

**NORTH CAROLINA MEDICAL BOARD ORDER WAIVING CERTAIN REQUIREMENTS TO
PERMIT ISSUANCE OF A LIMITED EMERGENCY LICENSE TO PHYSICIANS IN A
FELLOWSHIP**

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person-to-person; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 319 of the Public Health Service Act; and

WHEREAS, the North Carolina Department of Health and Human Services confirmed multiple cases of COVID-19 in North Carolina as of March 10, 2020; and

WHEREAS, by Executive Order No. 116 on March 10, 2020, North Carolina Governor Roy Cooper declared a State of Emergency for the entire State of North Carolina based on the public health emergency posed by COVID-19; and

WHEREAS, the North Carolina Medical Board (“NCMB”) is an agency of the State of North Carolina organized under Chapter 90 of the North Carolina General Statutes and is charged with the responsibility for licensing physicians, physician assistants, anesthesiologist assistants and perfusionists to practice in North Carolina and regulating such practice in the interest of the public health, safety and welfare; and

WHEREAS, there are several graduate medical education training programs in North Carolina where physicians have completed a residency and are receiving advanced training in a Fellowship; and

WHEREAS, many of those physicians (“Fellows”) are board certified or board eligible in the medical or surgical specialty in which they trained during residency by a specialty board recognized by the American Board of Medical Specialties, Certificate of the College of Family Physicians, Fellowship of the Royal College of Physicians of Canada, Fellowship of the Royal College of Surgeons of Canada, American Osteopathic Association, the American Board of Oral and Maxillofacial Surgery, and other specialty boards NCMB recognizes pursuant to rules; and

WHEREAS, the NCMB has received information that North Carolina hospitals and health systems where these Fellows practice and train have identified utilizing Fellows as a means to

quickly scale up critical physician staffing resources in the face of current and anticipated patient surges and clinician absences resulting from the present COVID-19 emergency; and

WHEREAS, many of these Fellows are practicing under a Resident’s Training License (“RTL”) issued by NCMB and not a full license with no geographic limitation; and

WHEREAS, NCMB rule 21 NCAC 32B .1706, *Physician Practice And Limited License For Disasters And Emergencies*, authorizes the issuance of a Limited Emergency License (“LEL”) that requires an applicant have a current full, unlimited and unrestricted license in another U.S. state, territory or district and limits the duration of the LEL to thirty (30) days from issuance or the end of the declared State of Emergency; and

WHEREAS, NCMB has been in discussions with representatives of North Carolina hospitals, health systems and graduate medical education training programs about this subject and those representatives have requested those Fellows with an RTL be granted an LEL in order that they might practice independently and without the restrictions of their RTL during the current declared State of Emergency within the primary medical and surgical specialty(ies) for which they are specialty board certified or board eligible: and

WHEREAS, NCMB has authority under N.C. Gen. Stat. § 90-12.5 to take this action in order to permit the provision of emergency health services to the public; and

WHEREAS, a Special Meeting of the NCMB was conducted on March 27, 2020, and this request was considered; and

WHEREAS, NCMB voted to take this action for the benefit and protection of the people of North Carolina and the United States of America.

NOW, THEREFORE, it is **ORDERED** that:

The NCMB shall waive the requirements for an LEL pursuant to 21 NCAC 32B .1706(b)(2) related to having a full, unlimited and unrestricted license in another U.S. state, territory or district and waives the 30-day limit of the effectiveness of that License under the following conditions and requirements:

1. The Fellow is currently practicing under an RTL granted by NCMB in a North Carolina graduate medical education program.
2. The Fellow is board certified or board eligible by a specialty board recognized by the American Board of Medical Specialties, Certificate of the College of Family Physicians, Fellowship of the Royal College of Physicians of Canada, Fellowship of the Royal College of Surgeons of Canada, American Osteopathic Association, the American Board of Oral and Maxillofacial Surgery, or other specialty board NCMB recognizes pursuant to rules.

3. The Fellow's training institution has requested in writing to NCMB that the Fellow be granted an LEL.
4. The Fellow's practice under the LEL is within the primary medical or surgical specialty in which they are board certified or board eligible by a specialty board recognized by the American Board of Medical Specialties, Certificate of the College of Family Physicians, Fellowship of the Royal College of Physicians of Canada, Fellowship of the Royal College of Surgeons of Canada, American Osteopathic Association, the American Board of Oral and Maxillofacial Surgery, or other specialty board NCMB recognizes pursuant to rules.
5. The LEL shall be in effect until thirty (30) days after the State of Emergency as declared in Governor Cooper's Executive Order No. 116 has ended.
6. This Order shall be effective as of the date NCMB voted to take this action on March 27, 2020.
7. This waiver shall be in effect until NCMB's Chief Executive Officer has determined that it is reasonable to discontinue the waiver.

This the 31st day of March, 2020.

NORTH CAROLINA MEDICAL BOARD

By:



A handwritten signature in black ink, appearing to read 'B. Murphy' with a large flourish at the end and the initials 'MB' to the right. The signature is written over a horizontal line.

Bryant A. Murphy, M.D.
President