

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 67
PROPOSED SENATE COMMITTEE SUBSTITUTE H67-PCS40575-BCf-40

Short Title: Healthcare Workforce Reforms.

(Public)

Sponsors:

Referred to:

February 6, 2025

A BILL TO BE ENTITLED
AN ACT TO ENACT HEALTHCARE WORKFORCE REFORMS FOR THE STATE OF
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

PART I. INTERSTATE MEDICAL LICENSURE COMPACT

SECTION 1.(a) Chapter 90 of the General Statutes is amended by adding a new
Article to read:

"Article 1O.

"Interstate Medical Licensure Compact.

"§ 90-21.160. Short title.

This Article shall be known as the "Interstate Medical Licensure Compact."

"§ 90-21.161. Purpose.

(a) The purpose of this Article is to strengthen access to health care, and, in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact (Compact) have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and to provide a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients.

(b) The Interstate Medical Licensure Compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act or provisions. The Compact adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter and, therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the Compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures of the Compact.

"§ 90-21.162. Definitions.

The following definitions apply in this Article:

- (1) Bylaws. – Bylaws established by the Interstate Commission pursuant to G.S. 90-21.171.
- (2) Commissioner. – The voting representative appointed by each member board pursuant to G.S. 90-21.171.
- (3) Conviction. – A finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilty or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal



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- offense by a court shall be considered final for purposes of disciplinary action by a member board.
- (4) Expedited license. – A full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the Compact.
- (5) Interstate Commission. – The Interstate Medical Licensure Compact Commission created pursuant to G.S. 90-21.171.
- (6) License. – The authorization by a member state for a physician to engage in the practice of medicine, which would be unlawful without authorization.
- (7) Medical practice act. – Laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.
- (8) Member board. – A state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.
- (9) Member state. – A state that has enacted the Compact.
- (10) Offense. – A felony, gross misdemeanor, or crime of moral turpitude.
- (11) Physician. – Any person who meets all of the following qualifications:
- a. Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent.
 - b. Has passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes.
 - c. Has successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.
 - d. Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists.
 - e. Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board.
 - f. Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction.
 - g. Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license.
 - h. Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.
 - i. Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.
- (12) Practice of medicine. – Clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

(13) Rule. – A written statement by the Interstate Commission promulgated pursuant to G.S. 90-21.172 that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(14) State. – Any state, commonwealth, district, or territory of the United States.

(15) State of principal license. – A member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

"§ 90-21.163. Eligibility.

(a) A physician must meet the eligibility requirements as defined in G.S. 90-21.162(11) to receive an expedited license under the terms and provisions of the Compact.

(b) A physician who does not meet the requirements of G.S. 90-21.162(11) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice medicine in that state.

"§ 90-21.164. Designation of state of principal license.

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and that state meets any one of the following qualifications:

(1) The state is the principal residence for the physician.

(2) The physician conducts at least twenty-five percent (25%) of their practice of medicine in the state.

(3) The state is the location of the physician's employer.

If no state qualifies under subdivision (1), (2), or (3) of this subsection, then the physician may designate the state of residence for the purpose of federal income tax as their state of principal license.

(b) A physician may redesignate a member state as a state of principal license at any time, as long as the state meets the requirements of subsection (a) of this section.

(c) The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

"§ 90-21.165. Application and issuance of expedited licensure.

(a) A physician seeking licensure through the Compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission.

(c) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.

(d) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks in compliance with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202.

(e) Appeal on the determination of eligibility to the member state shall be made to the member state where the application was filed and shall be subject to the laws of that state.

(f) Upon verification of eligibility in subsection (b) of this section, physicians eligible for an expedited license shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection (a) of this section, including the payment of any applicable fees.

(g) After receiving verification of eligibility under subsection (b) of this section and any fees under subsection (f) of this section, a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state.

(h) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

(i) An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a nondisciplinary reason, without redesignation of a new state of principal licensure.

(j) The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

"§ 90-21.166. Fees for expedited licensure.

(a) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the Compact.

(b) The Interstate Commission is authorized to develop rules regarding fees for expedited licenses.

"§ 90-21.167. Renewal and continued participation.

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician meets all of the following qualifications:

(1) Maintains a full and unrestricted license in a state of principal license.

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction.

(3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license.

(4) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.

(b) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

(c) The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected under subsection (c) of this section, a member board shall renew the physician's license.

(e) Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.

(f) The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the Compact.

"§ 90-21.168. Coordinated information system.

(a) The Interstate Commission shall establish a database of all physicians who are licensed, or who have applied for licensure, under G.S. 90-21.165.

(b) Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied or received an expedited license through the Compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission.

(d) Member boards may report any nonpublic complaint, disciplinary, or investigatory information not required by subsection (c) of this section to the Interstate Commission.

(e) Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

(f) All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

(g) The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

"§ 90-21.169. Joint investigations.

(a) Licensure and disciplinary records are deemed investigative.

(b) In addition to authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

(c) A subpoena issued by a member state shall be enforceable in other member states.

(d) Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(e) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

"§ 90-21.170. Disciplinary actions.

(a) Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state.

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided and take one of the following actions:

(1) Impose the same or lesser sanctions against the physician consistent with the medical practice act of that state.

(2) Pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then any licenses issued to the physician by any other member boards shall be suspended, automatically and immediately without further action necessary by the other member boards, for 90 days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license

1 it issued prior to the completion of the 90-day suspension period in a manner consistent with the
2 medical practice act of that state.

3 **"§ 90-21.171. Interstate Medical Licensure Compact Commission.**

4 (a) The member states hereby create the "Interstate Medical Licensure Compact
5 Commission."

6 (b) The purpose of the Interstate Commission is the administration of the Interstate
7 Medical Licensure Compact, which is a discretionary state function.

8 (c) The Interstate Commission shall be a body corporate and joint agency of the member
9 states and shall have all of the responsibilities, powers, and duties set forth in the Compact, and
10 additional powers as may be conferred upon it by a subsequent concurrent action of the respective
11 legislatures of the member states in accordance with the terms of the Compact.

12 (d) The Interstate Commission shall consist of two voting representatives appointed by
13 each member state who shall serve as Commissioners. In states where allopathic and osteopathic
14 physicians are regulated by separate member boards, or if the licensing and disciplinary authority
15 is split between separate member boards, or if the licensing and disciplinary authority is split
16 between multiple member boards within a member state, the member state shall appoint one
17 representative from each member board. A Commissioner shall meet one of the following
18 qualifications:

19 (1) An allopathic or osteopathic physician appointed to a member board.

20 (2) An executive director, executive secretary, or similar executive member of a
21 member board.

22 (3) A member of the public appointed to a member board.

23 (e) The Interstate Commission shall meet at least once each calendar year. A portion of
24 this meeting shall be a business meeting to address matters that come properly before the
25 Commission and for the election of officers. The chairperson may call additional meetings and
26 shall call for a meeting upon the request of a majority of the member states.

27 (f) The bylaws may provide for meetings of the Interstate Commission to be conducted
28 by telecommunication or electronic communication.

29 (g) Each Commissioner participating at a meeting of the Interstate Commission is entitled
30 to one vote. A majority of Commissioners shall constitute a quorum for the transaction of
31 business, unless a larger quorum is required by the bylaws adopted by the Interstate Commission.
32 A Commissioner shall not delegate a vote to another Commissioner. In the absence of its
33 Commissioner, a member state may delegate voting authority for a specified meeting to another
34 person from that state who shall meet the requirements of subsection (d) of this section.

35 (h) The Interstate Commission shall provide public notice of all meetings, and all
36 meetings shall be open to the public. The Interstate Commission may close a meeting, in full or
37 in portion, where it determines by a two-thirds vote of the Commissioners present that an open
38 meeting would be likely to:

39 (1) Relate solely to the internal personnel practice and procedures of the Interstate
40 Commission.

41 (2) Discuss matters specifically exempted from disclosure by federal statute.

42 (3) Discuss trade secrets, commercial, or financial information that is privileged
43 or confidential.

44 (4) Involve accusing a person of a crime, or formally censuring a person.

45 (5) Discuss information of a personal nature where disclosure would constitute a
46 clearly unwarranted invasion of personal privacy.

47 (6) Discuss investigative records compiled for law enforcement purposes.

48 (7) Specifically relate to the participation in a civil action or other legal
49 proceeding.

(i) The Interstate Commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

(j) The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the Compact or by its rules, available for public inspection.

(k) The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the Compact, including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as necessary.

(l) The Interstate Commission shall establish other committees for governance and administration of the Compact.

"§ 90-21.172. Powers and duties of the Interstate Commission.

The Interstate Commission has the following powers and duties:

- (1) Oversee and maintain the administration of the Compact.
- (2) Promulgate rules which shall be binding to the extent and in the manner provided for in the Compact.
- (3) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions.
- (4) Enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of the judicial process.
- (5) Establish and appoint committees, including, but not limited to, an executive committee as required by G.S. 90-21.171, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties.
- (6) Pay or provide payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission.
- (7) Establish and maintain one or more offices.
- (8) Borrow, accept, hire, or contract for services of personnel.
- (9) Purchase and maintain insurance and bonds.
- (10) Employ an executive director who shall have such powers to employ, select, or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation.
- (11) Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.
- (12) Accept donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the Interstate Commission.
- (13) Lease, purchase, accept contributions or donations of, or otherwise to hold, own, improve, or use any property, real, personal, or mixed.
- (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.
- (15) Establish a budget and make expenditures.
- (16) Adopt a seal and bylaws governing the management and operation of the Interstate Commission.
- (17) Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding

year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission.

(18) Coordinate education, training, and public awareness regarding the Compact, its implementation, and its operation.

(19) Maintain records in accordance with the bylaws.

(20) Seek and obtain trademarks, copyrights, and patents.

(21) Perform such functions as may be necessary or appropriate to achieve the purpose of the Compact.

"§ 90-21.173. Finance powers.

(a) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

(b) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

(c) The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

(d) The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed accountant, and the report of the audit shall be included in the annual report of the Interstate Commission.

"§ 90-21.174. Organization and operation of the Interstate Commission.

(a) The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within 12 months of the first Interstate Commission meeting.

(b) The Interstate Commission shall elect or appoint annually from among its Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability the vice-chairperson, shall preside at all meetings of the Interstate Commission.

(c) Officers selected in subsection (b) of this section shall serve without remuneration for the Interstate Commission.

(d) The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities, provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(e) The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purpose of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(f) The Interstate Commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member

1 state represented by an Interstate Commission representative, shall defend such Interstate
2 Commission representative in any civil action seeking to impose liability arising out of an actual
3 or alleged act, error, or omission that occurred within the scope of Interstate Commission
4 employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing
5 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
6 provided that the actual or alleged act, error, or omission did not result from intentional or willful
7 and wanton misconduct on the part of such person.

8 (g) To the extent not covered by the state involved, member state, or the Interstate
9 Commission, the representatives or employees of the Interstate Commission shall be held
10 harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained
11 against such persons arising out of an actual or alleged act, error, or omission that occurred within
12 the scope of Interstate Commission employment, duties, or responsibilities, or that such persons
13 had a reasonable basis for believing occurred within the scope of Interstate Commission
14 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission
15 did not result from intentional or willful and wanton misconduct on the part of such person.

16 **"§ 90-21.175. Rulemaking functions of the Interstate Commission.**

17 (a) The Interstate Commission shall promulgate reasonable rules in order to effectively
18 and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event
19 the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope
20 of the purposes of the Compact, or the powers granted hereunder, then such an action by the
21 Interstate Commission shall be invalid and have no force or effect.

22 (b) Rules deemed appropriate for the operations of the Interstate Commission shall be
23 made pursuant to a rulemaking process that substantially conforms to the "Revised Model State
24 Administrative Procedure Act" of 2010, and subsequent amendments thereto.

25 (c) Not later than 30 days after a rule is promulgated, any person may file a petition for
26 judicial review of the rule in the United States District Court for the District of Columbia or the
27 federal district where the Interstate Commission has its principal offices, provided that the filing
28 of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the
29 court finds that the petitioner has substantial likelihood of success. The court shall give deference
30 to the actions of the Interstate Commission consistent with applicable law and shall not find the
31 rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the
32 Interstate Commission.

33 **"§ 90-21.176. Oversight of Interstate Compact.**

34 (a) The executive, legislative, and judicial branches of state government in each member
35 state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate
36 the Compact's purposes and intent. The provisions of the Compact and the rules promulgated
37 hereunder shall have standing as statutory law but shall not override existing state authority to
38 regulate the practice of medicine.

39 (b) All courts shall take judicial notice of the Compact and the rules in any judicial or
40 administrative proceeding in a member state pertaining to the subject matter of the Compact
41 which may affect the powers, responsibilities, or action of the Interstate Commission.

42 (c) The Interstate Commission shall be entitled to receive all services of process in any
43 such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure
44 to provide service of process to the Interstate Commission shall render a judgment or order void
45 as to the Interstate Commission, the Compact, or promulgated rules.

46 **"§ 90-21.177. Enforcement of Interstate Compact.**

47 (a) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
48 the provisions and rules of the Compact.

49 (b) The Interstate Commission may, by majority vote of the Commissioners, initiate legal
50 action in the United States District Court for the District of Columbia, or, at the discretion of the
51 Interstate Commission, in the federal district where the Interstate Commission has its principal

1 offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and
2 bylaws, against a member state in default. The relief sought may include both injunctive relief
3 and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded
4 all costs of such litigation, including reasonable attorneys' fees.

5 (c) The remedies herein shall not be the exclusive remedies of the Interstate Commission.
6 The Interstate Commission may avail itself of any other remedies available under state law or
7 regulation of a profession.

8 **"§ 90-21.178. Default procedures.**

9 (a) The grounds for default include, but are not limited to, failure of a member state to
10 perform such obligations or responsibilities imposed upon it by the Compact, or the rules and
11 bylaws of the Interstate Commission promulgated under the Compact.

12 (b) If the Interstate Commission determines that a member state has defaulted in the
13 performance of its obligations or responsibilities under the Compact, or the bylaws or
14 promulgated rules, the Interstate Commission shall do all of the following:

15 (1) Provide written notice to the defaulting state and other member states of the
16 nature of the default, the means of curing the default, and any action taken by
17 the Interstate Commission. The Interstate Commission shall specify the
18 conditions by which the defaulting state must cure its default.

19 (2) Provide remedial training and specific technical assistance regarding the
20 default.

21 (c) If the defaulting state fails to cure the default, the defaulting state shall be terminated
22 from the Compact upon an affirmative vote of a majority of the Commissioners, and all rights,
23 privileges, and benefits conferred by the Compact shall terminate on the effective date of
24 termination. A cure of the default does not relieve the offending state of obligations or liabilities
25 incurred during the period of default.

26 (d) Termination of membership in the Compact shall be imposed only after all other
27 means of securing compliance have been exhausted. Notice of intent to terminate shall be given
28 by the Interstate Commission to the governor, the majority and minority leaders of the defaulting
29 state's legislature, and each of the member states.

30 (e) The Interstate Commission shall establish rules and procedures to address licenses
31 and physicians that are materially impacted by the termination of a member state or the
32 withdrawal of a member state.

33 (f) The member state which has been terminated is responsible for all dues, obligations,
34 and liabilities incurred through the effective date of termination, including obligations, the
35 performance of which extends beyond the effective date of termination.

36 (g) The Interstate Commission shall not bear any costs relating to any state that has been
37 found to be in default or which has been terminated from the Compact, unless otherwise mutually
38 agreed upon in writing between the Interstate Commission and the defaulting state.

39 (h) The defaulting state may appeal the action of the Interstate Commission by petitioning
40 the United States District Court for the District of Columbia or the federal district where the
41 Interstate Commission has its principal offices. The prevailing party shall be awarded all costs
42 of such litigation, including reasonable attorneys' fees.

43 **"§ 90-21.179. Dispute resolution.**

44 (a) The Interstate Commission shall attempt to resolve disputes upon the request of a
45 member state, which are subject to the Compact and which may arise among member states or
46 member boards.

47 (b) The Interstate Commission shall promulgate rules providing for both mediation and
48 binding dispute resolution as appropriate.

49 **"§ 90-21.180. Member states; effective date; amendment.**

50 (a) Any state is eligible to become a member of the Compact.

(b) The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the Compact into law in that state.

(c) The governors of nonmember states, or their designees, shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the Compact by all states.

(d) The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

"§ 90-21.181. Withdrawal.

(a) Once effective, the Compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the Compact by specifically repealing the statutes which enacted the Compact into law.

(b) Withdrawal from the Compact shall be by the enactment of a statute repealing the same but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.

(d) The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of notice provided under subsection (c) of this section.

(e) The withdrawing state is responsible for all dues, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.

(g) The Interstate Commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

"§ 90-21.182. Dissolution.

(a) The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership of the Compact to one member state.

(b) Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws.

"§ 90-21.183. Severability and construction.

The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable. The provisions of the Compact shall be liberally construed to effectuate its purposes. Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the member states are members.

"§ 90-21.184. Binding effect of Compact and other laws.

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

(b) All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

(c) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

(d) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state."

SECTION 1.(b) G.S. 90-5.1 reads as rewritten:

"§ 90-5.1. Powers and duties of the Board.

(a) The Board shall have the following powers and duties:

...

(11) Appoint two Commissioners to serve on the Interstate Medical Licensure Compact Commission. Commissioners must meet one of the following requirements: be (i) a current physician Board member, (ii) an executive director or similar executive member, or (iii) a current public Board member.

...."

SECTION 1.(c) G.S. 90-11(b) reads as rewritten:

"(b) The Department of Public Safety may provide a criminal record check to the Board for a person who has applied for a license through the ~~Board~~ Board and for purposes of G.S. 90-21.165. The Board shall provide to the Department of Public Safety, along with the request, the fingerprints of the applicant, any additional information required by the Department of Public Safety, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Board shall keep all information pursuant to this subsection privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Public Safety may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection. The Board has the authority to collect this fee from each applicant and remit it to the Department of Public Safety."

SECTION 1.(d) G.S. 90-13.1 reads as rewritten:

"§ 90-13.1. License fees.

...

(g) Each applicant for a license issued or renewed through the Interstate Medical Licensure Compact in accordance with Article 10 of Chapter 90 of the General Statutes shall be subject to any additional fees or assessments as determined by the Board or the Interstate Medical Licensure Compact Commission to cover any costs incurred by the Board for the participation in the Interstate Medical Licensure Compact."

SECTION 1.(e) G.S. 90-13.2 reads as rewritten:

"§ 90-13.2. Registration every year with Board.

(a) ~~Every~~ Except as provided for in Article 10 of Chapter 90 of the General Statutes, ~~every~~ licensee shall register annually with the Board no later than 30 days after the person's birthday.

...

(g) Upon payment of all accumulated fees and penalties, the license of the licensee may be reinstated, subject to the Board requiring the licensee to appear before the Board for an interview and to comply with other licensing requirements. ~~The~~ Except as provided in G.S. 90-21.166, the penalty may not exceed the applicable maximum fee for a license under G.S. 90-13.1.

...."

SECTION 1.(f) G.S. 90-14 reads as rewritten:

"§ 90-14. Disciplinary Authority.

(a) The Board shall have the power to place on probation with or without conditions, impose limitations and conditions on, publicly reprimand, assess monetary redress, issue public letters of concern, mandate free medical services, require satisfactory completion of treatment programs or remedial or educational training, fine, 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:

...

(18) A violation of Article 10 of Chapter 90 of the General Statutes, consistent with the provisions of that Article for qualifying licensees.

...."

SECTION 1.(g) G.S. 90-14.2 reads as rewritten:

"§ 90-14.2. Hearing before disciplinary action.

(a) ~~Before~~ Except as provided in G.S. 90-21.170, before the Board shall take disciplinary action against any license granted by it, the licensee shall be given a written notice indicating the charges made against the licensee and stating that the licensee will be given an opportunity to be heard concerning the charges at a time and place stated in the 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 notice upon the licensee, at which the licensee may appear personally and through counsel, may cross examine witnesses and present evidence in the licensee's own behalf. A licensee who is mentally incompetent shall be represented at such hearing and shall be served with notice as herein provided by and through a guardian ad litem appointed by the clerk of the court of the county in which the licensee resides. The licensee may file written answers to the charges within 30 days after the service of the notice, which answer shall become a part of the record but shall not constitute evidence in the case.

...."

SECTION 1.(h) This Part becomes effective January 1, 2026.

PART II. INTERNATIONAL PHYSICIAN LICENSURE

SECTION 2.(a) Article 1 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-12.03. Internationally-trained physician employee license.

(a) The Board may issue an "internationally-trained physician employee license" to practice medicine and surgery to a physician when the Board has received satisfactory verification of all of the following requirements:

- (1) The applicant has been offered employment as a physician in a full-time capacity at (i) a hospital that is located in North Carolina and licensed by the State of North Carolina or (ii) a medical practice located in a rural county with a population of less than 500 people per square mile, in North Carolina, where a physician fully licensed by the State under this Chapter is physically practicing on-site at the rural medical practice.
- (2) The applicant has a current and active license in good standing to practice medicine in a foreign country or had that type of license expire no more than five years prior to submission of an application to the Board.
- (3) The applicant previously completed 130 weeks of medical education at a medical school listed in the World Dictionary of Medical Schools and is eligible to be certified by the Educational Commission for Foreign Medical Graduates and meets one of the following requirements:

- 1 a. The applicant has completed two years of postgraduate training in a
2 graduate medical education program approved by the applicant's
3 country of licensure.
4 b. The applicant has actively practiced medicine in the applicant's
5 country of licensure for at least 10 years after graduation.
6 (4) The applicant has demonstrated competency to practice medicine in one of the
7 following ways:
8 a. Successfully passing each part of an examination listed in
9 G.S. 90-10.1.
10 b. Successfully passing each part of a nationally recognized standard
11 medical licensing examination from a country that is a member of the
12 International Association of Medical Regulatory Authorities that
13 meets all of the following requirements:
14 1. Tests for the ability to practice medicine.
15 2. Tests for medical knowledge, skills, and understanding of
16 clinical science essential for providing patient care, including
17 general practice, cardiology, internal medicine,
18 gastroenterology, hematology, nephrology, neurology,
19 pediatrics, psychiatry, pulmonology, obstetrics and
20 gynecology, radiology, rheumatology, urology, and surgery.
21 3. Tests for communication and interpersonal skills.
22 4. Includes an interactive testing component.
23 The examining body must provide verification in English directly to
24 the Board that the applicant has passed an examination meeting the
25 requirements of this sub-subdivision.
26 c. Receiving specialty board certification as approved by any of the
27 following:
28 1. The American Board of Medical Specialties.
29 2. The Bureau of Osteopathic Specialists of the American
30 Osteopathic Association.
31 3. The Royal College of Physicians and Surgeons of Canada.
32 4. Any other specialty board recognized pursuant to rules adopted
33 by the Board.
34 d. Submitting to a comprehensive assessment demonstrating clinical
35 competence by a program approved by the Board.
36 Alternatively, the Board may waive the requirements of this subdivision and
37 issue a temporary license and require the applicant to successfully pass the
38 Special Purpose Examination (SPEX) or Post-Licensure Assessment Systems
39 within one year.
40 (5) The applicant has not had a license revoked, suspended, restricted, denied, or
41 otherwise acted against in any jurisdiction and is the subject of no pending
42 investigations. For purposes of this subdivision, the licensing authority's
43 acceptance of a license to practice voluntarily relinquished by a licensee or
44 relinquished by stipulation, consent order, or other settlement in response to or
45 in anticipation of the filing of administrative charges against the licensee's
46 license, or an inactivation or voluntary surrender of a license while under
47 investigation, is deemed to be an action against a license to practice.
48 (6) The applicant does not have any convictions in any court involving moral
49 turpitude, or the violation of a law involving the practice of medicine, or a
50 conviction of a law substantially equivalent to a felony. The applicant shall submit

to, and the Board must receive, a background screening from the country in which they are licensed.

(7) The applicant has practiced medicine for at least five years.

(8) The applicant is proficient in English.

(9) The applicant is legally authorized to work in the United States. An applicant may apply for an internationally-trained physician employee license before receiving federal work authorization but may not begin employment with the North Carolina hospital or rural medical practice until receiving legal work authorization from the relevant federal agency.

(10) The applicant submits an application fee pursuant to G.S. 90-13.1(a).

(b) The holder of the internationally-trained physician employee license issued under this section shall not practice medicine or surgery outside the confines of the North Carolina hospital or rural medical practice, or its affiliate, by whose employment the holder was qualified to be issued the license pursuant to subdivision (1) of subsection (a) of this section. A person who violates this subsection shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500.00) for each offense. The Board, at its discretion, may revoke the special license after due notice is given to the holder of the certified physician employee license.

(c) An internationally-trained physician employee license shall become inactive at the time its holder does one or more of the following:

(1) Ceases to be employed in a full-time capacity by a North Carolina hospital or medical practice meeting the criteria set forth in subdivision (1) of subsection (a) of this section.

(2) Ceases to be employed at a medical practice located in a rural county or practices if a physician licensed by the State under this Chapter is not physically practicing on-site at the medical practice.

(3) Obtains any other license to practice medicine issued by the Board.

The Board shall retain jurisdiction over the holder of the inactive license.

(d) A physician with an internationally-trained physician employee license shall be eligible to apply for a full license to practice medicine in North Carolina after four years of active practice in North Carolina. The Board shall grant a full license if the applicant has no disciplinary actions by any state, federal, or foreign regulatory agency, no pending investigations by any state, federal, or foreign regulatory agency, no misdemeanor convictions in the two years preceding their application for a full license, no felony convictions, no pending misdemeanor or felony charges, and no adverse actions affecting their privileges or ability to practice. For purposes of this section, "misdemeanor" shall not include traffic violations.

(e) The Board, in consultation with partner organizations as needed, shall collect information necessary to evaluate the implementation and success of the pathway to licensure established in this section, including at least the following:

(1) The number of applicants for provisional licensure.

(2) The applicant's licensing country or country where they were authorized to practice medicine and, if different, country of education and training.

(3) The number of provisional licenses granted under this section.

(4) The number of provisional licenses denied under this section.

(5) The number of full and unrestricted licenses granted to applicants who completed the pathway to licensure established in this section.

(6) The number of full and unrestricted license applications denied to applicants who completed the pathway to licensure established in this section.

(7) The reasons for denial of applications for provisional and full unrestricted licenses under this section.

- (8) The number of complaints received regarding holders of a provisional license issued under this section and the disciplinary actions taken, if any.
- (9) The practice setting and specialty of applicants in their licensing country or country of origin and as employed during their provisional and limited licensure.
- (10) The geographic area or rural/urban designation of where licensees practice during provisional licensure and after the period of provisional licensure.
- (11) The practice setting and specialty of internationally-trained physicians who completed the pathway to licensure upon receiving a full and unrestricted license.

(f) Annually on or before December 1, the Board shall report the information collected pursuant to subsection (e) of this section for the previous calendar year to the Joint Legislative Oversight Committee on Health and Human Services."

SECTION 2.(b) The North Carolina Medical Board (Board) shall adopt rules necessary to issue an internationally-trained physician employee license. The Board may adopt a rule establishing a time limit for the term of an internationally-trained physician employee license. The Board may also adopt rules to implement Section 1 of this act.

SECTION 2.(c) It is the intention of the General Assembly that the provisions of this Part shall be severable. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected, including, but not limited to, the applicability of this act to the provisions of future agreements subject to this act.

SECTION 2.(d) This Part becomes effective January 1, 2026.

PART III. MASTER'S LEVEL PSYCHOLOGIST REFORMS

SECTION 3.(a) G.S. 90-270.139 reads as rewritten:

"§ 90-270.139. Application; examination; supervision; provisional and temporary licenses.

...

(e) Except as provided in subsection (e1) of this section:

- (1) A licensed psychological associate shall be supervised by a qualified licensed psychologist, or ~~other qualified professionals, licensed psychological associate~~ in accordance with Board rules specifying the format, setting, content, time frame, amounts of supervision, qualifications of supervisors, disclosure of supervisory relationships, the organization of the supervised experience, and the nature of the responsibility assumed by the supervisor.
- (2) A licensed psychological associate who provides health services shall be ~~supervised, for those activities requiring supervision, supervised by~~ a qualified licensed psychologist holding health services provider certification or by ~~other a qualified professionals licensed psychological associate~~ under the overall direction of a qualified licensed psychologist holding health services provider certification, in accordance with Board rules.
- (3) ~~Except as provided below, supervision, Supervision, including the supervision of health services, is required only when a licensed psychological associate engages in: assessment of personality functioning; neuropsychological evaluation; psychotherapy, counseling, and other interventions with clinical populations for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior; and, the use of intrusive, punitive, or experimental procedures, techniques, or measures. The Board shall adopt rules implementing and defining this provision, and as the practice of psychology evolves, may identify additional activities requiring supervision~~

~~in order to maintain acceptable standards of practice in the practice of psychology in accordance with Board rules.~~

(e1) The Board shall approve any licensed psychological associate to engage in independent practice, without supervision by a qualified licensed psychologist or qualified licensed psychological associate, if the licensed psychological associate meets all of the following requirements:

- (1) Has 4,000 hours of post-licensure experience in the delivery of psychological services under the supervision of one or more qualified licensed psychologists or qualified licensed psychological associates within a time period of at least 24 consecutive months and less than 60 consecutive months.
- (2) Documents that all performance ratings for the 4,000 hours of post-licensure experience required by subdivision (1) of this subsection have been average or above average.
- (3) Submits an application for independent practice with proof of the 4,000 hours of post-licensure experience required by subdivision (1) of this subsection.

...."

SECTION 3.(b) G.S. 90-270.145 reads as rewritten:

"§ 90-270.145. Licensure; examination; foreign graduates.

...

(b) Licensed Psychological Associate. –

...

- (3) No licensed psychological associate shall engage in the practice of neuropsychology or forensic psychology without first demonstrating specialized education and training to practice in those areas as the Board may determine by rule. In considering whether the licensed psychological associate has sufficient specialized education and training to engage in the practice of neuropsychology or forensic psychology, the Board may consider the licensed psychological associate's graduate level course work, continuing education, supervised training experience, or any other factors the Board deems appropriate. For purposes of this subdivision, "neuropsychology" is defined as "the branch of science that studies the physiological processes of the nervous system and relates them to behavior and cognition" and "forensic psychology" is defined as "the application of psychological principles and techniques to situations that are involved in the civil and criminal legal systems, including, but not limited to, psychological assessments and expert testimony."

...."

SECTION 3.(c) G.S. 90-270.153 reads as rewritten:

"§ 90-270.153. Provision of health services; certification as health services provider.

(a) Health services, as defined in G.S. 90-270.136(4) and G.S. 90-270.136(8), may be provided by qualified licensed psychological associates, qualified licensed psychologists holding provisional, temporary, or permanent licenses, or qualified applicants. ~~Qualified~~ Except as provided in subsection (h) of this section, qualified licensed psychological associates, qualified licensed psychologists holding provisional or temporary licenses, or qualified applicants may provide health services only under supervision as specified in the duly adopted rules of the Board.

...

(h) A licensed psychological associate who possesses a certification as a health services provider psychological associate in accordance with subsection (c) of this section may provide health services without supervision upon meeting the requirements in G.S. 90-270.139(e1).

(i) Notwithstanding the provisions of subsection (h) of this section, a licensed psychological associate who was licensed before June 30, 2013, who can demonstrate, in

accordance with Board rules, that he or she has been engaged in the provision of health services psychology under supervision for 4,000 hours within a time period of at least 24 consecutive months and less than 60 consecutive months shall meet the requirements for certification as a health services provider psychological associate."

SECTION 3.(d) G.S. 90-270.140 reads as rewritten:

"§ 90-270.140. **Psychology Board; appointment; term of office; composition.**

For the purpose of carrying out the provisions of this Article, there is created a North Carolina Psychology Board, which shall consist of seven members appointed by the Governor. At all times three members shall be licensed psychologists, two members shall be licensed psychological associates, and two members shall be members of the public who are not licensed under this Article. The Governor shall give due consideration to the adequate representation of the various fields and areas of practice of psychology and to adequate representation from various geographic regions in the State. Terms of office shall be three years. All terms of service on the Board expire June 30 in appropriate years. As the term of a psychologist member expires, or as a vacancy of a psychologist member occurs for any other reason, the Board, the North Carolina Psychological Association, or its successor, shall, and the North Carolina Association of Professional Psychologists, or its successor, shall form a nominating committee and, having sought the advice of the chairs of the graduate departments of psychology in the State, nominees from licensees for each vacancy, shall submit to the Governor a list of the names of three eligible persons. From this list the Governor shall make the appointment for a full term, or for the remainder of the unexpired term, if any. Each Board member shall serve until his or her successor has been appointed. As the term of a member expires, or if one should become vacant for any reason, the Governor shall appoint a new member within 60 days of the vacancy's occurring. No member, either public or licensed under this Article, shall serve more than three complete consecutive terms."

SECTION 3.(e) This Part becomes effective October 1, 2025.

PART IV. PHYSICIAN ASSISTANT INTERSTATE LICENSURE COMPACT

SECTION 4.(a) Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 18J.

"PA Licensure Compact.

"§ 90-270.200. **Purpose.**

In order to strengthen access to Medical Services, and in recognition of the advances in the delivery of Medical Services, the Participating States of the PA Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing authority of State Licensing Boards to license and discipline PAs and seeks to enhance the portability of License to practice as a PA while safeguarding the safety of patients. This Compact allows Medical Services to be provided by PAs, via the mutual recognition of the Licensee's Qualifying License by other Compact Participating States. This Compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of Medical Services by the PA occurs where the patient is located at the time of the patient encounter, and therefore requires the PA to be under the jurisdiction of the State Licensing Board where the patient is located. State Licensing Boards that participate in this Compact retain the jurisdiction to impose Adverse Action against a Compact Privilege in that State issued to a PA through the procedures of this Compact. The PA Licensure Compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a Compact Privilege based on having an unrestricted License in good standing from a Participating State.

"§ 90-270.201. **Definitions.**

The following definitions apply in this Compact:

- (1) Adverse Action. – Any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against a PA License or License application or Compact Privilege such as License denial, censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.
- (2) Compact Privilege. – The authorization granted by a Remote State to allow a Licensee from another Participating State to practice as a PA to provide Medical Services and other licensed activity to a patient located in the Remote State under the Remote State's laws and regulations.
- (3) Conviction. – A finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender.
- (4) Criminal Background Check. – The submission of fingerprints or other biometric-based information for a License applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the State's criminal history record repository, as defined in 28 C.F.R. § 20.3(f).
- (5) Data System. – The repository of information about Licensees, including, but not limited to, License status and Adverse Actions, which is created and administered under the terms of this Compact.
- (6) Executive Committee. – A group of directors and ex officio individuals elected or appointed pursuant to G.S. 90-270.206(f)(2).
- (7) Impaired Practitioner. – A PA whose practice is adversely affected by health-related condition(s) that impact their ability to practice.
- (8) Investigative Information. – Information, records, or documents received or generated by a Licensing Board pursuant to an investigation.
- (9) Jurisprudence Requirement. – The assessment of an individual's knowledge of the laws and Rules governing the practice of a PA in a State.
- (10) License. – Current authorization by a State, other than authorization pursuant to a Compact Privilege, for a PA to provide Medical Services, which would be unlawful without current authorization.
- (11) Licensee. – An individual who holds a License from a State to provide Medical Services as a PA.
- (12) Licensing Board. – Any State entity authorized to license and otherwise regulate PAs.
- (13) Medical Services. – Health care services provided for the diagnosis, prevention, treatment, cure, or relief of a health condition, injury, or disease, as defined by a State's laws and regulations.
- (14) Model Compact. – The model for the PA Licensure Compact on file with The Council of State Governments or other entity as designated by the Commission.
- (15) Participating State. – A State that has enacted this Compact.
- (16) PA. – An individual who is licensed as a physician assistant in a State. For purposes of this Compact, any other title or status adopted by a State to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the Licensee under the provisions of this Compact at the time of its enactment.
- (17) PA Licensure Compact Commission, Compact Commission, or Commission. – The national administrative body created pursuant to G.S. 90-270.206(f)(2) of this Compact.

- 1 (18) Qualifying License. – An unrestricted License issued by a Participating State
2 to provide Medical Services as a PA.
- 3 (19) Remote State. – A Participating State where a Licensee who is not licensed as
4 a PA is exercising or seeking to exercise the Compact Privilege.
- 5 (20) Rule. – A regulation promulgated by an entity that has the force and effect of
6 law.
- 7 (21) Significant Investigative Information. – Investigative Information that a
8 Licensing Board, after an inquiry or investigation that includes notification
9 and an opportunity for the PA to respond if required by State law, has reason
10 to believe is not groundless and, if proven true, would indicate more than a
11 minor infraction.
- 12 (22) State. – Any state, commonwealth, district, or territory of the United States.
- 13 **"§ 90-270.202. State participation in this Compact.**
- 14 (a) To participate in this Compact, a Participating State shall:
- 15 (1) License PAs.
- 16 (2) Participate in the Compact Commission's Data System.
- 17 (3) Have a mechanism in place for receiving and investigating complaints against
18 Licensees and License applicants.
- 19 (4) Notify the Commission, in compliance with the terms of this Compact and
20 Commission Rules, of any Adverse Action against a Licensee or License
21 applicant and the existence of Significant Investigative Information regarding
22 a Licensee or License applicant.
- 23 (5) Fully implement a Criminal Background Check requirement, within a time
24 frame established by Commission Rule, by its Licensing Board receiving the
25 results of a Criminal Background Check and reporting to the Commission
26 whether the License applicant has been granted a License.
- 27 (6) Comply with the Rules of the Compact Commission.
- 28 (7) Utilize passage of a recognized national exam such as the NCCPA PANCE as
29 a requirement for PA licensure.
- 30 (8) Grant the Compact Privilege to a holder of a Qualifying License in a
31 Participating State.
- 32 (b) Nothing in this Compact prohibits a Participating State from charging a fee for
33 granting the Compact Privilege.
- 34 **"§ 90-270.203. Compact Privilege.**
- 35 (a) To exercise the Compact Privilege, a Licensee must:
- 36 (1) Have graduated from a PA program accredited by the Accreditation Review
37 Commission on Education for the Physician Assistant, Inc., or other programs
38 authorized by Commission Rule.
- 39 (2) Hold current NCCPA certification.
- 40 (3) Have no felony or misdemeanor conviction.
- 41 (4) Have never had a controlled substance license, permit, or registration
42 suspended or revoked by a State or by the United States Drug Enforcement
43 Administration.
- 44 (5) Have a unique identifier as determined by Commission Rule.
- 45 (6) Hold a Qualifying License.
- 46 (7) Have had no revocation of a License or limitation or restriction on any License
47 currently held due to an Adverse Action.
- 48 (8) If a Licensee has had a limitation or restriction on a License or Compact
49 Privilege due to an Adverse Action, two years must have elapsed from the
50 date on which the License or Compact Privilege is no longer limited or
51 restricted due to the Adverse Action.

- (9) If a Compact Privilege has been revoked or is limited or restricted in a Participating State for conduct that would not be a basis for disciplinary action in a Participating State in which the Licensee is practicing or applying to practice under a Compact Privilege, that Participating State shall have the discretion not to consider such action as an Adverse Action requiring the denial or removal of a Compact Privilege in that State.
- (10) Notify the Compact Commission that the Licensee is seeking the Compact Privilege in a Remote State.
- (11) Meet any Jurisprudence Requirement of a Remote State in which the Licensee is seeking to practice under the Compact Privilege and pay any fees applicable to satisfying the Jurisprudence Requirement.
- (12) Report to the Commission any Adverse Action taken by a non-participating State within 30 days after the action is taken.

(b) The Compact Privilege is valid until the expiration or revocation of the Qualifying License unless terminated pursuant to an Adverse Action. The Licensee must also comply with all of the requirements of subsection (a) of this section to maintain the Compact Privilege in a Remote State. If the Participating State takes Adverse Action against a Qualifying License, the Licensee shall lose the Compact Privilege in any Remote State in which the Licensee has a Compact Privilege until all of the following occur:

- (1) The License is no longer limited or restricted; and
- (2) Two years have elapsed from the date on which the License is no longer limited or restricted due to the Adverse Action.

(c) Once a restricted or limited License satisfies the requirements of subdivisions (b)(1) and (2) of this section, the Licensee must meet the requirements of subsection (a) of this section to obtain a Compact Privilege in any Remote State.

(d) For each Remote State in which a PA seeks authority to prescribe controlled substances, the PA shall satisfy all requirements imposed by such State in granting or renewing such authority.

"§ 90-270.204. Designation of the State from which Licensee is applying for a Compact Privilege.

Upon a Licensee's application for a Compact Privilege, the Licensee shall identify to the Commission the Participating State from which the Licensee is applying, in accordance with applicable Rules adopted by the Commission, and subject to the following requirements:

- (1) When applying for a Compact Privilege, the Licensee shall provide the Commission with the address of the Licensee's primary residence and thereafter shall immediately report to the Commission any change in the address of the Licensee's primary residence.
- (2) When applying for a Compact Privilege, the Licensee is required to consent to accept service of process by mail at the Licensee's primary residence on file with the Commission with respect to any action brought against the Licensee by the Commission or a Participating State, including a subpoena, with respect to any action brought or investigation conducted by the Commission or a Participating State.

"§ 90-270.205. Adverse Actions.

(a) A Participating State in which a Licensee is licensed shall have exclusive power to impose Adverse Action against the Qualifying License issued by that Participating State.

(b) In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to do all of the following:

- (1) Take Adverse Action against a PA's Compact Privilege within that State to remove a Licensee's Compact Privilege or take other action necessary under applicable law to protect the health and safety of its citizens.

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Participating State for the attendance and testimony of witnesses or the production of evidence from another Participating State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

(3) Notwithstanding subdivision (2) of this subsection, subpoenas may not be issued by a Participating State to gather evidence of conduct in another State that is lawful in that other State for the purpose of taking Adverse Action against a Licensee's Compact Privilege or application for a Compact Privilege in that Participating State.

(4) Nothing in this Compact authorizes a Participating State to impose discipline against a PA's Compact Privilege or to deny an application for a Compact Privilege in that Participating State for the individual's otherwise lawful practice in another State.

(c) For purposes of taking Adverse Action, the Participating State which issued the Qualifying License shall give the same priority and effect to reported conduct received from any other Participating State as it would if the conduct had occurred within the Participating State which issued the Qualifying License. In so doing, that Participating State shall apply its own State laws to determine appropriate action.

(d) A Participating State, if otherwise permitted by State law, may recover from the affected PA the costs of investigations and disposition of cases resulting from any Adverse Action taken against that PA.

(e) A Participating State may take Adverse Action based on the factual findings of a Remote State, provided that the Participating State follows its own procedures for taking the Adverse Action.

(f) Joint Investigations. –

(1) In addition to the authority granted to a Participating State by its respective State PA laws and regulations or other applicable State law, any Participating State may participate with other Participating States in joint investigations of Licensees.

(2) Participating States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under this Compact.

(g) If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact Privilege in all Remote States shall be deactivated until two years have elapsed after all restrictions have been removed from the State License. All disciplinary orders by the Participating State which issued the Qualifying License that impose Adverse Action against a PA's License shall include a Statement that the PA's Compact Privilege is deactivated in all Participating States during the pendency of the order.

(h) If any Participating State takes Adverse Action, it promptly shall notify the administrator of the Data System.

"§ 90-270.206. Establishment of the PA Licensure Compact Commission.

(a) The Participating States hereby create and establish a joint government agency and national administrative body known as the PA Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality

of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in G.S. 90-270.210(a).

(b) Membership, Voting, and Meetings:

- (1) Each Participating State shall have and be limited to one delegate selected by that Participating State's Licensing Board or, if the State has more than one Licensing Board, selected collectively by the Participating State's Licensing Boards.
- (2) The delegate shall be either:
 - a. A current PA, physician, or public member of a Licensing Board or PA Council/Committee; or
 - b. An administrator of a Licensing Board.
- (3) Any delegate may be removed or suspended from office as provided by the laws of the State from which the delegate is appointed.
- (4) The Participating State Licensing Board shall fill any vacancy occurring in the Commission within 60 days.
- (5) Each delegate shall be entitled to one vote on all matters voted on by the Commission and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, video conference, or other means of communication.
- (6) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in this Compact and the bylaws.
- (7) The Commission shall establish by Rule a term of office for delegates.

(c) The Commission shall have the following powers and duties:

- (1) Establish a code of ethics for the Commission;
- (2) Establish the fiscal year of the Commission;
- (3) Establish fees;
- (4) Establish bylaws;
- (5) Maintain its financial records in accordance with the bylaws;
- (6) Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;
- (7) Promulgate Rules to facilitate and coordinate implementation and administration of this Compact. The Rules shall have the force and effect of law and shall be binding in all Participating States;
- (8) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;
- (9) Purchase and maintain insurance and bonds;
- (10) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Participating State;
- (11) Hire employees and engage contractors, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
- (12) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

- (13) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property, real, personal, or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;
- (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
- (15) Establish a budget and make expenditures;
- (16) Borrow money;
- (17) Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
- (18) Provide and receive information from, and cooperate with, law enforcement agencies;
- (19) Elect a Chair, Vice-Chair, Secretary, and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;
- (20) Reserve for itself, in addition to those reserved exclusively to the Commission under the Compact, powers that the Executive Committee may not exercise;
- (21) Approve or disapprove a State's participation in the Compact based upon its determination as to whether the State's Compact legislation departs in a material manner from the Model Compact language;
- (22) Prepare and provide to the Participating States an annual report; and
- (23) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of PA licensure and practice.
- (d) Meetings of the Commission:
- (1) All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least 30 days prior to the public meeting.
- (2) Notwithstanding subdivision (1) of this subsection, the Commission may convene a public meeting by providing at least 24 hours' prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under G.S. 90-270.208(I).
- (3) The Commission may convene in a closed, nonpublic meeting or nonpublic part of a public meeting to receive legal advice or to discuss:
- a. Noncompliance of a Participating State with its obligations under this Compact;
- b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigative records compiled for law enforcement purposes;

- 1 i. Disclosure of information related to any investigative reports prepared
2 by or on behalf of or for use of the Commission or other committee
3 charged with responsibility of investigation or determination of
4 compliance issues pursuant to this Compact;
5 j. Legal advice; or
6 k. Matters specifically exempted from disclosure by federal or
7 Participating States' statutes.
8 (4) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
9 chair of the meeting or the chair's designee shall certify that the meeting or
10 portion of the meeting may be closed and shall reference each relevant
11 exempting provision.
12 (5) The Commission shall keep minutes that fully and clearly describe all matters
13 discussed in a meeting and shall provide a full and accurate summary of
14 actions taken, including a description of the views expressed. All documents
15 considered in connection with an action shall be identified in such minutes.
16 All minutes and documents of a closed meeting shall remain under seal,
17 subject to release by a majority vote of the Commission or order of a court of
18 competent jurisdiction.
19 (e) Financing of the Commission:
20 (1) The Commission shall pay, or provide for the payment of, the reasonable
21 expenses of its establishment, organization, and ongoing activities.
22 (2) The Commission may accept any and all appropriate revenue sources,
23 donations, and grants of money, equipment, supplies, materials, and services.
24 (3) The Commission may levy on and collect an annual assessment from each
25 Participating State and may impose Compact Privilege fees on Licensees of
26 Participating States to whom a Compact Privilege is granted to cover the cost
27 of the operations and activities of the Commission and its staff, which must
28 be in a total amount sufficient to cover its annual budget as approved by the
29 Commission each year for which revenue is not provided by other sources.
30 The aggregate annual assessment amount levied on Participating States shall
31 be allocated based upon a formula to be determined by Commission Rule.
32 a. A Compact Privilege expires when the Licensee's Qualifying License
33 in the Participating State from which the Licensee applied for the
34 Compact Privilege expires.
35 b. If the Licensee terminates the Qualifying License through which the
36 Licensee applied for the Compact Privilege before its scheduled
37 expiration, and the Licensee has a Qualifying License in another
38 Participating State, the Licensee shall inform the Commission that it
39 is changing to that Participating State the Participating State through
40 which it applies for a Compact Privilege and pay to the Commission
41 any Compact Privilege fee required by Commission Rule.
42 (4) The Commission shall not incur obligations of any kind prior to securing the
43 funds adequate to meet the same nor shall the Commission pledge the credit
44 of any of the Participating States, except by and with the authority of the
45 Participating State.
46 (5) The Commission shall keep accurate accounts of all receipts and
47 disbursements. The receipts and disbursements of the Commission shall be
48 subject to the financial review and accounting procedures established under
49 its bylaws. All receipts and disbursements of funds handled by the
50 Commission shall be subject to an annual financial review by a certified or

- 1 licensed public accountant, and the report of the financial review shall be
2 included in and become part of the annual report of the Commission.
- 3 (f) The Executive Committee:
- 4 (1) The Executive Committee shall have the power to act on behalf of the
5 Commission according to the terms of this Compact and Commission Rules.
- 6 (2) The Executive Committee shall be composed of nine members:
- 7 a. Seven voting members who are elected by the Commission from the
8 current membership of the Commission;
- 9 b. One ex officio, nonvoting member from a recognized national PA
10 professional association; and
- 11 c. One ex officio, nonvoting member from a recognized national PA
12 certification organization.
- 13 (3) The ex officio members will be selected by their respective organizations.
- 14 (4) The Commission may remove any member of the Executive Committee as
15 provided in its bylaws.
- 16 (5) The Executive Committee shall meet at least annually.
- 17 (6) The Executive Committee shall have the following duties and responsibilities:
- 18 a. Recommend to the Commission changes to the Commission's Rules
19 or bylaws, changes to this Compact legislation, fees to be paid by
20 Compact Participating States such as annual dues, and any
21 Commission Compact fee charged to Licensees for the Compact
22 Privilege;
- 23 b. Ensure Compact administration services are appropriately provided,
24 contractual or otherwise;
- 25 c. Prepare and recommend the budget;
- 26 d. Maintain financial records on behalf of the Commission;
- 27 e. Monitor Compact compliance of Participating States and provide
28 compliance reports to the Commission;
- 29 f. Establish additional committees as necessary;
- 30 g. Exercise the powers and duties of the Commission during the interim
31 between Commission meetings, except for issuing proposed
32 rulemaking or adopting Commission Rules or bylaws, or exercising
33 any other powers and duties exclusively reserved to the Commission
34 by the Commission's Rules; and
- 35 h. Perform other duties as provided in the Commission's Rules or bylaws.
- 36 (7) All meetings of the Executive Committee at which it votes or plans to vote on
37 matters in exercising the powers and duties of the Commission shall be open
38 to the public and public notice of such meetings shall be given as public
39 meetings of the Commission are given.
- 40 (8) The Executive Committee may convene in a closed, nonpublic meeting for
41 the same reasons that the Commission may convene in a nonpublic meeting
42 as set forth in G.S. 90-270.206(d)(3) and shall announce the closed meeting
43 as the Commission is required to under G.S. 90-270.206(d)(3) and keep
44 minutes of the closed meeting as the Commission is required to under
45 G.S. 90-270.206(d)(3).
- 46 (g) Qualified Immunity, Defense, and Indemnification:
- 47 (1) The members, officers, executive director, employees, and representatives of
48 the Commission shall be immune from suit and liability, both personally and
49 in their official capacity, for any claim for damage to or loss of property or
50 personal injury or other civil liability caused by or arising out of any actual or
51 alleged act, error, or omission that occurred, or that the person against whom

the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses in any proceedings as authorized by Commission Rules.

(5) Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

(6) Nothing herein shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence, or other such civil action pertaining to the practice of a PA. All such matters shall be determined exclusively by State law other than this Compact.

(7) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Participating State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

(8) Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Participating States or by the Commission.

"§ 90-270.207. Data System.

(a) The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated data and reporting system containing licensure, Adverse Action, and the reporting of the existence of Significant Investigative Information on all licensed PAs and applicants denied a License in Participating States.

(b) Notwithstanding any other State law to the contrary, a Participating State shall submit a uniform data set to the Data System on all PAs to whom this Compact is applicable (utilizing a unique identifier) as required by the Rules of the Commission, including:

(1) Identifying information;

(2) Licensure data;

(3) Adverse Actions against a License or Compact Privilege;

(4) Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);

(5) The existence of Significant Investigative Information; and

(6) Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

(c) Significant Investigative Information pertaining to a Licensee in any Participating State shall only be available to other Participating States.

(d) The Commission shall promptly notify all Participating States of any Adverse Action taken against a Licensee or an individual applying for a License that has been reported to it. This Adverse Action information shall be available to any other Participating State.

(e) Participating States contributing information to the Data System may, in accordance with State or federal law, designate information that may not be shared with the public without the express permission of the contributing State. Notwithstanding any such designation, such information shall be reported to the Commission through the Data System.

(f) Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Participating State contributing the information shall be removed from the Data System upon reporting of such by the Participating State to the Commission.

(g) The records and information provided to a Participating State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a Participating State.

"§ 90-270.208. Rulemaking.

(a) The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this section and the Rules adopted thereunder. Commission Rules shall become binding as of the date specified by the Commission for each Rule.

(b) The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer this Compact and achieve its purposes. A Commission Rule shall be invalid and have not force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope of the purposes of this Compact, or the powers granted hereunder, or based upon another applicable standard of review.

(c) The Rules of the Commission shall have the force of law in each Participating State, provided, however, that where the Rules of the Commission conflict with the laws of the Participating State that establish the Medical Services a PA may perform in the Participating State, as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict. The Rules of the Commission shall not modify or expand, in any way, the scope of practice of a PA as established by the laws of the Participating State.

(d) If a majority of the legislatures of the Participating States rejects a Commission Rule, by enactment of a statute or resolution in the same manner used to adopt this Compact within four years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Participating State or to any State applying to participate in the Compact.

- 1 (e) Commission Rules shall be adopted at a regular or special meeting of the
2 Commission.
- 3 (f) Prior to promulgation and adoption of a final Rule or Rules by the Commission, and
4 at least 30 days in advance of the meeting at which the Rule will be considered and voted upon,
5 the Commission shall file a Notice of Proposed Rulemaking:
- 6 (1) On the website of the Commission or other publicly accessible platform;
7 (2) To persons who have requested notice of the Commission's notices of
8 proposed rulemaking; and
9 (3) In such other way(s) as the Commission may by Rule specify.
- 10 (g) The Notice of Proposed Rulemaking shall include:
- 11 (1) The time, date, and location of the public hearing on the proposed Rule and
12 the proposed time, date, and location of the meeting in which the proposed
13 Rule will be considered and voted upon;
14 (2) The text of the proposed Rule and the reason for the proposed Rule;
15 (3) A request for comments on the proposed Rule from any interested person and
16 the date by which written comments must be received; and
17 (4) The manner in which interested persons may submit notice to the Commission
18 of their intention to attend the public hearing or provide any written
19 comments.
- 20 (h) Prior to adoption of a proposed Rule, the Commission shall allow persons to submit
21 written data, facts, opinions, and arguments, which shall be made available to the public.
- 22 (i) If the hearing is to be held via electronic means, the Commission shall publish the
23 mechanism for access to the electronic hearing.
- 24 (1) All persons wishing to be heard at the hearing shall as directed in the Notice
25 of Proposed Rulemaking, not less than five business days before the scheduled
26 date of the hearing, notify the Commission of their desire to appear and testify
27 at the hearing.
- 28 (2) Hearings shall be conducted in a manner providing each person who wishes
29 to comment a fair and reasonable opportunity to comment orally or in writing.
- 30 (3) All hearings shall be recorded. A copy of the recording and the written
31 comments, data, facts, opinions, and arguments received in response to the
32 proposed rulemaking shall be made available to a person upon request.
- 33 (4) Nothing in this section shall be construed as requiring a separate hearing on
34 each proposed Rule. Proposed Rules may be grouped for the convenience of
35 the Commission at hearings required by this section.
- 36 (j) Following the public hearing, the Commission shall consider all written and oral
37 comments timely received.
- 38 (k) The Commission shall, by majority vote of all delegates, take final action on the
39 proposed Rule and shall determine the effective date of the Rule, if adopted, based on the
40 Rulemaking record and the full text of the Rule.
- 41 (1) If adopted, the Rule shall be posted on the Commission's website.
42 (2) The Commission may adopt changes to the proposed Rule provided the
43 changes do not enlarge the original purpose of the proposed Rule.
44 (3) The Commission shall provide on its website an explanation of the reasons for
45 substantive changes made to the proposed Rule as well as reasons for
46 substantive changes not made that were recommended by commenters.
47 (4) The Commission shall determine a reasonable effective date for the Rule.
48 Except for an emergency as provided in subsection (l) of this section, the
49 effective date of the Rule shall be no sooner than 30 days after the Commission
50 issued the notice that it adopted the Rule.

(l) Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 24 hours' prior notice, without the opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than 90 days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately by the Commission in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of Commission or Participating State funds;

(3) Meet a deadline for the promulgation of a Commission Rule that is established by federal law or Rule; or

(4) Protect public health and safety.

(m) The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Commission Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made as set forth in the notice of revisions and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

(n) No Participating State's rulemaking requirements shall apply under this Compact.

"§ 90-270.209. Oversight, dispute resolution, and enforcement.

(a) Oversight:

(1) The executive and judicial branches of State government in each Participating State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

(2) Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter.

(3) The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact or the Commission's Rules and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission with service of process shall render a judgment or order in such proceeding void as to the Commission, this Compact, or Commission Rules.

(b) Default, Technical Assistance, and Termination:

(1) If the Commission determines that a Participating State has defaulted in the performance of its obligations or responsibilities under this Compact or the Commission Rules, the Commission shall provide written notice to the defaulting State and other Participating States. The notice shall describe the default, the proposed means of curing the default, and any other action that the Commission may take and shall offer remedial training and specific technical assistance regarding the default.

(2) If a State in default fails to cure the default, the defaulting State may be terminated from this Compact upon an affirmative vote of a majority of the delegates of the Participating States, and all rights, privileges, and benefits conferred by this Compact upon such State may be terminated on the effective

- 1 date of termination. A cure of the default does not relieve the offending State
2 of obligations or liabilities incurred during the period of default.
- 3 (3) Termination of participation in this Compact shall be imposed only after all
4 other means of securing compliance have been exhausted. Notice of intent to
5 suspend or terminate shall be given by the Commission to the governor, the
6 majority and minority leaders of the defaulting State's legislature, and to the
7 Licensing Board(s) of each of the Participating States.
- 8 (4) A State that has been terminated is responsible for all assessments,
9 obligations, and liabilities incurred through the effective date of termination,
10 including obligations that extend beyond the effective date of termination.
- 11 (5) The Commission shall not bear any costs related to a State that is found to be
12 in default or that has been terminated from this Compact, unless agreed upon
13 in writing between the Commission and the defaulting State.
- 14 (6) The defaulting State may appeal its termination from the Compact by the
15 Commission by petitioning the United States District Court for the District of
16 Columbia or the federal district where the Commission has its principal
17 offices. The prevailing member shall be awarded all costs of such litigation,
18 including reasonable attorneys' fees.
- 19 (7) Upon the termination of a State's participation in the Compact, the State shall
20 immediately provide notice to all Licensees within that State of such
21 termination:
- 22 a. Licensees who have been granted a Compact Privilege in that State
23 shall retain the Compact Privilege for 180 days following the effective
24 date of such termination.
- 25 b. Licensees who are licensed in that State who have been granted a
26 Compact Privilege in a Participating State shall retain the Compact
27 Privilege for 180 days unless the Licensee also has a Qualifying
28 License in a Participating State or obtains a Qualifying License in a
29 Participating State before the 180-day period ends, in which case the
30 Compact Privilege shall continue.
- 31 (c) Dispute Resolution:
- 32 (1) Upon request by a Participating State, the Commission shall attempt to resolve
33 disputes related to this Compact that arise among Participating States and
34 between Participating and non-Participating States.
- 35 (2) The Commission shall promulgate a Rule providing for both mediation and
36 binding dispute resolution for disputes as appropriate.
- 37 (d) Enforcement:
- 38 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the
39 provisions of this Compact and Rules of the Commission.
- 40 (2) If compliance is not secured after all means to secure compliance have been
41 exhausted, by majority vote, the Commission may initiate legal action in the
42 United States District Court for the District of Columbia or the federal district
43 where the Commission has its principal offices, against a Participating State
44 in default to enforce compliance with the provisions of this Compact and the
45 Commission's promulgated Rules and bylaws. The relief sought may include
46 both injunctive relief and damages. In the event judicial enforcement is
47 necessary, the prevailing party shall be awarded all costs of such litigation,
48 including reasonable attorneys' fees.
- 49 (3) The remedies herein shall not be the exclusive remedies of the Commission.
50 The Commission may pursue any other remedies available under federal or
51 State law.

(e) Legal Action Against the Commission:

(1) A Participating State may initiate legal action against the Commission in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(2) No person other than a Participating State shall enforce this Compact against the Commission.

"§ 90-270.210. Date of implementation of the PA Licensure Compact Commission.

(a) This Compact shall come into effect on the date on which this Compact statute is enacted into law in the seventh Participating State.

(1) On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the States that enacted the Compact prior to the Commission convening ("Charter Participating States") to determine if the statute enacted by each such Charter Participating State is materially different than the Model Compact.

a. A Charter Participating State whose enactment is found to be materially different from the Model Compact shall be entitled to the default process set forth in G.S. 90-270.209(b).

b. If any Participating State later withdraws from the Compact or its participation is terminated, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Participating States should be less than seven. Participating States enacting the Compact subsequent to the Commission convening shall be subject to the process set forth in G.S. 90-270.206(c)(21) to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.

(2) Participating States enacting the Compact subsequent to the seven initial Charter Participating States shall be subject to the process set forth in G.S. 90-270.206(c)(21) to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.

(3) All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

(b) Any State that joins this Compact shall be subject to the Commission's Rules and bylaws as they exist on the date on which this Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day this Compact becomes law in that State.

(c) Any Participating State may withdraw from this Compact by enacting a statute repealing the same.

(1) A Participating State's withdrawal shall not take effect until 180 days after enactment of the repealing statute. During this 180-day period, all Compact Privileges that were in effect in the withdrawing State and were granted to Licensees licensed in the withdrawing State shall remain in effect. If any Licensee licensed in the withdrawing State is also licensed in another Participating State or obtains a license in another Participating State within

the 180 days, the Licensee's Compact Privileges in other Participating States shall not be affected by the passage of the 180 days.

(2) Withdrawal shall not affect the continuing requirement of the State Licensing Board(s) of the withdrawing State to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing a State from this Compact, the State shall immediately provide notice of such withdrawal to all Licensees within that State. Such withdrawing State shall continue to recognize all Licenses granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

(d) Nothing contained in this Compact shall be construed to invalidate or prevent any PA licensure agreement or other cooperative arrangement between Participating States and between a Participating State and non-Participating State that does not conflict with the provisions of this Compact.

(e) This Compact may be amended by the Participating States. No amendment to this Compact shall become effective and binding upon any Participating State until it is enacted materially in the same manner into the laws of all Participating States as determined by the Commission.

"§ 90-270.211. Construction and severability.

(a) This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

(b) The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Participating State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

(c) Notwithstanding subsection (b) of this section, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of G.S. 90-270.209(b), terminate a Participating State's participation in the Compact, if it determines that a constitutional requirement of a Participating State is, or would be with respect to a State seeking to participate in the Compact, a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Participating State, the Compact shall remain in full force and effect as to the remaining Participating States and in full force and effect as to the Participating State affected as to all severable matters.

"§ 90-270.212. Binding effect of Compact.

(a) Nothing herein prevents the enforcement of any other law of a Participating State that is not inconsistent with this Compact.

(b) Any laws in a Participating State in conflict with this Compact are superseded to the extent of the conflict.

(c) All agreements between the Commission and the Participating States are binding in accordance with their terms."

SECTION 4.(b) G.S. 90-9.3 reads as rewritten:

"§ 90-9.3. Requirements for licensure as a physician assistant.

(a) To be eligible for licensure as a physician assistant, an applicant shall submit proof satisfactory to the Board that the applicant has met all of the following:

(1) The applicant has successfully completed an educational program for physician assistants or surgeon assistants accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor entities.

(2) The applicant has a current or previous certification issued by the National Commission on Certification of Physician Assistants or its successor.

(3) The applicant is of good moral character.

(a1) A physician assistant applying for licensure under Article 18J of this Chapter shall be in compliance with that Article.

(b) Before initiating practice of medical acts, tasks, or functions as a physician assistant, the physician assistant shall provide the Board the name, address, and telephone number of the physician who will supervise the physician assistant in the relevant medical setting.

(c) The Board may, by rule, require an applicant to comply with other requirements or submit additional information the Board deems appropriate."

SECTION 4.(c) G.S. 90-13.2 reads as rewritten:

"§ 90-13.2. Registration every year with Board.

(a) Every licensee shall register annually with the Board no later than 30 days after the person's birthday. Every privilege holder shall register annually with the Board in accordance with the Physician Assistant Licensure Compact, Article 18J of this Chapter.

...

(b1) Physician assistants shall pay an annual registration fee of one hundred forty dollars (\$140.00). A physician assistant who fails to register as required by this section shall pay an additional fee of twenty-five dollars (\$25.00) to the Board.

...."

SECTION 4.(d) G.S. 90-13.1 is amended by adding a new subsection to read:

"(g) For the initial licensure or privilege of a physician assistant, the Board shall require the payment of two hundred thirty dollars (\$230.00)."

SECTION 4.(e) G.S. 90-1.1 reads as rewritten:

"§ 90-1.1. Definitions.

The following definitions apply in this Article:

...

(4) License. – An authorization issued by the Board to a physician, physician assistant, or anesthesiologist assistant to perform medical acts, tasks, or functions. License shall include any physician assistant compact privilege granted under Article 18J of this Chapter.

(4a) Licensee. – Any person issued a license by the Board, whether the license is active or inactive, including an inactive license by means of surrender. Licensee shall include any compact privilege issued to a holder of a qualifying license in a participating state pursuant to Article 18J of this Chapter.

...."

SECTION 4.(f) G.S. 90-5.1 reads as rewritten:

"§ 90-5.1. Powers and duties of the Board.

(a) The Board shall have the following powers and duties:

...

(11) Implement the Physician Assistant Licensure Compact under Article 18J of this Chapter, including issuing compact privileges.

(12) Appoint a delegate to serve on the Physician Assistant Licensure Compact Commission under G.S. 90-270.206. The delegate shall be either (i) a current physician assistant, physician, or public member of the Board or (ii) an administrator of the Board.

...."

SECTION 4.(g) G.S. 90-11 reads as rewritten:

"§ 90-11. Criminal background checks.

(a) Repealed by Session Laws 2007-346, s. 11, effective October 1, 2007.

(a1) Repealed by Session Laws 2007-346, s. 9.1, effective October 1, 2007.

(b) The Department of Public Safety may provide a criminal record check to the Board for a person who has applied for a license through the ~~Board~~. Board and for purposes of Article 18J of this Chapter. The Board shall provide to the Department of Public Safety, along with the request, the fingerprints of the applicant, any additional information required by the Department of Public Safety, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Board shall keep all information pursuant to this subsection privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Public Safety may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection. The Board has the authority to collect this fee from each applicant and remit it to the Department of Public Safety."

SECTION 4.(h) G.S. 90-14 reads as rewritten:

"§ 90-14. Disciplinary Authority.

(a) The Board shall have the power to place on probation with or without conditions, impose limitations and conditions on, publicly reprimand, assess monetary redress, issue public letters of concern, mandate free medical services, require satisfactory completion of treatment programs or remedial or educational training, fine, 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:

...

(18) A violation of Article 18J of this Chapter, consistent with the provisions of that Article for compact privilege holders.

...."

SECTION 4.(i) This Part is effective nine months after it becomes law.

PART V. PHARMACIST TEST AND TREAT

SECTION 5.1.(a) G.S. 90-85.3 reads as rewritten:

"§ 90-85.3. Definitions.

...

(b2) "CLIA-waived test" means a laboratory test authorized by the Food and Drug Administration and waived under the Clinical Laboratory Improvement Amendments of 1988.

(b3) "Clinical pharmacist practitioner" means a licensed pharmacist who meets the guidelines and criteria for such title established by the joint subcommittee of the North Carolina Medical Board and the North Carolina Board of Pharmacy and is authorized to enter into drug therapy management agreements with physicians in accordance with the provisions of G.S. 90-18.4.

...."

SECTION 5.1.(b) G.S. 90-85.3A reads as rewritten:

"§ 90-85.3A. Practice of pharmacy.

...

(b) A pharmacist may advise and educate patients and health care providers concerning therapeutic values, content, uses, and significant problems of drugs and devices; assess, record,

and report adverse drug and device reactions; take and record patient histories relating to drug and device therapy; administer drugs; monitor, record, and report drug therapy and device usage; perform drug utilization reviews; and participate in drug and drug source selection and device and device source selection as provided in G.S. 90-85.27 through G.S. 90-85.31.

...

(e) A pharmacist may order and perform a CLIA-waived test and initiate treatment pursuant to the result of the CLIA-waived test for influenza in accordance with statewide protocols. A pharmacist shall not treat a health condition under this section with any controlled substance classified in Schedules I through IV."

SECTION 5.1.(c) This section becomes effective October 1, 2025.

SECTION 5.2.(a) Article 3 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-3-241. Healthcare services provided by pharmacists.

(a) The following definitions apply in this section:

(1) Healthcare provider. – Either of the following:

a. An individual who is licensed, certified, or otherwise authorized under Chapter 90 of the General Statutes to provide healthcare services in the ordinary course of business or practice of a profession or in an approved education or training program.

b. A health care facility licensed under Chapter 131E or Chapter 122C of the General Statutes and where healthcare services are provided to patients.

(2) Healthcare services. – Any of the following health or medical procedures or services rendered by a healthcare provider:

a. Testing, diagnosis, or treatment of a health condition, illness, injury, or disease. This includes testing, diagnosis, or treatment rendered by a pharmacist acting within the pharmacist's scope of practice.

b. Dispensing of drugs, medical devices, medical appliances, or medical goods for the treatment of a health condition, illness, injury, or disease.

c. Administration of a vaccine or medication.

(3) Pharmacist. – An individual licensed to practice pharmacy under Article 4A of Chapter 90 of the General Statutes or the relevant laws of another state.

(b) A health benefit plan offered by an insurer in this State shall cover healthcare services provided by a pharmacist if all of the following conditions are met:

(1) The service or procedure was performed within the pharmacist's licensed lawful scope of practice.

(2) The health benefit plan would have covered the service if the service or procedure had been performed by another healthcare provider.

(c) The participation of a pharmacy in a drug benefit provider network of a health benefit plan shall not satisfy any requirement that insurers offering health benefit plans include pharmacists in medical benefit provider networks.

(d) An insurer shall accept a claim under this section regardless of whether it is submitted by a pharmacist or a pharmacy submitting the claim on behalf of a pharmacist the pharmacy employs or contracts with."

SECTION 5.2.(b) G.S. 58-3-230 is amended by adding a new subsection to read:

"(d) Insurers that delegate credentialing agreements or requirements for pharmacists licensed under Article 4A of Chapter 90 of the General Statutes or the relevant laws of another state to a contracted healthcare facility shall accept the credentialing for all pharmacists employed by, or contracted with, those healthcare facilities."

SECTION 5.2.(c) G.S. 58-56-26 is amended by adding a new subsection to read:

"(e) Notwithstanding any provision of this Article to the contrary, all requirements relating to the coverage of prescription drugs and pharmacy services under this Chapter that apply to health benefit plans are applicable to a third-party administrator in the same way they are applicable to an insurer."

SECTION 5.2.(d) Article 56A of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-56A-55. Health benefit plan requirements applicable.

All requirements relating to the coverage of prescription drugs and pharmacy services under this Chapter that apply to health benefit plans are applicable to a pharmacy benefits manager in the same way they are applicable to an insurer."

SECTION 5.2.(e) This section is effective October 1, 2025, and applies to insurance contracts entered into, renewed, or amended on or after that date.

SECTION 5.3.(a) No later than October 1, 2025, the State Health Director shall issue a standing order authorizing a pharmacist to order and perform a CLIA-waived test and initiate treatment for influenza in accordance with G.S. 90-85.3A(e), as amended by Section 5.1 of this Part. The standing order shall include protocols for testing and treatment of influenza that balance patient safety with ensuring access to care provided by pharmacists. The standing order shall remain in effect until the earlier of the date the permanent rules described in Section 5.3(b) of this Part become effective or January 1, 2027.

SECTION 5.3.(b) No later than October 1, 2025, the North Carolina Medical Board and the North Carolina Board of Pharmacy, in conjunction with the State Health Director, shall adopt rules to implement the provisions of Section 5.1 of this Part. At a minimum, those rules shall include:

- (1) An approved course of treatment pharmacists may implement for influenza.
- (2) Protocols for testing and treatment of influenza that balance patient safety with ensuring access to care provided by pharmacists.
- (3) If the Boards deem it appropriate, rules (i) limiting the number of times a patient can be treated by a pharmacist in a given time span and (ii) creating an audit mechanism to enforce those rules.
- (4) Patient parameters necessitating referral to a primary, urgent, or emergency care provider.
- (5) Any other rules the Boards deem necessary.

SECTION 5.3.(c) Except as otherwise provided, this Part is effective when it becomes law.

PART VI. PHYSICIAN ASSISTANT, NURSE PRACTITIONER, AND CERTIFIED NURSE MIDWIFE REFORMS

SECTION 6.1.(a) G.S. 90-1.1 is amended by adding a new subdivision to read:

"(4d) Team-based setting or team-based practice. – Any of the following:

a. A medical practice that meets all of the following requirements:

1. The majority of the practice is owned collectively by one or more licensed physicians.
2. An owner who is a physician licensed under this Chapter has consistent and meaningful participation in the design and implementation of health services to patients, as defined by rules adopted by the Board.
3. The physicians and team-based physician assistants who provide services at the medical practice work in the same clinical practice area.

b. Hospitals, clinics, nursing homes, and other health facilities with active credentialing and quality programs where physicians have

consistent and meaningful participation in the design and implementation of health services to patients, as defined by rules adopted by the Board.

c. For the purposes of this Article, the term "team-based setting" or "team-based practice" shall not include a medical practice that specializes in pain management."

SECTION 6.1.(b) G.S. 90-9.3 reads as rewritten:

"§ 90-9.3. Requirements for licensure as a physician assistant.

(a) To be eligible for licensure as a physician assistant, an applicant shall submit proof satisfactory to the Board that the applicant has met all of the following:

(1) The applicant has successfully completed an educational program for physician assistants or surgeon assistants accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor entities.

(2) The applicant has a current or previous certification issued by the National Commission on Certification of Physician Assistants or its successor.

(3) The applicant is of good moral character.

(b) Before initiating practice of medical acts, tasks, or functions as a physician assistant, the physician assistant shall provide the Board the name, address, and telephone number of the physician who will supervise the physician assistant in the relevant medical setting. This subsection shall not apply to physician assistants who meet the requirements for team-based practice under G.S. 90-9.3A.

(c) The Board may, by rule, require an applicant to comply with other requirements or submit additional information the Board deems appropriate."

SECTION 6.1.(c) Article 1 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-9.3A. Requirements for team-based practice as a physician assistant.

(a) In order to practice as a team-based physician assistant, a physician assistant shall meet all of the following conditions:

(1) Practice in team-based settings, as defined in G.S. 90-1.1(4d).

(2) Have more than 4,000 hours of clinical practice experience as a licensed physician assistant and more than 1,000 hours of clinical practice experience within the specific medical specialty of practice with a physician in that specialty.

(3) Submit proof as the Board may deem satisfactory by rule that the individual meets the requirements of subdivisions (1) and (2) of this subsection. The Board may, by rule, require the physician assistant to comply with other requirements or submit additional information the Board deems appropriate.

(b) Team-based physician assistants shall collaborate and consult with or refer to the appropriate members of the health care team as required by the patient's condition and as indicated by the education, experience, and competencies of the physician assistant and the standard of care. The degree of collaboration must be determined by the practice which may include decisions by the employer, group, hospital service, and the credentialing and privileging systems of a licensed facility. The Board may adopt rules to establish requirements for the determination and enforcement of collaboration, consultation, and referral. Team-based physician assistants are responsible for the care they provide.

(c) Notwithstanding any other provision of this Chapter, a team-based physician assistant practicing in a perioperative setting, including the provision of surgical or anesthesia-related services, shall be supervised by a physician."

SECTION 6.1.(d) G.S. 90-12.4 reads as rewritten:

"§ 90-12.4. Physician assistant limited volunteer license.

1 ...
2 (d) Before initiating the performance of medical acts, tasks, or functions as a physician
3 assistant licensed under this section, the physician assistant shall ~~provide~~ submit to the Board
4 either an "Intent to Practice Notification Form," which shall include the name, address, and
5 telephone number of the physician licensed under this Article who will supervise the physician
6 assistant in the clinic specializing in the care of indigent ~~patients~~ patients, or meet the
7 requirements for team-based practice under G.S. 90-9.3A.

8

9 **SECTION 6.1.(e)** G.S. 90-12.4B reads as rewritten:

10 **"§ 90-12.4B. Physician Assistant retired limited volunteer license.**

11

12 **SECTION 6.1.(f)** G.S. 90-18.1 reads as rewritten:

13 **"§ 90-18.1. Limitations on physician assistants.**

14 (a) Any person who is licensed under the provisions of G.S. 90-9.3 to perform medical
15 acts, tasks, and functions as a physician assistant may use the title "physician assistant" or "PA."
16 Any other person who uses the title in any form or holds out to be a physician assistant or to be
17 so licensed, shall be deemed to be in violation of this Article.

18 (a1) Physician assistants shall clearly designate their credentials as a physician assistant in
19 all clinical settings.

20 (b) Physician assistants are authorized to write prescriptions for drugs under the
21 following conditions:

22 (1) The North Carolina Medical Board has adopted regulations governing the
23 approval of individual physician assistants to write prescriptions with such
24 limitations as the Board may determine to be in the best interest of patient
25 health and safety.

26 (2) The physician assistant holds a current license issued by the Board.

27 (3) Repealed by Session Laws 2019-191, s. 35, effective October 1, 2019.

28 (4) The supervising physician has provided to the physician assistant written
29 instructions about indications and contraindications for prescribing drugs and
30 a written policy for periodic review by the physician of the drugs prescribed.
31 This subdivision shall not apply to individuals who are practicing in a
32 team-based setting under G.S. 90-9.3A.

33 (5) A physician assistant shall personally consult with the supervising physician
34 prior to prescribing a targeted controlled substance as defined in Article 5 of
35 this Chapter when all of the following conditions apply:

36 a. The patient is being treated by a facility that primarily engages in the
37 treatment of pain by prescribing narcotic medications.

38 b. The therapeutic use of the targeted controlled substance will or is
39 expected to exceed a period of 30 days.

40 When a targeted controlled substance prescribed in accordance with this subdivision is
41 continuously prescribed to the same patient, the physician assistant shall consult with the
42 supervising physician at least once every 90 days to verify that the prescription remains medically
43 appropriate for the patient.

44 (c) Physician assistants are authorized to compound and dispense drugs under the
45 following conditions:

46 (1) The function is performed under the supervision of a licensed pharmacist.

47 (2) Rules and regulations of the North Carolina Board of Pharmacy and all
48 applicable State and federal laws governing this function compounding and
49 dispensing are complied with.

50 (3) The physician assistant holds a current license issued by the Board.

51 (4) The physician assistant registers with the Board of Pharmacy.

(d) Physician assistants are authorized to order medications, tests and treatments in hospitals, clinics, nursing homes, and other health facilities under the following conditions:

- (1) The North Carolina Medical Board has adopted regulations governing the approval of individual physician assistants to order medications, tests, and treatments with such limitations as the Board may determine to be in the best interest of patient health and safety.
- (2) The physician assistant holds a current license issued by the Board.
- (3) ~~The~~ If the physician assistant is subject to a supervisory arrangement, the supervising physician has provided to the physician assistant written instructions about ordering medications, tests, and treatments, and when appropriate, specific oral or written instructions for an individual patient, with provision for review by the physician of the order within a reasonable time, as determined by the Board, after the medication, test, or treatment is ordered.
- (4) The hospital or other health facility has adopted a written policy about ordering medications, tests, and treatments, including procedures for verification of the physician assistants' orders by nurses and other facility employees and such other procedures as are in the interest of patient health and safety.

(e) Any prescription written by a physician assistant or order given by a physician assistant for medications, tests, or treatments shall be deemed to have been authorized by the physician approved by the Board as the supervisor of the physician assistant and the supervising physician shall be responsible for authorizing the prescription or order. This subsection shall not apply to individuals who are practicing in a team-based setting under G.S. 90-9.3A who may prescribe, order, administer, and procure drugs and medical devices without physician authorization. Individuals who are practicing in a team-based setting under G.S. 90-9.3A may also plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions, including durable medical equipment, nutrition, blood, blood products, and diagnostic support services, including home health care, hospice, and physical and occupational therapy.

~~(e1) Any medical certification completed by a physician assistant for a~~ Physician assistants may authenticate any document, including death certificate shall be deemed to have been authorized by the physician approved by the Board as the supervisor of the physician assistant, and the supervising physician shall be responsible for authorizing the completion certificates with their signature, certification, stamp, verification, affidavit, or endorsement, if it may be so authenticated by the signature, certification, stamp, verification, affidavit, or endorsement of the medical certification-a physician.

(e2) Physician assistants shall not perform final interpretations of diagnostic imaging studies. For purposes of this subsection, "diagnostic imaging" shall include computed tomography (CT), magnetic resonance imaging (MRI), nuclear medicine, positron emission tomography (PET), mammography, and ultrasound services. Final interpretation shall be provided by a physician licensed under this Chapter. Notwithstanding any other provision of this Chapter, physician assistants conducting final interpretation of plain film radiographs shall be supervised by a physician.

...

(g) Any person who is licensed under G.S. 90-9.3 to perform medical acts, tasks, and functions as a physician assistant shall comply with each of the following:

- (1) Maintain a current and active license to practice in this State.
- (2) Maintain an active registration with the Board.
- (3) ~~Have File~~ a current Intent to Practice form filed with the Board-Board or meet the requirements for team-based practice under G.S. 90-9.3A.

...."

1 **SECTION 6.1.(g)** G.S. 90-21.81(9) reads as rewritten:

2 "(9) Qualified technician. – A registered diagnostic medical sonographer who is
3 certified in obstetrics and gynecology by the American Registry for
4 Diagnostic Medical Sonography ~~(ARDMS)~~ (ARDMS), a physician assistant
5 with certification in obstetrical ultrasonography, or a nurse midwife or
6 advanced practice nurse practitioner in obstetrics with certification in
7 obstetrical ultrasonography."

8 **SECTION 6.1.(h)** G.S. 58-3-169 reads as rewritten:

9 **"§ 58-3-169. Required coverage for minimum hospital stay following birth.**

10 (a) Definitions. – As used in this section:

11 (1) "Attending providers" includes:

- 12 a. The obstetrician-gynecologists, pediatricians, family physicians, and
13 other physicians primarily responsible for the care of a mother and
14 newborn; and
15 b. The nurse ~~midwives~~ midwives, physician assistants, and nurse
16 practitioners primarily responsible for the care of a mother and her
17 newborn child in accordance with State licensure and certification
18 laws.

19 "

20 **SECTION 6.1.(i)** G.S. 110-91 reads as rewritten:

21 **"§ 110-91. Mandatory standards for a license.**

22 All child care facilities shall comply with all State laws and federal laws and local ordinances
23 that pertain to child health, safety, and welfare. Except as otherwise provided in this Article, the
24 standards in this section shall be complied with by all child care facilities. However, none of the
25 standards in this section apply to the school-age children of the operator of a child care facility
26 but do apply to the preschool-age children of the operator. Children 13 years of age or older may
27 receive child care on a voluntary basis provided all applicable required standards are met. The
28 standards in this section, along with any other applicable State laws and federal laws or local
29 ordinances, shall be the required standards for the issuance of a license by the Secretary under
30 the policies and procedures of the Commission except that the Commission may, in its discretion,
31 adopt less stringent standards for the licensing of facilities which provide care on a temporary,
32 part-time, drop-in, seasonal, after-school or other than a full-time basis.

33 (1) Medical Care and Sanitation. – The Commission for Public Health shall adopt
34 rules which establish minimum sanitation standards for child care centers and
35 their personnel. The sanitation rules adopted by the Commission for Public
36 Health shall cover such matters as the cleanliness of floors, walls, ceilings,
37 storage spaces, utensils, and other facilities; adequacy of ventilation;
38 sanitation of water supply, lavatory facilities, toilet facilities, sewage disposal,
39 food protection facilities, bactericidal treatment of eating and drinking
40 utensils, and solid-waste storage and disposal; methods of food preparation
41 and serving; infectious disease control; sleeping facilities; and other items and
42 facilities as are necessary in the interest of the public health. The Commission
43 for Public Health shall allow child care centers to use domestic kitchen
44 equipment, provided appropriate temperature levels for heating, cooling, and
45 storing are maintained. Child care centers that fry foods shall use commercial
46 hoods. These rules shall be developed in consultation with the Department.

47 The Commission shall adopt rules for child care facilities to establish
48 minimum requirements for child and staff health assessments and medical
49 care procedures. These rules shall be developed in consultation with the
50 Department. Each child shall have a health assessment before being admitted
51 or within 30 days following admission to a child care facility. The assessment

shall be done by: (i) a licensed physician, (ii) the physician's authorized agent who is currently approved by the North Carolina Medical Board, or comparable certifying board in any state contiguous to North Carolina, (iii) a certified nurse practitioner, (iv) a licensed physician assistant, or (iv)-(v) a public health nurse meeting the Departments Standards for Early Periodic Screening, Diagnosis, and Treatment Program. However, no health assessment shall be required of any staff or child who is and has been in normal health when the staff, or the child's parent, guardian, or full-time custodian objects in writing to a health assessment on religious grounds which conform to the teachings and practice of any recognized church or religious denomination.

Organizations that provide prepared meals to child care centers only are considered child care centers for purposes of compliance with appropriate sanitation standards.

...."

SECTION 6.2.(a) G.S. 90-8.2(a) is repealed.

SECTION 6.2.(b) G.S. 90-18(c) reads as rewritten:

"§ 90-18. Practicing without license; penalties.

(c) The following shall not constitute practicing medicine or surgery as defined in this Article:

...

(14) The practice of nursing by a registered nurse engaged in the practice of nursing and the performance of acts otherwise constituting medical practice by a registered nurse when performed in accordance with rules and regulations developed by ~~a joint subcommittee of the North Carolina Medical Board and the the North Carolina Board of Nursing and adopted by both boards.~~ Nursing.

...."

SECTION 6.2.(c) G.S. 90-18.2 reads as rewritten:

"§ 90-18.2. Limitations on nurse practitioners.

(a) Any nurse approved under the provisions of G.S. 90-18(c)(14) to perform medical acts, tasks or functions may use the title "nurse practitioner." Any other person who uses the title in any form or holds out to be a nurse practitioner or to be so approved, shall be deemed to be in violation of this Article.

(b) Nurse practitioners are authorized to write prescriptions for drugs under all of the following conditions:

(1) The North Carolina ~~Medical Board and~~ Board of Nursing ~~have~~ has adopted regulations ~~developed by a joint subcommittee~~ governing the approval of individual nurse practitioners to write prescriptions with such limitations as ~~the boards~~ the North Carolina Board of Nursing may determine to be in the best interest of patient health and safety.

(2) The nurse practitioner has current approval from the ~~boards~~ North Carolina Board of Nursing.

(3) Repealed by Session Laws 2019-191, s. 36, effective October 1, 2019.

(4) The supervising physician has provided to the nurse practitioner written instructions about indications and contraindications for prescribing drugs and a written policy for periodic review by the physician of the drugs prescribed.

(5) A nurse practitioner shall personally consult with the supervising physician prior to prescribing a targeted controlled substance as defined in Article 5 of this Chapter when all of the following conditions apply:

a. The patient is being treated by a facility that primarily engages in the treatment of pain by prescribing narcotic medications.

- b. The therapeutic use of the targeted controlled substance will or is expected to exceed a period of 30 days.
- When a targeted controlled substance prescribed in accordance with this subdivision is continuously prescribed to the same patient, the nurse practitioner shall consult with the supervising physician at least once every 90 days to verify that the prescription remains medically appropriate for the patient.
- (c) Nurse practitioners are authorized to compound and dispense drugs under the following conditions:
- (1) The function is performed under the supervision of a licensed pharmacist; and
 - (2) Rules and regulations of the North Carolina Board of Pharmacy governing this function are complied with.
- (d) Nurse practitioners are authorized to order medications, tests and treatments in hospitals, clinics, nursing homes and other health facilities under all of the following conditions:
- (1) The North Carolina ~~Medical Board and~~ Board of Nursing ~~have~~has adopted regulations ~~developed by a joint subcommittee~~ governing the approval of individual nurse practitioners to order medications, tests and treatments with such limitations as the boards may determine to be in the best interest of patient health and safety.
 - (2) The nurse practitioner has current approval from the ~~boards~~North Carolina Board of Nursing.
 - (3) The supervising physician has provided to the nurse practitioner written instructions about ordering medications, tests and treatments, and when appropriate, specific oral or written instructions for an individual patient, with provision for review by the physician of the order within a reasonable time, as determined by the ~~Board~~North Carolina Board of Nursing, after the medication, test or treatment is ordered.
 - (4) The hospital or other health facility has adopted a written policy, approved by the medical staff after consultation with the nursing administration, about ordering medications, tests and treatments, including procedures for verification of the nurse practitioners' orders by nurses and other facility employees and such other procedures as are in the interest of patient health and safety.
- (e) Any prescription written by a nurse practitioner or order given by a nurse practitioner for medications, tests or treatments shall be deemed to have been authorized by the physician approved by the ~~boards~~North Carolina Board of Nursing as the supervisor of the nurse practitioner and such supervising physician shall be responsible for authorizing such prescription or order.
- (e1) Any medical certification completed by a nurse practitioner for a death certificate shall be deemed to have been authorized by the physician approved by the boards as the supervisor of the nurse practitioner, and the supervising physician shall be responsible for authorizing the completion of the medical certification.
- (f) Any registered nurse or licensed practical nurse who receives an order from a nurse practitioner for medications, tests or treatments is authorized to perform that order in the same manner as if it were received from a licensed physician."
- SECTION 6.2.(d)** G.S. 90-171.23(b) reads as rewritten:
- "(b) Duties, powers. The Board is empowered to:
- ...
- (14) ~~Appoint and maintain a subcommittee of the Board to work jointly with the subcommittee of the North Carolina Medical Board to develop rules and regulations to govern the performance of medical acts by registered nurses~~

and to determine reasonable fees to accompany an application for approval or renewal of such approval as provided in G.S. 90-8.2. The fees and rules developed by this subcommittee shall govern the performance of medical acts by registered nurses and shall become effective when they have been adopted by both Boards. Grant prescribing, ordering, dispensing, and furnishing authority to nurse practitioners pursuant to G.S. 90-18.2. Notwithstanding any other provision of law, the Board shall have the sole authority to adopt rules and enforce regulations governing the practice and conduct of nurse practitioners as defined in G.S. 90-18.2 and certified nurse midwives and the practice of midwifery as defined in G.S. 90-178.2.

...

(25) Adopt rules necessary to implement and administer the provisions of Article 10A of this Chapter."

SECTION 6.2.(e) G.S. 90-171.37(b) is repealed.

SECTION 6.2.(f) G.S. 90-18.8 reads as rewritten:

"§ 90-18.8. Limitations on nurse-midwives.

(a) Any Certified Nurse Midwife approved under the provisions of Article 10A of this Chapter to provide midwifery care may use the title "Certified Nurse Midwife." Any other person who uses the title in any form or holds himself or herself out to be a Certified Nurse Midwife or to be so approved shall be deemed to be in violation of this Article.

(b) A Certified Nurse Midwife is authorized to write prescriptions for drugs if all of the following conditions are met:

(1) The Certified Nurse Midwife has current approval from the ~~joint subcommittee established under~~ North Carolina Board of Nursing pursuant to G.S. 90-178.4.

(2) The ~~joint subcommittee as established under G.S. 90-178.4~~ North Carolina Board of Nursing has assigned an identification number to the Certified Nurse Midwife that appears on the written prescription.

(3) The ~~joint subcommittee as established under G.S. 90-178.4~~ North Carolina Board of Nursing has provided to the Certified Nurse Midwife written instructions about indications and contraindications for prescribing drugs and a written policy for periodic review of the drugs prescribed.

(c) The ~~joint subcommittee of the North Carolina Medical Board and the Board of Nursing, established under~~ North Carolina Board of Nursing, pursuant to G.S. 90-178.4, shall adopt rules governing the approval of individual Certified Nurse Midwives to write prescriptions with any limitations the ~~joint subcommittee Board~~ Board deems are in the best interest of patient health and safety, consistent with the rules established for nurse practitioners under G.S. 90-18.2(b)(1)."

SECTION 6.2.(g) G.S. 90-178.3 reads as rewritten:

"§ 90-178.3. Regulation of midwifery.

...

(b1) A Certified Nurse Midwife with less than 24 months and 4,000 hours of practice as a Certified Nurse Midwife shall (i) have a collaborative provider agreement with a collaborating provider and (ii) maintain signed and dated copies of the collaborative provider agreement as required by practice guidelines and any rules adopted by the ~~joint subcommittee of the North Carolina Medical Board and the Board of Nursing.~~ If a collaborative provider agreement is terminated before the Certified Nurse Midwife acquires the level of experience required for practice without a collaborative provider agreement under this Article, the Certified Nurse Midwife shall have 90 days from the date the agreement is terminated to enter into a collaborative provider agreement with a new collaborating provider. During the 90-day period, the Certified Nurse Midwife may continue to practice midwifery as defined under this Article.

(c) Graduate nurse midwife applicant status may be granted by the ~~joint subcommittee North Carolina Board of Nursing~~ in accordance with G.S. 90-178.4."

SECTION 6.2.(h) G.S. 90-178.4 reads as rewritten:

"§ 90-178.4. Administration.

(a) ~~The joint subcommittee of the North Carolina Medical Board and the Board of Nursing created pursuant to G.S. 90-18.2 shall administer the provisions of this Article and the rules adopted pursuant to this Article; Provided, however, that actions of the joint subcommittee pursuant to this Article shall not require approval by the North Carolina Medical Board and the Board of Nursing. For purposes of this Article, the joint subcommittee shall be enlarged by four additional members, including two certified midwives and two obstetricians who have had working experience with midwives.~~Article.

(a1) Any Certified Nurse Midwife who attends a planned birth outside of a hospital setting shall discuss with the patient the associated risks and obtain a signed informed consent agreement from the Certified Nurse Midwife's patient that shall include:

- (1) Information about the risks associated with a planned birth outside of the hospital.
- (2) A clear assumption of those risks by the patient.
- (3) An agreement by the patient to consent to transfer to a health care facility when and if deemed necessary by the Certified Nurse Midwife.
- (4) If the Certified Nurse Midwife is not covered under a policy of liability insurance, a clear disclosure to that effect.
- (5) ~~The joint subcommittee~~North Carolina Board of Nursing shall develop the contents of an informed consent agreement form to be used by a Certified Nurse Midwife when obtaining informed consent.

(a2) Any Certified Nurse Midwife who attends a planned birth outside of a hospital setting shall provide to each patient a detailed, written plan for emergent and nonemergent transfer, which shall include:

- (1) The name of and distance to the nearest health care facility licensed under Chapter 122C or Chapter 131E of the General Statutes that has at least one operating room.
- (2) The procedures for transfer, including modes of transportation and methods for notifying the relevant health care facility of impending transfer.
- (3) An affirmation that the relevant health care facility has been notified of the plan for emergent and nonemergent transfer by the Certified Nurse Midwife.

(a3) Planned home births attended by a Certified Nurse Midwife shall be limited to low-risk pregnancies. Pregnancies deemed inadvisable for home births by the American College of Obstetricians and Gynecologists Committee on Obstetric Practice shall be prohibited. ~~The joint subcommittee of the North Carolina Medical Board and the Board of Nursing created under G.S. 90-18.2, including the four additional members required by subsection (a) of this section,~~ shall adopt rules governing the safety of home births attended by a Certified Nurse Midwife.

(b) ~~The joint subcommittee~~North Carolina Board of Nursing shall adopt rules under this Article to establish each of the following:

- (1) A fee which shall cover application and initial approval up to a maximum of one hundred dollars (\$100.00).
- (2) An annual renewal fee to be paid by January 1 of each year by persons approved under this Article up to a maximum of fifty dollars (\$50.00).
- (3) A reinstatement fee for a lapsed approval up to a maximum of five dollars (\$5.00).
- (4) The form and contents of the applications which shall include information related to the applicant's education and certification by the American Midwifery Certification Board.

(5) The procedure for establishing collaborative provider agreements as required by this Article.

(c) ~~The joint subcommittee~~ North Carolina Board of Nursing may solicit, employ, or contract for technical assistance and clerical assistance and may purchase or contract for the materials and services it needs.

(d) All fees collected on behalf of the ~~joint subcommittee~~ and all receipts of every kind and nature, as well as the compensation paid the members of the ~~joint subcommittee~~ and the necessary expenses incurred by them in the performance of the duties imposed upon them, North Carolina Board of Nursing, pursuant to this section, shall be reported annually to the State Treasurer. All fees and other moneys received by the ~~joint subcommittee~~ North Carolina Board of Nursing pursuant to the provisions of ~~the General Statutes~~ this Article shall be kept in a separate fund by the ~~joint subcommittee~~ Board, to be held and expended only for such purposes as are proper and necessary to the discharge of the duties of the ~~joint subcommittee~~ Board under this Article and to enforce the provisions of this Article. No expense incurred by the ~~joint subcommittee~~ Board pursuant to this Article shall be charged against the State.

(e) ~~Members of the joint subcommittee who are not officers or employees of the State shall receive compensation and reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5. Members of the joint subcommittee who are officers or employees of the State shall receive reimbursement for travel and subsistence expenses at the rate set out in G.S. 138-6.~~

(f) ~~The joint subcommittee~~ Notwithstanding any provision of law to the contrary, the North Carolina Board of Nursing shall have the sole authority to adopt, amend, and repeal rules necessary to administer the provisions of this Article. Article and to enforce regulations governing the practice and conduct of nurse midwives."

SECTION 6.2.(i) G.S. 90-178.5 reads as rewritten:

"§ 90-178.5. Qualifications for approval; independent practice.

(a) In order to be approved by the ~~joint subcommittee~~ North Carolina Board of Nursing under this Article, a person shall comply with each of the following:

- (1) Complete an application on a form furnished by the ~~joint subcommittee~~ Board.
- (2) Submit evidence of certification by the American Midwifery Certification Board or its successor.
- (3) Submit evidence of a collaborative provider agreement as required by G.S. 90-178.3(b1).
- (4) Pay the fee for application and approval.

(b) Upon submitting to the ~~joint subcommittee~~ North Carolina Board of Nursing evidence of completing 24 months and 4,000 hours of practice as a Certified Nurse Midwife pursuant to a collaborative provider agreement, a Certified Nurse Midwife is authorized to practice midwifery independently in accordance with this Article."

SECTION 6.2.(j) G.S. 90-178.6 reads as rewritten:

"§ 90-178.6. Denial, revocation or suspension of approval.

(a) In accordance with the provisions of Chapter 150B, the ~~joint subcommittee~~ North Carolina Board of Nursing may deny, revoke or suspend approval when a person has:

- (1) Failed to satisfy the qualifications for ~~approval~~ approval.
- (2) Failed to pay the annual renewal fee by January 1 of the current ~~year~~ year.
- (3) Given false information or withheld material information in applying for ~~approval~~ approval.
- (4) Demonstrated incompetence in the practice of ~~midwifery~~ midwifery.
- (5) Violated any of the provisions of this ~~Article~~ Article.
- (6) A mental or physical disability or uses any drug to a degree that interferes with his or her fitness to practice ~~midwifery~~ midwifery.

- (7) Engaged in conduct that endangers the public ~~health~~health.
- (8) Engaged in conduct that deceives, defrauds, or harms the public in the course of professional activities or ~~services~~services.
- (9) Been convicted of or pleaded guilty or nolo contendere to any felony under the laws of the United States or of any state of the United States indicating professional unfitness.

(b) Revocation or suspension of a license to practice nursing pursuant to G.S. 90-171.37 shall automatically result in comparable action against the person's approval to practice midwifery under this Article."

SECTION 6.2.(k) G.S. 90-178.7 reads as rewritten:

"§ 90-178.7. Enforcement.

(a) The ~~joint subcommittee~~ North Carolina Board of Nursing may apply to the Superior Court of Wake County to restrain any violation of this Article.

(b) No person shall perform any act constituting the practice of midwifery, as defined in this Article, or any of the branches thereof, unless the person shall have been first approved under this Article. Any person who practices midwifery without being duly approved and registered, as provided in this Article, shall not be allowed to maintain any action to collect any fee for such services. Any person so practicing without being duly approved shall be guilty of a Class 3 misdemeanor. Any person so practicing without being duly approved under this Article and who is falsely representing himself or herself in a manner as being approved under this Article or any Article of this Chapter shall be guilty of a Class I felony."

SECTION 6.3.(a) G.S. 90-2 reads as rewritten:

"§ 90-2. Medical Board.

(a) There is established the North Carolina Medical Board to regulate the practice of medicine and surgery for the benefit and protection of the people of North Carolina. The Board shall consist of 13 members:

- (1) Six of the members shall be duly licensed physicians recommended by the Review Panel and appointed by the Governor as set forth in G.S. 90-3.
- (2) Five members shall all be appointed by the Governor as follows:
 - a. One shall be a member of The Old North State Medical Society. This Board position shall be subject to recommendations of the Review Panel pursuant to G.S. 90-3.
 - b. One shall be a public member, and this Board position shall not be subject to recommendation of the Review Panel pursuant to G.S. 90-3.
 - c. ~~One~~ Two shall be a ~~physician assistant~~ assistants as defined in G.S. 90-18.1 as recommended by the Review Panel pursuant to G.S. 90-3.
 - d. ~~One shall be a nurse practitioner as defined in G.S. 90-18.2 as recommended by the Review Panel pursuant to G.S. 90-3.~~
 - e. One shall be a duly licensed physician who is a doctor of osteopathic medicine or a full-time faculty member of one of the medical schools in North Carolina who utilizes integrative medicine in that person's clinical practice, as recommended by the Review Panel pursuant to G.S. 90-3.
- (3) Two public members appointed by the General Assembly in accordance with G.S. 120-121, one upon recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate.

(a1) Each appointing and nominating authority shall endeavor to see, insofar as possible, that its appointees and nominees to the Board reflect the composition of the State with regard to gender, ethnic, racial, and age composition.

(b) No member shall serve more than two complete three-year terms in a lifetime, except that each member shall serve until a successor is chosen and qualifies.

(b1) A public member appointed pursuant to sub-subdivision (a)(2)b. and subdivision (a)(3) of this section shall not be a health care provider nor the spouse of a health care provider. For the purpose of Board membership, "health care provider" means any licensed health care professional, agent, or employee of a health care institution, health care insurer, health care professional school, or a member of any allied health profession. For purposes of this section, a person enrolled in a program as preparation to be a licensed health care professional or an allied health professional shall be deemed a health care provider. For purposes of this section, any person with significant financial interest in a health service or profession is not a public member.

(c) Repealed by Session Laws 2003-366, s. 1, effective October 1, 2003.

(d) Any member of the Board may be removed from office by the Governor for good cause shown. Any vacancy in the ~~physician, physician assistant, or nurse practitioner~~ physician or physician assistant membership of the Board shall be filled for the period of the unexpired term by the Governor from a list submitted by the Review Panel pursuant to G.S. 90-3. Any vacancy in the public membership of the Board shall be filled by the appropriate appointing authority for the unexpired term.

(e) The North Carolina Medical Board shall have the power to acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as any private person or corporation, subject only to approval of the Governor and the Council of State as to the acquisition, rental, encumbering, leasing, and sale of real property. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board."

SECTION 6.3.(b) G.S. 90-3 reads as rewritten:

"§ 90-3. Review Panel recommends certain Board members; criteria for recommendations.

(a) There is created a Review Panel to review all applicants for the ~~physician positions, the physician assistant position, and the nurse practitioner position and physician assistant positions~~ physician assistant on the Board. The Review Panel shall consist of nine members, including four from the Medical Society, one from the Old North State Medical Society, one from the North Carolina Osteopathic Medical Association, ~~one two~~ one from the North Carolina Academy of Physician Assistants, ~~one from the North Carolina Nurses Association Council of Nurse Practitioners~~, and one public member currently serving or who has served on the Board. Each member shall serve for a term of three years, ending December 31 of the last year of the term. No member shall serve more than two terms. All ~~physicians, physician assistants, and nurse practitioners~~ physicians and physician assistants serving on the Review Panel shall be actively practicing in North Carolina.

The Review Panel shall contract for the independent administrative services needed to complete its functions and duties. The Board shall provide funds to pay the reasonable cost for the administrative services of the Review Panel. The Board shall convene the initial meeting of the Review Panel. The Review Panel shall elect a chair, and all subsequent meetings shall be convened by the Review Panel.

The Governor shall appoint Board members as provided in G.S. 90-2. The Review Panel shall attempt to make its recommendations to the Governor reflect the composition of the State with regard to gender, ethnic, racial, medical specialty, and age.

The Review Panel and its members and staff shall not be held liable in any civil or criminal proceeding for exercising, in good faith, the powers and duties authorized by law.

(b) To be considered qualified for a ~~physician position, the physician assistant position, or nurse practitioner or physician assistant~~ physician assistant position on the Board, an applicant shall meet each of the following criteria:

- (1) Hold an active, nonlimited license to practice medicine in North Carolina, or in the case of a ~~physician assistant and nurse practitioner~~ assistant, hold an active license or approval to perform medical acts, tasks, and functions in North Carolina.

- (2) Have an active clinical or teaching practice. For purposes of this subdivision, the term "active" means patient care, or instruction of students in an accredited medical school or residency, or clinical research program, for 20 hours or more per week.
- (3) Have actively practiced in this State for at least five consecutive years immediately preceding the appointment.
- (4) Intend to remain in active practice in this State for the duration of the term on the Board.
- (5) Submit at least three letters of recommendation, either from individuals or from professional or other societies or organizations.
- (6) Have no public disciplinary history with the Board or any other licensing board in this State or another state over the past 10 years before applying for appointment to the Board.
- (7) Have no history of felony convictions of any kind.
- (8) Have no misdemeanor convictions related to the practice of medicine.
- (9) Indicate, in a manner prescribed by the Review Panel, that the applicant: (i) understands that the primary purpose of the Board is to protect the public; (ii) is willing to take appropriate disciplinary action against his or her peers for misconduct or violations of the standards of medical care; and (iii) is aware of the time commitment needed to be a constructive member of the Board.
- (10) Have not served more than 72 months as a member of the Board.
- (c) The Review Panel shall recommend at least two qualified nominees for each open position on the Board. If the Governor chooses not to appoint either of the recommended nominees, the Review Panel shall recommend at least two new qualified nominees.
- (d) Notice of open ~~physician, physician assistant, or nurse practitioner~~ physician or physician assistant positions on the Board shall be sent to all physicians currently licensed to practice medicine in North Carolina and all physician assistants ~~and nurse practitioners~~ currently licensed or approved to perform medical acts, tasks, and functions in this State.
- (e) Applicants for positions on the Board shall not be required to be members of any professional association or society, except as provided in G.S. 90-2(a)(2)a.
- (f) Notwithstanding any provision of G.S. 90-16, the Board may provide confidential and nonpublic licensing and investigative information in its possession to the Review Panel regarding applicants.
- (g) All applications, records, papers, files, reports, and all investigative and licensing information received by the Review Panel from the Board and other documents received or gathered by the Review Panel, its members, employees, agents, and consultants as a result of soliciting, receiving, and reviewing applications and making recommendations as required in this section shall not be considered public records within the meaning of Chapter 132 of the General Statutes. All such information shall be privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than the Review Panel, the Board, and their employees, agents, or consultants, except as provided in this section. The Review Panel shall publish on its Internet Web site the names and practice addresses of all applicants within 10 days after the application deadline. The Review Panel shall publish on its Internet Web site the names and practice addresses of the nominees recommended to the Governor within 10 days after notifying the Governor of those recommendations and not less than 30 days prior to the expiration of the open position on the Board.
- (h) The Review Panel is a public body within the meaning of Article 33C of Chapter 143 of the General Statutes. In addition to the provisions contained in Article 33C of Chapter 143 of the General Statutes permitting a public body to conduct business in a closed session, the Review Panel shall meet in closed session to review applications; interview applicants; review and

discuss information received from the Board; and discuss, debate, and vote on recommendations to the Governor."

SECTION 6.4. The North Carolina Medical Board shall adopt permanent rules necessary to implement the provisions of Section 6.1 of this Part.

SECTION 6.5. The North Carolina Board of Nursing shall adopt rules to implement the provisions of Section 6.2 of this Part.

SECTION 6.6. Section 6.1 of this act becomes effective when the North Carolina Medical Board adopts the permanent rules required under Section 6.4 of this Part or June 30, 2026, whichever occurs first. The North Carolina Medical Board shall notify the Revisor of Statutes when the rules required under Section 6.4 of this act have been adopted. Section 6.2 of this Part becomes effective when the North Carolina Board of Nursing adopts the permanent rules required under Section 6.5 of this Part or June 30, 2026, whichever occurs first. The North Carolina Board of Nursing shall notify the Revisor of Statutes when the rules required under Section 6.5 of this act have been adopted. The remainder of this Part is effective when it becomes law.

PART VII. PHARMACISTS COLLABORATIVE PRACTICE

SECTION 7.1.(a) G.S. 90-18(c)(3a) reads as rewritten:

"(3a) The provision of ~~drug therapy management by a licensed pharmacist engaged in the practice of pharmacy pursuant to an agreement that is physician, pharmacist, patient, and disease specific when health care services by a~~ licensed pharmacist under a collaborative practice agreement with one or more physicians shall be performed in accordance with rules and rules developed by a joint subcommittee of the North Carolina Medical Board and the North Carolina Board of Pharmacy and approved by both Boards. Drug therapy management shall be defined as: (i) the implementation of predetermined drug therapy which includes diagnosis and product selection by the patient's physician; (ii) modification of prescribed drug dosages, dosage forms, and dosage schedules; and (iii) ordering tests; (i), (ii), and (iii) shall be pursuant to an agreement that is physician, pharmacist, patient, and disease specific. For the purposes of this subdivision, "health care services" means medical tasks, acts, or functions authorized through a written agreement by a physician and delegated to a pharmacist for the purpose of providing drug therapy, disease, or population health management for patients."

SECTION 7.1.(b) G.S. 90-18.4 reads as rewritten:

"§ 90-18.4. Limitations on clinical pharmacist practitioners.

(a) Any pharmacist who is approved under the provisions of G.S. 90-18(c)(3a) to perform medical acts, tasks, and functions may use the title "clinical pharmacist practitioner". Any other person who uses the title in any form or holds himself or herself out to be a clinical pharmacist practitioner or to be so licensed shall be deemed to be in violation of this Article.

(b) Clinical pharmacist practitioners are authorized ~~to implement predetermined drug therapy, which includes diagnosis and product selection by the patient's physician, modify prescribed drug dosages, dosage forms, and dosage schedules, and to order laboratory tests pursuant to a drug therapy management agreement that is physician, pharmacist, patient, and disease specific by physicians to provide health care services in accordance with~~ G.S. 90-18(c)(3a) and subsection (e) of this section under the following conditions:

(1) The North Carolina Medical Board and the North Carolina Board of Pharmacy have adopted rules developed by a joint subcommittee governing the approval of individual clinical pharmacist practitioners to practice ~~drug therapy management~~ health care services with such limitations that the Boards determine to be in the best interest of patient health and safety.

- (2) The clinical pharmacist practitioner has current approval from both Boards.
- (3) The North Carolina Medical Board has assigned an identification number to the clinical pharmacist practitioner which is shown on written prescriptions written by the clinical pharmacist practitioner.
- (4) ~~The drug therapy management agreement prohibits the substitution of a chemically dissimilar drug product by the pharmacist for the product prescribed by the physician without the explicit consent of the physician and includes a policy for periodic review by the physician of the drugs modified pursuant to the agreement or changed with the consent of the physician.~~
- (e) ~~Clinical pharmacist practitioners in hospitals and other health facilities that have an established pharmacy and therapeutics committee or similar group that determines the prescription drug formulary or other list of drugs to be utilized in the facility and determines procedures to be followed when considering a drug for inclusion on the formulary and procedures to acquire a nonformulary drug for a patient may order medications and tests under the following conditions:~~
- (1) ~~The North Carolina Medical Board and the North Carolina Board of Pharmacy have adopted rules governing the approval of individual clinical pharmacist practitioners to order medications and tests with such limitations as the Boards determine to be in the best interest of patient health and safety.~~
- (2) ~~The clinical pharmacist practitioner has current approval from both Boards.~~
- (3) ~~The supervising physician has provided to the clinical pharmacist practitioner written instructions for ordering, changing, or substituting drugs, or ordering tests with provision for review of the order by the physician within a reasonable time, as determined by the Boards, after the medication or tests are ordered.~~
- (4) ~~The hospital or health facility has adopted a written policy, approved by the medical staff after consultation with nursing administrators, concerning the ordering of medications and tests, including procedures for verification of the clinical pharmacist practitioner's orders by nurses and other facility employees and such other procedures that are in the best interest of patient health and safety.~~
- ~~(5)(c1) Any drug therapy order written by a clinical pharmacist practitioner or order for medications or tests medications, tests, or devices shall be deemed to have been authorized by the physician approved by the Boards as the supervisor of the clinical pharmacist practitioner and the supervising physician shall be responsible for authorizing the prescription order.~~
- (c2) Institutional and group practices may implement a site-specific, multi-provider collaborative practice agreement for the care of their patients. The institution or group practice must develop a policy for oversight, and the clinical pharmacist practitioners engaged in the agreement must be evaluated by an appointed supervising physician.
- (d) ~~Any registered nurse or nurse, licensed practical nurse-nurse, or pharmacist who receives a drug therapy therapy, laboratory test, or device order from a clinical pharmacist practitioner for medications or tests is authorized to perform that order in the same manner as if the order was received from a licensed physician.~~
- (e) The following requirements apply to clinical pharmacist practitioners and supervising physicians engaging in collaborative practice:
- (1) A clinical pharmacist practitioner shall have a site-specific supervising physician.
- (2) The supervising physician shall conduct periodic review and evaluation of the health care services provided by the clinical pharmacist practitioner.
- (3) A physician may collaborate with any number of clinical pharmacist practitioners, but when acting as the supervising physician, they shall

1 supervise as many clinical pharmacist practitioners as the supervising
2 physician deems can be safely and effectively supervised.

3 (4) Health care services delegated by a supervising physician, such as initiating,
4 changing, or discontinuing drugs, or ordering tests or devices, to assist with
5 drug therapy, disease, or population health management, must be included in
6 the written agreement between the supervising physician and the clinical
7 pharmacist practitioner.

8 (5) A supervising physician may include a "statement of authorization" in the
9 written agreement to allow the clinical pharmacist practitioner to conduct drug
10 substitutions within the same therapeutic class or for biosimilar medications
11 based upon the health plan's drug formulary for a patient. The clinical
12 pharmacist practitioner shall document and notify the patient's physician of
13 any substitutions made.

14 (6) Supervising physicians may add other advanced practice providers that they
15 supervise to their collaborative practice agreement with a clinical pharmacist
16 practitioner. The evaluation and supervision of the clinical pharmacist
17 practitioner shall remain with the supervising physician.

18 (f) The health care setting location for the provision of health care services by the clinical
19 pharmacist practitioner may be fully or partially embedded for a site-specific practice. The setting
20 location shall be determined by the supervising physician and included in the site-specific
21 collaborative practice agreement."

22 **SECTION 7.1.(c)** G.S. 90-85.3(b2) reads as rewritten:

23 "(b2) "Clinical pharmacist practitioner" means a licensed pharmacist who meets the
24 guidelines and criteria for such title established by the joint subcommittee of the North Carolina
25 Medical Board and the North Carolina Board of Pharmacy and is authorized to ~~enter into~~ perform
26 medical acts, tasks, and functions for drug therapy—therapy, disease, or population health
27 management agreements with physicians in accordance with the provisions of G.S. 90-18.4."

28 **SECTION 7.2.(a)** Part 7 of Article 50 of Chapter 58 of the General Statutes is
29 amended by adding a new section to read:

30 **"§ 58-50-296. Pharmacist credentialing.**

31 Insurers offering a health benefit plan that delegates credentialing agreements or
32 requirements for pharmacists licensed under Article 4A of Chapter 90 of the General Statutes or
33 the relevant laws of another state to a contracted healthcare facility shall accept the credentialing
34 for all pharmacists employed by, or contracted with, those healthcare facilities."

35 **SECTION 7.2.(b)** Article 3 of Chapter 58 of the General Statutes is amended by
36 adding a new section to read:

37 **"§ 58-3-241. Healthcare services provided by pharmacists.**

38 (a) The following definitions apply in this section:

39 (1) Healthcare services. – Any of the following health or medical procedures or
40 services rendered by a healthcare provider:

41 a. Testing, diagnosis, or treatment of a health condition, illness, injury,
42 or disease. This includes testing, diagnosis, or treatment rendered by a
43 pharmacist acting within the pharmacist's scope of practice.

44 b. Dispensing of drugs, medical devices, medical appliances, or medical
45 goods for the treatment of a health condition, illness, injury, or disease.

46 c. Administration of a vaccine or medication.

47 (2) Pharmacist. – An individual licensed to practice pharmacy under Article 4A
48 of Chapter 90 of the General Statutes or the relevant laws of another state.

49 (b) A health benefit plan offered by an insurer in this State shall cover healthcare services
50 provided by a pharmacist if all of the following conditions are met:

(1) The service or procedure was performed within the pharmacist's licensed lawful scope of practice.

(2) The health benefit plan would have covered the service if the service or procedure had been performed by another healthcare provider.

(c) The participation of a pharmacy in a drug benefit provider network of a health benefit plan shall not satisfy any requirement that insurers offering health benefit plans include pharmacists in medical benefit provider networks."

SECTION 7.2.(c) G.S. 58-56-26 is amended by adding a new subsection to read:

"(e) Notwithstanding any provision of this Article to the contrary, all requirements relating to the coverage of prescription drugs and pharmacy services under this Chapter applicable to health benefit plans are applicable to a third-party administrator in the same way they are applicable to an insurer."

SECTION 7.2.(d) Article 56A of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-56A-55. Health benefit plan requirements applicable.

All requirements relating to the coverage of prescription drugs and pharmacy services under this Chapter applicable to health benefit plans are applicable to a pharmacy benefits manager in the same way they are applicable to an insurer."

SECTION 7.2.(e) This section becomes effective October 1, 2025, and applies to contracts entered into, renewed, or amended on or after that date.

SECTION 7.3.(a) The North Carolina Medical Board and the North Carolina Board of Pharmacy may adopt temporary rules to implement the provisions of this Part.

SECTION 7.3.(b) This section is effective when it becomes law.

SECTION 7.4. Except as otherwise provided, this Part becomes effective October 1, 2025.

PART VIII. ALLEVIATE THE DANGERS OF SURGICAL SMOKE

SECTION 8.(a) Part 2 of Article 5 of Chapter 131E of the General Statutes is amended by adding a new section to read:

"§ 131E-78.4. Hospital standards for surgical smoke evacuation.

(a) Definitions. – The following definitions apply in this section:

(1) Smoke evacuation/filtering system. – Stand-alone, portable equipment that effectively captures, filters, and eliminates surgical smoke at the site of origin before the smoke makes contact with the eyes or respiratory tracts of occupants in the room. This equipment is not required to be interconnected to the hospital surgical ventilation or medical gas system.

(2) Surgical smoke. – The gaseous by-product produced by energy-generating devices, including surgical plume, smoke plume, bio-aerosols, laser-generated airborne contaminants, or lung-damaging dust.

(b) Each hospital licensed under this Part shall adopt and implement policies that require the use of a smoke evacuation/filtering system during any surgical procedure that is likely to generate surgical smoke.

(c) Adverse Action. – The Department of Health and Human Services may take adverse action against a hospital under G.S. 131E-78 for a violation of this section."

SECTION 8.(b) Part 4 of Article 6 of Chapter 131E of the General Statutes is amended by adding a new section to read:

"§ 131E-147.2. Ambulatory surgical facility standards for surgical smoke evacuation.

(a) Definitions. – The following definitions apply in this section:

(1) Smoke evacuation/filtering system. – Equipment that effectively captures, filters, and eliminates surgical smoke at the site of origin before the smoke makes contact with the eyes or the respiratory tracts of occupants in the room.

This equipment is not required to be interconnected to the ambulatory surgical ventilation or medical gas system.

(2) Surgical smoke. – The gaseous by-product produced by energy-generating devices, including surgical plume, smoke plume, bio-aerosols, laser-generated airborne contaminants, or lung-damaging dust.

(b) Each ambulatory surgical facility licensed under this Part shall adopt and implement policies that require the use of a smoke evacuation/filtering system during any surgical procedure that is likely to generate surgical smoke.

(c) Adverse Action. – The Department of Health and Human Services may take adverse action against an ambulatory surgical facility under G.S. 131E-148 for a violation of this section."

SECTION 8.(c) This Part becomes effective January 1, 2026.

PART IX. COMMUNITY COLLEGE BEHAVIORAL HEALTH WORKFORCE ENHANCEMENT

SECTION 9.1.(a) Definitions. – For the purposes of this act, the following definitions apply:

- (1) Associate Professional (AP). – As defined in 10A NCAC 27G .0104(1).
- (2) Commission. – Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services.
- (3) Qualified Professional. – As defined in 10A NCAC 27G .0104(21).
- (4) Qualified Substance Abuse Prevention Professional (QSAPP). – As defined in 10A NCAC 27G .0104(22).
- (5) Staff Definitions Rule. – 10A NCAC 27G .0104 (Staff Definitions).

SECTION 9.1.(b) Staff Definitions Rule. – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to subsection (e) of this section, the Commission shall implement the Staff Definitions Rule as provided in subsections (c) and (d) of this section.

SECTION 9.1.(c) Implementation. – With respect to the definitions of "Associate Professional (AP)," "Qualified Professional," and "Qualified Substance Abuse Prevention Professional (QSAPP)," the Staff Definitions Rule shall be implemented to provide the following new qualification for each term, in addition to current qualifications, for each definition, respectively:

- (1) Associate Professional (AP). – May be a graduate of a community college with an associate degree in a human services field with less than two years of experience with the population served.
- (2) Qualified Professional. – May be a graduate of a community college with an associate degree in a human services field and has two years of full-time or pre- or post-associate degree accumulated supervised mental health, developmental disabilities, and substance abuse services experience with the population served.
- (3) Qualified Substance Abuse Prevention Professional (QSAPP). – May be a graduate of a community college with an associate degree in the human services field and has two years of full-time or pre- or post-associate degree accumulated supervised experience in addictions and recovery prevention.

SECTION 9.1.(d) Additional Implementation. – With respect to the definition of "Qualified Substance Abuse Prevention Professional (QSAPP)," the Staff Definitions Rule shall be implemented to provide for accumulated supervised experience in substance abuse prevention prior to the completion of a bachelor's degree to qualify for each pathway under 10A NCAC 27G .0104(22)a. through d.

SECTION 9.1.(e) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Staff Definitions Rule consistent with subsections (c) and (d) of this section.

Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsections (c) and (d) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 9.1.(f) Conforming Rule Changes. – The Commission shall amend any additional rules under Subchapter 27G of Title 10A of the North Carolina Administrative Code prior to submission to the Rules Review Commission, necessary to implement the provisions of this act.

SECTION 9.1.(g) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 9.2. This Part is effective when it becomes law.

PART X. MARRIAGE AND FAMILY THERAPY LICENSURE REFORMS

SECTION 10.(a) G.S. 90-270.56 reads as rewritten:

"§ 90-270.56. Reciprocal licenses.

The Board ~~may~~ shall issue a license as a marriage and family therapist ~~or a marriage and family therapy associate~~ by reciprocity to any person who applies for the license as prescribed by the Board and who at all times during the application process:

- (1) Has been licensed and actively practicing for five at least two continuous years and is currently licensed as a marriage and family therapist ~~or marriage and family therapy associate~~ in another state.
- (2) Has an unrestricted license in good standing in the other state.
- (3) Has no unresolved complaints in any jurisdiction.
- (4) Has passed the National Marriage and Family Therapy ~~examination~~ examination or the clinical examination required by the licensing board that regulates marriage and family therapy in the State of California."

SECTION 10.(b) G.S. 90-270.63 reads as rewritten:

"§ 90-270.63. Criminal history record checks of applicants for licensure as a marriage and family therapist and a marriage and family therapy associate.

(a) Definitions. – The following definitions shall apply in this section:

- (1) Applicant. – A person applying for licensure as a licensed marriage and family therapy associate pursuant to G.S. 90-270.54A or licensed marriage and family therapist pursuant to ~~G.S. 90-270.54~~ G.S. 90-270.54 or G.S. 90-270.56.

...."

SECTION 10.(c) The North Carolina Marriage and Family Therapy Licensure Board may adopt rules to implement the provisions of this act.

SECTION 10.(d) This Part becomes effective October 1, 2025, and applies to applications for licensure on or after that date.

PART XI. LIMITATIONS ON AGREEMENTS WITH HEALTH CARE PROFESSIONALS

SECTION 11.(a) Chapter 66 of the General Statutes is amended by adding a new Article to read:

"Article 52.

"Limitations on Agreements With Health Care Professionals.

"§ 66-505. Definitions.

The following definitions apply in this Article:

- (1) Health care professional. – An individual who is a licensed physician, physician assistant, advanced practice registered nurse as defined by the North Carolina Board of Nursing, or registered nurse.
- (2) Hospital. – Any of the following:
- a. A facility that has an organized medical staff and is designed, used, and operated to provide health care, diagnostic and therapeutic services, and continuous nursing care primarily to inpatients where such care and services are rendered under the supervision and direction of physicians licensed under Article 1 of Chapter 90 of the General Statutes to two or more persons over a period in excess of 24 hours.
- b. A facility designated by the Centers for Medicare and Medicaid Services as a rural emergency hospital as defined under 42 C.F.R. § 485.502 or under section 125 of Division CC of the Consolidated Appropriations Act of 2021, Public Law 116-260.
- c. Any outpatient department, including a portion of a hospital operated as an outpatient department, on or off of the hospital's main campus, that is operated under the hospital's control or ownership and is classified as a Business Occupancy by the Life Safety Code of the National Fire Protection Association as referenced under 42 C.F.R. § 482.41.
- d. Any hospital-owned medical practice.
- (3) Medical staff bylaws. – A document that is required by a licensing, accrediting, or regulatory body that governs the organization and operation of a hospital's medical staff by defining the structure, roles, responsibilities, and relationships between the medical staff, stakeholders, hospital administration, and hospital governing board.
- (4) Non-compete clause or clause. – An agreement that restricts a party from engaging in certain types of employment or business activities for a specified period of time within a specified geographic area.
- (5) Nondisclosure agreement. – An agreement that restricts the ability of a party to disclose information.

"§ 66-506. Nondisclosure agreements limited.

(a) Any nondisclosure agreement entered into with a health care professional must explicitly state that it does not restrict the health care professional from reporting safety concerns, ethical violations, or illegal activities.

(b) No health care professional may be required to enter into a nondisclosure agreement that would do any of the following:

- (1) Prevent the health care professional from discussing patient safety concerns with licensing agencies, accrediting bodies, or other regulatory or oversight entities.
- (2) Restrict the health care professional's ability to report to the appropriate authorities violations of law, medical ethics, or medical staff bylaws.

"§ 66-507. Certain non-compete clauses prohibited.

An employment contract for a health care professional employed by a hospital shall not contain a non-compete clause.

"§ 66-508. Provision of information.

Any policy, nondisclosure agreement, non-compete clause, medical staff bylaw, or any other type of contractual agreement with a health care professional shall not prohibit the provision of new practice information upon request by a patient and, if available, the recipient of that request shall provide that information upon that request.

§ 66-509. Remedies.

1 (a) A nondisclosure agreement or non-compete clause that violates this Article is void
2 and unenforceable.

3 (b) A health care professional who prevails in an action under this Article challenging the
4 enforceability of a nondisclosure agreement or non-compete clause is entitled to damages plus
5 reasonable attorneys' fees and costs.

6 **SECTION 11.(b)** The North Carolina Medical Board may adopt rules to implement
7 the provisions of this Part that pertain to physicians and physician assistants.

8 **SECTION 11.(c)** The North Carolina Board of Nursing may adopt rules to
9 implement the provisions of this Part that pertain to advanced practice registered nurses and
10 registered nurses.

11 **SECTION 11.(d)** This Part is effective October 1, 2025, and applies to contracts
12 entered into, modified, or renewed on or after that date.

13
14 **PART XII. EFFECTIVE DATE**

15 **SECTION 12.** Except as otherwise provided, this act is effective when it becomes
16 law.