~~to through~~ 97-71, and to assist in any postmortem examinations provided for in G.S. 97-67 when so directed by the Industrial Commission. Members of the committee shall devote to the duties of the office so much of their time as may be required in the conducting of examinations with reasonable promptness, and they shall attend hearings as scheduled by the Industrial

1 Commission when their attendance is desired for the purpose of examining and cross-
2 examining them respecting any report or reports made by them.

3 (b) The members of the advisory medical committee shall be paid one hundred
4 dollars (\$100.00) per month ~~and not to exceed three dollars (\$3.00) plus not more than ten~~
5 dollars (\$10.00) per film examined. The fee per film shall be determined and approved
6 established by the Secretary of Human Resources, the Department of Environment,
7 Health, and Natural Resources.

8 (c) Notwithstanding any other provision of this Article, the Industrial
9 Commission, in its discretion, may designate a qualified physician who is not a member
10 of the advisory medical committee to perform an examination of an employee who has
11 filed a claim for benefits for asbestosis or silicosis. This physician shall file his reports
12 in the same manner a member of the advisory medical committee files reports; and these
13 reports shall be deemed reports of the advisory medical committee."

14 Sec. 2. G.S. 97-73 reads as rewritten:

15 "**§ 97-73. Expenses of making examinations.**

16 (a) The Industrial Commission shall establish a schedule of reasonable charges to
17 defray expenses incurred in making examinations pursuant to ~~G.S. 97-60, 97-61~~ G.S. 97-
18 61.1 through 97-61.4 and 97-67, such charges to be collected in accordance with rules
19 and regulations which shall be adopted by the Industrial Commission. ~~Said charges shall~~
20 ~~be collected from employers who by order of the Industrial Commission are determined to be~~
21 ~~subject to the hazards of asbestosis and/or silicosis.~~

22 (b) The Secretary of the Department of Environment, Health, and Natural
23 Resources shall establish a schedule of reasonable charges for examinations conducted
24 by the Department of Environment, Health, and Natural Resources pursuant to G.S. 97-
25 60. Such charges shall be collected in accordance with rules which shall be adopted by
26 the Secretary and which shall be used, subject to appropriation by the General
27 Assembly, to defray the costs of conducting the examinations.

28 (c) Charges imposed pursuant to this section shall be collected from employers
29 who by order of the Industrial Commission are determined to be subject to the hazards
30 of asbestosis and/or silicosis."

31 Sec. 3. This act is effective upon ratification.