

Physician Reporting Under North Carolina Law

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I am often asked by physicians whether certain information regarding a patient or a particular occurrence must be reported pursuant to North Carolina law. I have summarized below circumstances in which a physician is required to report certain information to government officials and some instances in which a physician may report certain information to government officials.

I. MANDATORY REPORTING

- **Child Abuse** – A physician must report to the local Department of Social Services a “juvenile” (defined as a person age 17 or younger and not married, emancipated or a member of the armed forces) who the physician has reason to believe is abused, neglected, dependent (meaning the juvenile needs assistance in finding someone to care for him) or has died due to maltreatment. N.C. Gen. Stat. § 7B-301. In addition, a physician must report to local police or sheriff a child under the age of 18 who he believes has a recurrent illness or received serious physical injury resulting from non-accidental trauma. N.C. Gen. Stat. § 90-21.20(c1).
- **Adult Abuse** – A physician must report to the local Department of Social Services a “disabled adult” “in need of protective services.” N.C. Gen. Stat. § 108A-102.
- **Communicable Diseases** – A physician must report to the local health director a person who the physician has been consulted with professionally and who is suspected of having a communicable disease or condition. N.C. Gen. Stat. § 130A-135. A list of the reportable communicable diseases or conditions and the timeframe within which they must be reported is available at 10A NCAC 41A.0101. In addition, if a person dies of small pox, plague, HIV, Hepatitis B, rabies, or Jakob-Creutzfeldt, a physician must notify all persons handling the body of the infectious disease and precautions to prevent infection. N.C. Gen. Stat § 130A-395.
- **Cancer** – A physician must report to the Central Cancer Registry within six months of the physician’s diagnosis of cancer or benign brain or central nervous system tumors in a patient being screened, diagnosed, or treated by the physician. N.C. Gen. Stat. § 130A-209.
- **Criminal Injuries** – A physician must report to local police or sheriff the following wounds/injuries:
 - Bullet or gunshot wounds
 - Powder burn or any other injury caused or appearing to be caused by the discharge of a gun or firearm
 - Every case of illness appearing to be caused by poisoning
 - Every case of wound or injury caused or appearing to be caused by a knife or sharp instrument if it appears to the physician that a criminal act was involved
 - Every case of wound, injury or illness with grave bodily harm or grave illness appearing to be caused by a criminal act of violence. N.C. Gen. Stat. § 90-21.20.

- **Occupational Health Injuries** – A physician must report the following occupational diseases, illnesses and injuries to the Occupational Health Section of the North Carolina Division of Epidemiology in the particular time frames:
 - Asbestosis (15 working days)
 - Silicosis (15 working days)
 - Evaluated blood lead levels for adults age 18 years and above (15 working days)
 - Serious and preventable injuries caused by tractors, farm equipment or farm machinery while working on a farm (15 working days). N.C. Gen. Stat §§ 130A-455, 130A-456; 10A NCAC 41C.0702.
 - Acute pesticide-related injury or illness (within 48 hours) or death (immediately). 10A NCAC 41F.0102.
- **Suspicious Deaths** – A physician must report to the local medical examiner a person the physician suspects has died from the following:
 - Violence
 - Poisoning
 - Accident, suicide or homicide
 - Death occurring suddenly when the decedent had been in good health or when not attended by a physician
 - Death occurring in a jail, prison, correctional institution, in police custody, or a state mental health facility
 - Death by administration of lethal drugs (death penalty)
 - Death occurring under any suspicious, unnatural or unusual circumstances. N.C. Gen. Stat. § 130A-383(a).
- **Deaths of Migrant Workers** – A physician must report the death of a migrant agricultural worker or a dependent of a worker to the local Department of Social Services. N.C. Gen. Stat. § 130A-418.
- **Vital Statistics** – Births, deaths, and fetal death must be reported to the State. N.C. Gen. Stat §§ 130A-101, 130A-112, 130A-115, 130A-114. Typically hospitals or funeral directors submit this information, but if the birth, death, or delivery of the fetus occurs outside of a healthcare facility, the physician shall report the vital statistics (or sign the certification) to the State.

II. PERMISSIVE REPORTING

- **Pilots** – A physician may report to a governmental agency responsible for pilot licenses or air safety a pilot that suffers (or probably suffers) from a physical disability or infirmity that the physician believes will or could affect the ability to safely operate an airplane. N.C. Gen. Stat. § 90-21.20A.
- **Drivers** – A physician may (after consultation with the patient) disclose to the Department of Motor Vehicles information about a patient who has a mental or physical disability that the physician believes may affect the patient's ability to safely operate a motor vehicle. N.C. Gen. Stat. § 20-9.1

Finally, the North Carolina Medical Board has a Position Statement that outlines a physician's professional obligation to report other licensees who such physician reasonably believes to be incompetent, impaired or acting unethically (http://www.ncmedboard.org/position_statements/detail/professional_obligations_pertaining_to_incompetence_impairment_or_unethical/). The Position Statement allows for the physician to take a variety of actions that he determines necessary to assist or prevent the licensee from continuing to be incompetent, impaired or acting unethically. However, as a last resort, the Medical Board would expect the physician to report the licensee to the Medical Board.

The above list includes some of the most common occurrences that require reporting by a physician under North Carolina law. If you are unsure of whether an incident requires reporting, we would recommend that you obtain legal advice. In addition, there are mandatory reporting obligations on healthcare facilities, which are not covered in this article, and to the extent that a physician is involved in a reportable incident in a healthcare facility (such as a hospital), the physician's duty to report may be waived due to the healthcare facility's duty to report such incident under North Carolina.

Editor's Note:

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