



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME: 39

ISSUE: 12

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
- Notice without a scheduled hearing
- Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Medical Board](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncmedboard.org/about-the-board/latest-board-activity/rule-change-tracker>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

- ADOPTION: [21 NCAC 32B .1361](#); [32S .0226](#)

- AMENDMENT: [21 NCAC 32N .0107](#)

- REPEAL:

- READOPTION with substantive changes:

- READOPTION without substantive changes:

- REPEAL through READOPTION:

4. Proposed effective date: [04/01/2025](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
02/14/2025	11:00 A.M.	The public hearing will be held remotely via teleconference. Telephone Number: 919-518-9840 ; Conference ID: 169 718 893#

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

21 NCAC 32B .1361; 21 NCAC 32S .0226

To implement G.S. 90-12.02, which allows military servicemembers and their spouses to obtain an expedited license under certain circumstances.

21 NCAC 32N .0107

To add substance and clarification to the requirement in G.S. 90-14(1) which requires the Board to notify a licensee if an investigation will take longer than six (6) months.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Leigh Anne Satterwhite
Address: 3127 Smoketree Court
Raleigh, NC 27604
Phone (optional): 919-326-1109, ext. 395
Fax (optional):
EMail (optional) rules@ncmedboard.org

10. Comment Period Ends: 02/14/2025

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

No fiscal note required

12. Rule-making Coordinator:

Name: Leigh Anne Satterwhite
919-326-1109 Ext. 395
leigh.satterwhite@ncmedboard.org

Agency contact, if any:

Name: Marcus Jimison
Phone: 919-326-1109, ext. 226
Email: marcus.jimison@ncmedboard.org

13. The Agency formally proposed the text of this rule(s) on

Date: 03/22/2024

1 21 NCAC 32B .1361 is proposed for adoption as follows:

2
3 **SECTION .1300 – GENERAL**

4
5 **21 NCAC 32B .1361 MILITARY RELOCATION LICENSE FOR PHYSICIAN SERVICEMEMBERS**
6 **AND SPOUSES**

7
8 (a) A physician who meets the qualifications listed in this Rule and G.S. § 90-12.02 may apply for a military relocation
9 license for physician servicemembers and spouses.

10 (b) An applicant for a military relocation license for physician servicemembers and spouses shall:

- 11 (1) complete the Board's application attesting under oath or affirmation that the information on the
12 application is true and complete, and authorizing the release to the Board of all information
13 pertaining to the application;
- 14 (2) submit documentation of a legal name change, if applicable;
- 15 (3) submit a photograph of the applicant that was taken in the last two years;
- 16 (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or
17 certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of
18 U.S. citizenship, the applicant must provide information about applicant's immigration status
19 that the Board will use to verify applicant's eligibility for this license;
- 20 (5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse
21 of a servicemember of the United States Armed Forces;
- 22 (6) provide a copy of military orders that indicates that the applicant is residing in this State
23 pursuant to such military orders for military service relating to applicant or applicant's spouse;
- 24 (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing
25 requirements that are substantially equivalent or otherwise exceed the requirements for
26 licensure in this State;
- 27 (8) provide proof that the applicant is in good standing in the jurisdiction of licensure, has not been
28 disciplined in the last five years by any occupational licensing board, and has no pending
29 investigations by any occupational licensing board;
- 30 (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per
31 week during the 2 years immediately preceding relocation to this State;
- 32 (10) if the applicant is a graduate of a medical school other than those approved by LCME, AOA,
33 COCA, or CACMS, the applicant shall furnish an original ECFMG certification status report
34 of a currently valid certification of the ECFMG. The ECFMG certification status report
35 requirement shall be waived if the applicant has passed the ECFMG examination and
36 successfully completed an approved Fifth Pathway program (original ECFMG score transcript
37 from the ECFMG required);

- 1 (11) submit two completed fingerprint record cards to the Board;
2 (12) submit a signed consent form allowing a search of local, state and national files to disclose any
3 criminal record;
4 (13) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal
5 background check; and upon request, supply any additional information the Board deems
6 necessary to evaluate the applicant's qualifications.

7 (c) A military relocation license shall remain active for the duration of the military orders for military service in this
8 State and upon which the application was submitted. A military relocation license shall become inactive at the time
9 the license holder relocates pursuant to military orders to reside in another state, when the military orders for military
10 service in this State expire, or when the applicable servicemember separates from military service. All licensees with
11 military relocation licenses shall notify the Board within 15 days of the issuance of new military orders requiring
12 relocation to another state, within 15 days of the expiration of military orders, or within 15 days of separation from
13 military service.

14 (d) The Board shall retain jurisdiction over the holder of an inactive military relocation license.

15 (e) A military relocation license may be converted to a full North Carolina license by applying for a full license with
16 the Board via a separate application. The Board shall waive the application fee for a full license application if the
17 application is submitted within one year of the issuance of the military relocation license. If an application is made to
18 convert a military relocation license to a full license when the military relocation license is active, the military
19 relocation license shall remain active during the full license application process and until the Board has made a
20 licensing decision on the full license application.

21 (f) When possible, all reports and Orders must be submitted directly to the Board from the primary source.

22 (g) All information required by this Rule shall be provided within one year of submitting the application.

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24 History Note: Authority G.S. 90-12.02; G.S. 90-13.1;

25 Eff. April 1, 2025.

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1 21 NCAC 32N .0107 is proposed for amendment as follows:

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3 **21 NCAC 32N .0107 INVESTIGATIONS AND COMPLAINTS**

4 (a) At the time of first oral or written communication from the Board or staff or agent of the Board to a licensee
5 regarding a complaint or investigation, the Board shall provide the notices set forth in G.S. 90-14(i), except as provided
6 in Paragraph (e) of this Rule.

7 (b) A licensee shall submit a written response to a complaint received by the Board within 45 days from the date of a
8 written request by Board staff. The Board shall grant up to an additional 30 days for the response where the licensee
9 demonstrates good cause as defined in Rule 21 NCAC 32N .0106 for the extension of time. The response shall contain
10 accurate and complete information. Where a licensee fails to respond in the time and manner provided herein, the
11 Board may treat that as a failure to respond to a Board inquiry in a reasonable time and manner as required by G.S.
12 90-14(a)(14).

13 (c) The licensee's written response to a complaint submitted to the Board in accordance with Paragraph (b) of this
14 Rule shall be provided to the complainant upon written request by the complainant as permitted in G.S. 90-16(e1),
15 except that the response shall not be provided where the Board determines that the complainant has misused the
16 Board's complaint process or that the release of the response would be harmful to the physical or mental health of the
17 complainant who was a patient of the responding licensee.

18 (d) A licensee shall submit to an interview within 30 days from the date of an oral or written request from Board staff.
19 The Board may grant up to an additional 15 days for the interview where the licensee demonstrates good cause for the
20 extension of time. The responses to the questions and requests for information, including documents, during the
21 interview shall be complete and accurate. Where the licensee fails to respond in the time and manner provided herein,
22 the Board may treat that as a failure to respond to a Board inquiry in a reasonable time and manner as required by G.S.
23 90-14(a)(14).

24 (e) The licensee who is the subject of a Board inquiry may retain and consult with legal counsel of his or her choosing
25 in responding to the inquiries as set out in G.S. 90-14(i).

26 (f) For purposes of G.S. 90-14(l) an investigation is complete when the Board's Chief Investigative Officer, or his or
27 her designee, approves an investigative report for submission to the Board's Disciplinary Committee.

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29 *History Note: Authority G.S. 90-5.1(a)(3); 90-14(a)(14); ~~90-14(i)~~; 90-14(a)(i) and (l); 90-16(e1);*

30 *Eff. February 1, 2012;*

31 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,*
32 *~~2016~~. 2016;*

33 *Amended Eff. April 1, 2025.*

1 21 NCAC 32S .0226 is proposed for adoption as follows:
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3 **SECTION .0200 – PHYSICIAN ASSISTANT REGISTRATION**
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5 **21 NCAC 32S .0226 MILITARY RELOCATION LICENSE FOR PHYSICIAN ASSISTANT**
6 **SERVICEMEMBERS AND SPOUSES**

7 (a) A physician assistant who meets the qualifications listed in this Rule and G.S. § 90-12.02 may apply for a military
8 relocation license for physician assistant servicemembers and spouses.

9 (b) An applicant for a military relocation license for physician assistant servicemembers and spouses shall:

- 10 (1) complete the Board's application attesting under oath or affirmation that the information on the
11 application is true and complete, and authorizing the release to the Board of all information
12 pertaining to the application;
- 13 (2) submit documentation of a legal name change, if applicable;
- 14 (3) submit a photograph of the applicant that was taken in the last two years;
- 15 (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or a
16 certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of
17 U.S. citizenship, the applicant must provide information about applicant's immigration status
18 that the Board will use to verify applicant's eligibility for this license;
- 19 (5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse
20 of a servicemember of the United States Armed Forces;
- 21 (6) provide a copy of military orders that indicates that the applicant is residing in this State
22 pursuant to such military orders for military service relating to applicant or applicant's spouse;
- 23 (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing
24 requirements that are substantially equivalent or otherwise exceed the requirements for
25 licensure in this State;
- 26 (8) provide proof that the applicant is in good standing in the jurisdiction of licensure, has not been
27 disciplined in the last five years by any occupational licensing board, and has no pending
28 investigations by any occupational licensing board;
- 29 (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per
30 week during the 2 years immediately preceding relocation to this State;
- 31 (10) submit two completed fingerprint record cards to the Board;
- 32 (11) submit a signed consent form allowing a search of local, state and national files to disclose any
33 criminal record;
- 34 (12) pay to the Board a non-refundable fee as required by 21 NCAC 32S .0202, plus the cost of a
35 criminal background check;
- 36 (13) upon request, supply any additional information the Board deems necessary to evaluate the
37 applicant's qualifications.

1 (c) A military relocation license shall remain active for the duration of the military orders for military service in this
2 State and upon which the application was submitted. A military relocation license shall become inactive at the time
3 the license holder relocates pursuant to military orders to reside in another state, when the military orders for military
4 service in this State expire, or when the applicable servicemember separates from military service. All licensees with
5 military relocation licenses shall notify the Board within 15 days of the issuance of new military orders requiring
6 relocation to another state, within 15 days of the expiration of military orders, or within 15 days of separation from
7 military service.

8 (d) The Board shall retain jurisdiction over the holder of an inactive military relocation license.

9 (e) A military relocation license may be converted to a full North Carolina license by applying for a full license with
10 the Board via a separate application. The Board shall waive the application fee for a full license application if the
11 application is submitted within one year of the issuance of the military relocation license. If an application is made to
12 convert a military relocation license to a full license when the military relocation license is active, the military
13 relocation license shall remain active during the full license application process and until the Board has made a
14 licensing decision on the full license application.

15 (f) When possible, all reports and Orders must be submitted directly to the Board from the primary source.

16 (g) All information required by this Rule shall be provided within one year of submitting the application.

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18 *History Note: Authority G.S. 90-12.02; 21 NCAC 32S .0202(5);*

19 *Eff. April 1, 2025.*

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