

## REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Medical Board

RULE CITATION: 21 NCAC 32S .0202

**DEADLINE FOR RECEIPT: Wednesday, March 13, 2019**

**NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of these Rules prior to the Commission's next meeting. The Commission has not yet reviewed these Rules and therefore there has not been a determination as to whether these Rules will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing these Rules, the staff recommends the following technical changes be made:

*In (a)(1), are the substantive requirements of the application set forth elsewhere in rule or statute? If so, please just confirm. If not, please provide the contents of the application in your Rule.*

*In (a)(3), please add "the" before "applicant's" for purposes of consistency.*

*In (a)(3), please delete or define "valid"*

*In (a)(3), by "proof of U.S. citizenship" are you speaking to a "birth certificate" or "passport"? If so, please say that for purposes of consistency. This reads as if there is a different option, but the first sentence tells them what to provide in that instance*

*In (a)(4), what sort of proof would be acceptable? Please provide some examples.*

*In (a)(4), please delete or define "successful"*

*In (a)(6) and (7), just out of curiosity, what happens if the applicant timely requests the reports, but the NPDB fails to provide this to the Board?*

*In (a)(11), please delete or define "adverse" in "adverse action"*

*In (a)(12), please delete or define "safely"*

*In (a)(12), please delete "is of good moral character" as unnecessary since you have already incorporated the requirements of 90-9.3 in (a)(2) and 90-9.3(a)(3) speaks to "good moral character."*

*In (a)(14), change "will" to "shall"*

*Why is (a)(15) included in (a), but (b) is separated out? Would it be appropriate to combine them into (b)?*

Amber May  
Commission Counsel  
Date submitted to agency: February 26, 2019

*In (a)(15) and (b), please change "should indicate" to "indicates"*

*Please also change "above required information" to "the information required by Paragraph (a) of this Rule." If you choose not to move (a)(15) into (b) or into its own paragraph, this language will need to be changed a bit for (a)(15).*

*On lines 20-21, delete "in its discretion"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: February 26, 2019

21 NCAC 32S .0202 is amended as published in 33:08 NCR 835-838 as follows:

**21 NCAC 32S .0202      QUALIFICATIONS AND REQUIREMENTS FOR LICENSE**

(a) Except as otherwise provided in this Subchapter, an individual shall obtain a license from the Board before practicing as a physician assistant. An applicant for a physician assistant license shall:

- (1) submit a completed application, available at [www.ncmedboard.org](http://www.ncmedboard.org), to the Board;
- (2) meet the requirements set forth in G.S. 90-9.3 and has not committed any of the acts listed in G.S. 90-14;
- (3) supply a certified copy of applicant's birth certificate if the applicant was born in the United States or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant shall provide information about the applicant's immigration and work status that the Board shall use to verify applicant's ability to work lawfully in the United States;
- (4) submit to the Board proof that the applicant completed a Physician Assistant Educational Program. He or she shall also show successful completion of the Physician Assistant National Certifying Examination;
- (5) pay to the Board a non-refundable fee of ~~two hundred dollars (\$200.00)~~ two hundred thirty dollars (\$230.00) plus the cost of a criminal background check. There is no fee to apply for a physician assistant limited volunteer license;
- (6) submit National Practitioner Data Bank (NPDB) and Healthcare Integrity and Protection Data Bank (HIPDB) reports. These reports shall be requested by the applicant and submitted to the Board within 60 days of the request;
- (7) submit a Board Action Data Bank Inquiry report from the Federation of State Medical Boards (FSMB). This report shall be requested by the applicant and submitted to the Board within 60 days of the request;
- (8) submit to the Board, at P. O. Box 20007, Raleigh, NC 27619, two complete original fingerprint record cards, on fingerprint record cards supplied by the Board upon request;
- (9) submit to the Board, at P. O. Box 20007, Raleigh, NC 27619 or [license@ncmedboard.org](mailto:license@ncmedboard.org), a signed consent form allowing a search of local, state, and national files to disclose any criminal record;
- (10) disclose whether he or she has ever been suspended from, placed on academic probation, expelled, or required to resign from any school, including a PA educational program;
- (11) attest that he or she has no license, certificate, or registration as a physician assistant currently under discipline, revocation, suspension, probation, or any other adverse action resulting from a health care licensing board;
- (12) certify that he or she is mentally and physically able to safely practice as a physician assistant and is of good moral character;

1 (13) provide the Board with two original recommendation forms dated within six months of the  
2 application, at P. O. Box 20007, Raleigh, NC 27619, These recommendations shall come from  
3 persons under whom the applicant has worked or trained who are familiar with the applicant's  
4 academic competence, clinical skills, and character. At least one reference form shall be from a  
5 physician and the other reference form must be from a physician assistant peer under whom the  
6 applicant has worked or trained. References shall not be from any family member or, in the case  
7 of applicants who have not been licensed anywhere, references shall not be from fellow students  
8 of the applicant's Physician Assistant Educational Program;

9 (14) if two years or more have passed since graduation from a Physician Assistant Educational  
10 Program, document that he or she has completed at least 100 hours of continuing medical  
11 education (CME) during the preceding two years, at least 50 hours of which must be recognized  
12 by the National Commission on Certification of Physician Assistants as Category I CME. An  
13 applicant who is currently certified with the NCCPA will be deemed in compliance with this  
14 Subparagraph; and

15 (15) In the event any of the above required information should indicate a concern about the applicant's  
16 qualifications, the applicant shall supply any other information the Board deems necessary to  
17 evaluate the applicant's qualifications, including explanation or documentation of the information  
18 required in this Rule.

19 (b) In the event any of the above required information should indicate a concern about the applicant's qualifications,  
20 an applicant may be required to appear in person for an interview with the Board, if the Board determines in its  
21 discretion that more information is needed to evaluate the application.

22  
23 *History Note: Authority G.S. 90-9.3; 90-11; 90-14(a); 90-18(c)(13); 90-18.1;*

24 *Eff. September 1, 2009;*

25 *Amended Eff. January 1, 2016; May 1, 2015; March 1, 2011;*

26 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,*  
27 *2016.*

28 *Amended Eff. April 1, 2019.*  
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## REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Medical Board

RULE CITATION: 21 NCAC 32S .0204

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The Rules Review Commission staff has completed its review of these Rules prior to the Commission's next meeting. The Commission has not yet reviewed these Rules and therefore there has not been a determination as to whether these Rules will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing these Rules, the staff recommends the following technical changes be made:

*In (a), please change "his/her" to "his or her" in both places. Please also change this in (a)(20) and (b) in three places.*

*In (a)(1), are the contents of the renewal form set forth elsewhere in rule or statute?*

*I'm not sure that I understand what is going on in (a)(2). Is the intent that the renewal fee is \$140.00, but if they are late and pay 30 days after his or her birthday, then a \$25 late fee applies and they will owe \$165? If so, I think this could be much more clear.*

*In (b), please change "automatically becomes" to "shall automatically be"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: February 26, 2019

21 NCAC 32S .0204 is amended as published in 33:08 NCR 835-838 as follows:

**21 NCAC 32S .0204      ANNUAL RENEWAL**

(a) A physician assistant shall renew his/her license each year no later than 30 days after his/her birthday by:

(1) completing the Board's renewal form; and

(2) submitting a nonrefundable fee of ~~one hundred twenty dollars (\$120.00)~~, one hundred sixty-five dollars (\$165.00), except that a physician assistant who renews not later than 30 days after his/her birthday shall pay an annual renewal fee of ~~one hundred dollars (\$100.00)~~; one hundred forty dollars (\$140.00);

(b) If a physician assistant fails to renew his/her license, the Board shall send a certified notice, return receipt requested. If the physician assistant does not renew his/her license within 30 days of the date of the mailing of that notice, his/her license automatically becomes inactive.

*History Note: Authority G.S. 90-9.3(c);*

*Eff. September 1, 2009;*

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

*Amended Eff. April 1, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Medical Board

RULE CITATION: 21 NCAC 32S .0220

**DEADLINE FOR RECEIPT: Wednesday, March 13, 2019**

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The Rules Review Commission staff has completed its review of these Rules prior to the Commission's next meeting. The Commission has not yet reviewed these Rules and therefore there has not been a determination as to whether these Rules will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing these Rules, the staff recommends the following technical changes be made:

*Please change "an" to "a"*

*In (b)(1), are the substantive requirements of the application set forth elsewhere in rule or statute? If so, please just confirm. If not, please provide the contents of the application in your Rule.*

*In (b)(3), what board form? The application form?*

*In (b)(3), please delete or define "recent"*

*In (b)(4), by "proof of U.S. citizenship" are you speaking to a "birth certificate" or "passport"? If so, please say that for purposes of consistency. This reads as if there is a different option, but the first sentence tells them what to provide in that instance*

*In (b)(5), what sort of proof would be acceptable? Please provide some examples.*

*In (b)(5), please add "the" before "applicant"*

*In (b)(6), delete or define "successful"*

*In (b)(7), please delete or define "current." Do you mean "unexpired"?*

*In (b)(8), please delete or define "active."*

*Perhaps this is intentional, but please note that the language is different in (b)(9) –(12) than .0202(a)(6)-(9). Please be consistent where you can.*

*In (c)(1), please delete the (s) in "claim" and "payment"*

*In (c)(2), what is considered to be a "criminal record"? Do speeding tickets count? Perhaps this is set forth elsewhere?*

Amber May  
Commission Counsel  
Date submitted to agency: February 26, 2019

*In (c)(4), please delete the (s) in “condition” If you want it plural, please make it plural. Please also do this for (c)(4) and (6).*

*In (c)(4), please take the language in parenthesis out of parenthesis and add a comma behind “actions”*

*In (c)(5), please delete or define “adverse” in “adverse actions. Is this defined elsewhere?*

*What is meant by (d)? Please delete or define “directly” and “primary”?*

*Practically speaking, how does (e) work? Do your people pay you an application fee alone, without also submitting the application? Do you mean something like “all information required by this Rule shall be submitted within one year”?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.



21 NCAC 32S .0220 is amended as published in 33:08 NCR 835-838 as follows:

**21 NCAC 32S .0220      EXPEDITED APPLICATION FOR PHYSICIAN ASSISTANT LICENSURE**

(a) An physician assistant who has been licensed, certified, or authorized to practice in at least one other state, the District of Columbia, U.S. Territory or Canadian province for at least five years, has been in active clinical practice during the past two years and who has a clean license application, as defined in Paragraph (c) of this Rule, may apply for a license on an expedited basis.

(b) In order to apply for an expedited Physician Assistant License, an applicant shall:

- (1) submit a completed application, using the Board's form, attesting under oath that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit documentation of a legal name change, if applicable;
- (3) on the Board's form, submit a recent photograph, at least two inches by two inches, certified as a true likeness of the applicant by a notary public;
- (4) supply a certified copy of applicant's birth certificate if applicant was born in the United States or a certified copy of a valid and unexpired US passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration and work status, which the Board will use to verify applicant's ability to work lawfully in the United States;
- (5) provide proof that applicant had held an active license, certification or authorization as a physician assistant in at least one other state or jurisdiction for the last five years immediately preceding this application;
- (6) submit proof of successful completion of the Physician Assistant National Certifying Examination;
- (7) submit proof of current certification by the National Commission on Certification of Physician Assistants;
- (8) provide proof of an active clinical practice, providing patient care for an average of 20 hours or more per week, for at least the last two years;
- (9) submit a NPDB/HIPDB report dated within 60 days of applicant's oath;
- (10) submit a FSMB Board Action Data Bank report;
- (11) submit two completed fingerprint cards supplied by the Board;
- (12) submit a signed consent form allowing a search of local, state, and national files to disclose any criminal record;
- (13) pay to the Board a non-refundable fee of ~~two hundred dollars (\$200.00)~~, two hundred thirty dollars (\$230.00), as required by 21 NCAC 32S .0202, plus the cost of a criminal background check;
- (14) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

(c) A clean license application means that the physician assistant has none of the following:

- (1) professional liability insurance claim(s) or payment(s);
- (2) criminal record;
- (3) medical condition(s) which could affect the physician assistant's ability to practice safely;
- (4) regulatory board complaint(s), investigation(s), or action(s) (including applicant's withdrawal of a license application);
- (5) adverse action taken by a health care institution;
- (6) investigation(s) or action(s) taken by a federal agency, the US military, medical societies or associations; or
- (7) suspension or expulsion from any school, including an educational program for physician assistants.

(d) All reports must be submitted directly to the Board from the primary source, when possible.

(e) An application must be completed within one year of the date on which the application fee is paid. If not, the applicant shall be charged a new application fee.

*History Note: Authority G.S. 90-9.3; 90-13.1;*

*Eff. November 1, 2010;*

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

*Amended Eff. April 1, 2019.*