

## Burgos, Alexander N

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**Subject:** FW: [External] RE: 21 NCAC 32B .1361 and 32S .0226

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>

**Sent:** Tuesday, May 20, 2025 3:34 PM

**To:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>

**Subject:** RE: [External] RE: 21 NCAC 32B .1361 and 32S .0226

You are very welcome!

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

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**From:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>

**Sent:** Tuesday, May 20, 2025 3:32 PM

**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>

**Subject:** RE: [External] RE: 21 NCAC 32B .1361 and 32S .0226

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Thank you, Bill for all your time and effort working with us, and your much appreciated patience!!

Marcus

**Marcus Jimison**

Deputy General Counsel

P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

## Burgos, Alexander N

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**Subject:** FW: [External] RE: 21 NCAC 32B .1361 and 32S .0226  
**Attachments:** 21 NCAC 32S .0226.docx; 21 NCAC 32B .1361.docx

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**From:** Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>  
**Sent:** Tuesday, May 20, 2025 2:51 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>  
**Cc:** Ashley D. White <ashley.white@ncmedboard.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 32B .1361 and 32S .0226

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see attached.

Thanks!

**Leigh Anne Satterwhite, NCCP**

Senior Paralegal  
Rulemaking Coordinator  
North Carolina Medical Board

21 NCAC 32B .1361 is adopted with changes as published in 39:12 NCR 768-769 as follows:

### SECTION .1300 – GENERAL

#### 21 NCAC 32B .1361      **MILITARY RELOCATION LICENSE FOR PHYSICIAN SERVICEMEMBERS AND SPOUSES**

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

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

- (1) complete the Board's online application and providing the applicant's:
  - i. legal name;
  - ii. personal mailing, physical, and email address;
  - iii. work mailing, physical, and email address;
  - iv. telephone number;
  - v. social security number and date of birth;
  - vi. practice plans and areas of practice;
  - vii. chronological history of education and employment from age 18 to present;
  - viii. history of government investigations, substance use history for the past five years, military service, professional liability insurance history, investigations for employment misclassification for the past five years, and history of regulatory actions, hospital privilege, and malpractice;
  - ix. attesting an attestation under oath or affirmation 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) submit a photograph of the applicant that was taken in the last two years;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant ~~must~~ shall provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;
- (5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;
- (6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;
- (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for

1 licensure in this State;

- 2 (8) provide proof that the applicant ~~is in good standing in the jurisdiction of licensure~~, has not been  
3 disciplined in the last five years by any occupational licensing board, and has no pending  
4 investigations by any occupational licensing board;
- 5 (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per  
6 week during the 2 years immediately preceding relocation to this State;
- 7 (10) if the applicant is a graduate of a medical school other than those approved by LCME, AOA,  
8 COCA, or CACMS, the applicant shall furnish an original ECFMG certification status report  
9 of a currently valid certification of the ECFMG. The ECFMG certification status report  
10 requirement shall be waived if the applicant has passed the ECFMG examination and  
11 successfully completed an approved Fifth Pathway program (original ECFMG score transcript  
12 from the ECFMG required);
- 13 (11) submit two completed fingerprint record cards to the Board;
- 14 (12) submit a signed consent form allowing a search of local, state and national files to disclose any  
15 criminal record;
- 16 (13) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal  
17 background check; and upon request, supply any additional information the Board deems  
18 necessary to evaluate the applicant's qualifications.

19 ~~(e) A military relocation license shall remain active for the duration of the military orders for military service in this~~  
20 ~~State and upon which the application was submitted. A military relocation license shall become inactive at the time~~  
21 ~~the license holder relocates pursuant to military orders to reside in another state, when the military orders for military~~  
22 ~~service in this State expire, or when the applicable servicemember separates from military service. All licensees with~~  
23 ~~military relocation licenses shall notify the Board within 15 days of the issuance of new military orders requiring~~  
24 ~~relocation to another state, within 15 days of the expiration of military orders, or within 15 days of separation from~~  
25 ~~military service.~~

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

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

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

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

36 *History Note: Authority G.S. 90-5.1(a)(3); G.S. 90-12.02; G.S. 90-13.1;*

37 *Eff. April 1, 2025.*



21 NCAC 32S .0226 is adopted with changes as published in 39:12 NCR 770 as follows

## SECTION .0200 – PHYSICIAN ASSISTANT REGISTRATION

### 21 NCAC 32S .0226 MILITARY RELOCATION LICENSE FOR PHYSICIAN ASSISTANT SERVICEMEMBERS AND SPOUSES

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

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

(1) complete the Board's online application and providing the applicant's:

i. legal name;

ii. personal mailing, physical, and email address;

iii. work mailing, physical, and email address;

iv. telephone number;

v. social security number and date of birth;

vi. practice plans and areas of practice;

vii. chronological history of education and employment from age 18 to present;

viii. history of government investigations, substance use history for the past five years, military service, professional liability insurance history, investigations for employment misclassification for the past five years, and history of regulatory actions, hospital privilege, and malpractice;

ix. attesting an attestation under oath or affirmation 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) submit a photograph of the applicant that was taken in the last two years;

(4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. 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 ~~must~~ shall provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;

(5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;

(6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;

(7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for licensure in this State;

- (8) provide proof that the applicant ~~is in good standing in the jurisdiction of licensure~~, has not been disciplined in the last five years by any occupational licensing board, and has no pending investigations by any occupational licensing board;
- (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the 2 years immediately preceding relocation to this State;
- (10) submit two completed fingerprint record cards to the Board;
- (11) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
- (12) pay to the Board a non-refundable fee as required by 21 NCAC 32S .0202, plus the cost of a criminal background check;
- (13) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

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

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

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

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

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

*History Note: Authority G.S. 90-5.1(a)(3); 90-12.02; ~~21 NCAC 32S .0202(5)~~;  
Eff. April 1, 2025.*

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>

**Sent:** Tuesday, May 20, 2025 2:42 PM

**To:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Leigh Anne Satterwhite  
<[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>

**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: [External] RE: 21 NCAC 32B .1361 and 32S .0226

Good afternoon,

When should I expect the final rules?

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 32B .1361 and 32S .0226

---

**From:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>  
**Sent:** Monday, May 19, 2025 12:00 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>  
**Cc:** Ashley D. White <ashley.white@ncmedboard.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 32B .1361 and 32S .0226

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Bill,

Hi. Will do to all.

Thank you!

Marcus

**Marcus Jimison**  
Deputy General Counsel  
P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Monday, May 19, 2025 11:57 AM  
**To:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>  
**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 32B .1361 and 32S .0226

Thank you for your response.

Line 11: Consider striking “and provide the following information” and replace with “providing the applicant’s:”

Line 19: The language implies a separate document. Strike “complete a questionnaire as to...” If it meets the agency’s intention, replace with “history of...”

Line 23: Strike “attesting” and replace with “an attestation.”

Please do the same for 32S .0226.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings

1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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---

**From:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>  
**Sent:** Monday, May 19, 2025 11:42 AM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>  
**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 32B .1361 and 32S .0226

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Bill,

Hi. It is part of the online application.

Thanks,

Marcus

**Marcus Jimison**  
Deputy General Counsel  
P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Monday, May 19, 2025 11:41 AM  
**To:** Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>  
**Cc:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 32B .1361 and 32S .0226

Good morning,

Is the "questionnaire" in the above captioned rules part of the on-line application or is it a separate document?

Please respond at your earliest convenience.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

---

**Subject:** FW: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

---

**From:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>

**Sent:** Monday, May 19, 2025 11:25 AM

**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>

**Subject:** RE: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

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Thank you, Bill.

Marcus

**Marcus Jimison**

Deputy General Counsel

P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

## Burgos, Alexander N

---

**Subject:** FW: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>

**Sent:** Monday, May 19, 2025 11:06 AM

**To:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>

**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

Thank you.

For future reference, when RRC staff makes a statement about an issue, as I did on May 9, it is a better practice to address the matter in the response in the absence of a rule change on that point. If the issue is not addressed staff can only assume that there is no response to address the issue. In that event, a recommendation for objection becomes likely.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

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[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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**From:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>

**Sent:** Monday, May 19, 2025 10:52 AM

**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>

**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

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Bill,

Hi. It defines "first communication" as either being written or oral, which does not appear in the statute. If subsection (a) is the part that gives you pause, then I'm happy to take it out.

Thanks,

Marcus



**Marcus Jimison**

Deputy General Counsel

P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>**Sent:** Monday, May 19, 2025 10:47 AM**To:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>**Subject:** RE: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

Marcus,

Please explain to me in writing what Paragraph (a) does which is not in G.S. 90-14(i).

Thank you.

**William W. Peaslee****Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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**From:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>**Sent:** Monday, May 19, 2025 10:30 AM**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>**Subject:** RE: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

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Bill,

Hi. Is there a good time to discuss. The rule defines the end time of the six month period for the investigation, which the statute does not. How is that unnecessary? That's the whole purpose for the rule amendment.

Is there a good time to call?

Thanks,

Marcus

**Marcus Jimison**

Deputy General Counsel  
P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Monday, May 19, 2025 10:27 AM  
**To:** Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>  
**Cc:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

Good morning,

Attached please find the staff opinion recommending objection to the above captioned rule.

As always if you have questions please feel free to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **RRC STAFF OPINION**

*PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.*

AGENCY: N.C. Medical Board

RULE CITATION: 21 NCAC 32N .0107

RECOMMENDATION DATE: May 19, 2025

RECOMMENDED ACTION:

- ☐ Approve, but note staff's comment
- ☒ Object, based on:
  - ☐ Lack of statutory authority
  - ☐ Unclear or ambiguous
  - ☒ Unnecessary
  - ☐ Failure to comply with the APA
  - ☐ Extend the period of review

COMMENT:

*G.S. 90-14(i) states:*

(i) AT THE TIME OF FIRST COMMUNICATION FROM THE BOARD OR AGENT OF THE BOARD TO A LICENSEE REGARDING A COMPLAINT OR INVESTIGATION, THE BOARD SHALL PROVIDE NOTICE IN WRITING TO THE LICENSEE THAT INFORMS THE LICENSEE: (i) OF THE EXISTENCE OF ANY COMPLAINT OR OTHER INFORMATION FORMING THE BASIS FOR THE INITIATION OF AN INVESTIGATION; (ii) THAT THE LICENSEE MAY RETAIN COUNSEL; (iii) HOW THE BOARD WILL COMMUNICATE WITH THE LICENSEE REGARDING THE INVESTIGATION OR DISCIPLINARY PROCEEDING IN ACCORDANCE WITH SUBSECTIONS (M) AND (N) OF THIS SECTION; (iv) THAT THE LICENSEE HAS A DUTY TO RESPOND TO INQUIRIES FROM THE BOARD CONCERNING ANY MATTER AFFECTING THE LICENSE, AND ALL INFORMATION SUPPLIED TO THE BOARD AND ITS STAFF WILL BE CONSIDERED BY THE BOARD IN MAKING A DETERMINATION WITH REGARD TO THE MATTER UNDER INVESTIGATION; (v) THAT THE BOARD WILL COMPLETE ITS INVESTIGATION WITHIN SIX MONTHS OR PROVIDE AN EXPLANATION AS TO WHY IT MUST BE EXTENDED; AND (vi) THAT IF THE BOARD MAKES A DECISION TO INITIATE PUBLIC DISCIPLINARY PROCEEDINGS, THE LICENSEE MAY REQUEST IN WRITING AN INFORMAL NONPUBLIC PRECHARGE CONFERENCE.

*Paragraph (a) of the rule requires the same action as G.S. 90-14(i). Accordingly, staff recommends objection to the rule pursuant to G.S. 150B-21.9(a)(3) as Paragraph (a) of the rule is in not reasonably necessary.*

William W. Peaslee  
Commission Counsel

**150B-21.9. STANDARDS AND TIMETABLE FOR REVIEW BY COMMISSION.**

(a) Standards. – The Commission must determine whether a rule meets all of the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.
- (4) It was adopted in accordance with Part 2 of this Article.

The Commission shall not consider questions relating to the quality or efficacy of the rule but shall restrict its review to determination of the standards set forth in this subsection.

The Commission may ask the Office of State Budget and Management to determine if a rule has a substantial economic impact and is therefore required to have a fiscal note. The Commission must ask the Office of State Budget and Management to make this determination if a fiscal note was not prepared for a rule and the Commission receives a written request for a determination of whether the rule has a substantial economic impact.

(a1) Entry of a rule in the North Carolina Administrative Code after review by the Commission creates a rebuttable presumption that the rule was adopted in accordance with Part 2 of this Article.

(b) Timetable. – The Commission must review a permanent rule submitted to it on or before the twentieth of a month by the last day of the next month. The Commission must review a rule submitted to it after the twentieth of a month by the last day of the second subsequent month. The Commission must review a temporary rule in accordance with the timetable and procedure set forth in G.S. 150B-21.1. (1991, c. 418, s. 1; 1995, c. 507, s. 27.8(f); 2000-140, s. 93.1(a); 2001-424, s. 12.2(b); 2003-229, s. 9.)

21 NCAC 32N .0107 is amended with changes as published in 39:12 NCR 769 as follows:

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

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

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

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

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

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

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

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

*Eff. February 1, 2012;*

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

*Amended Eff. April 1, 2025.*

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 32B .1361  
**Attachments:** 21 NCAC 32S .0226.docx; 21 NCAC 32B .1361.docx

---

**From:** Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>  
**Sent:** Friday, May 16, 2025 1:54 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Ashley D. White <ashley.white@ncmedboard.org>;  
Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** [External] RE: 21 NCAC 32B .1361

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Please find the attached for review.

Thank you,

**Leigh Anne Satterwhite, NCCP**

Senior Paralegal  
Rulemaking Coordinator  
North Carolina Medical Board

21 NCAC 32B .1361 is adopted with changes as published in 39:12 NCR 768-769 as follows:

### SECTION .1300 – GENERAL

#### 21 NCAC 32B .1361      **MILITARY RELOCATION LICENSE FOR PHYSICIAN SERVICEMEMBERS AND SPOUSES**

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

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

(1) complete the Board's online application and provide the following information:

- i. legal name;
- ii. personal mailing, physical, and email address;
- iii. work mailing, physical, and email address;
- iv. telephone number;
- v. social security number and date of birth;
- vi. practice plans and areas of practice;
- vii. chronological history of education and employment from age 18 to present;
- viii. complete a questionnaire as to government investigations, substance use history for the past five years, military service, professional liability insurance history, investigations for employment misclassification for the past five years, and history of regulatory actions, hospital privilege, and malpractice;
- ix. attesting under oath or affirmation 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) submit a photograph of the applicant that was taken in the last two years;

(4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant ~~must~~ shall provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;

(5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;

(6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;

(7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for

1 licensure in this State;

- 2 (8) provide proof that the applicant ~~is in good standing in the jurisdiction of licensure~~, has not been  
3 disciplined in the last five years by any occupational licensing board, and has no pending  
4 investigations by any occupational licensing board;
- 5 (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per  
6 week during the 2 years immediately preceding relocation to this State;
- 7 (10) if the applicant is a graduate of a medical school other than those approved by LCME, AOA,  
8 COCA, or CACMS, the applicant shall furnish an original ECFMG certification status report  
9 of a currently valid certification of the ECFMG. The ECFMG certification status report  
10 requirement shall be waived if the applicant has passed the ECFMG examination and  
11 successfully completed an approved Fifth Pathway program (original ECFMG score transcript  
12 from the ECFMG required);
- 13 (11) submit two completed fingerprint record cards to the Board;
- 14 (12) submit a signed consent form allowing a search of local, state and national files to disclose any  
15 criminal record;
- 16 (13) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal  
17 background check; and upon request, supply any additional information the Board deems  
18 necessary to evaluate the applicant's qualifications.

19 ~~(e) A military relocation license shall remain active for the duration of the military orders for military service in this~~  
20 ~~State and upon which the application was submitted. A military relocation license shall become inactive at the time~~  
21 ~~the license holder relocates pursuant to military orders to reside in another state, when the military orders for military~~  
22 ~~service in this State expire, or when the applicable servicemember separates from military service. All licensees with~~  
23 ~~military relocation licenses shall notify the Board within 15 days of the issuance of new military orders requiring~~  
24 ~~relocation to another state, within 15 days of the expiration of military orders, or within 15 days of separation from~~  
25 ~~military service.~~

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

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

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

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

36 *History Note: Authority G.S. 90-5.1(a)(3); G.S. 90-12.02; G.S. 90-13.1;*

37 *Eff. April 1, 2025.*



21 NCAC 32S .0226 is adopted with changes as published in 39:12 NCR 770 as follows

## SECTION .0200 – PHYSICIAN ASSISTANT REGISTRATION

### 21 NCAC 32S .0226 MILITARY RELOCATION LICENSE FOR PHYSICIAN ASSISTANT SERVICEMEMBERS AND SPOUSES

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

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

(1) complete the Board's online application and provide the following information:

i. legal name;

ii. personal mailing, physical, and email address;

iii. work mailing, physical, and email address;

iv. telephone number;

v. social security number and date of birth;

vi. practice plans and areas of practice;

vii. chronological history of education and employment from age 18 to present;

viii. complete a questionnaire as to government investigations, substance use history for the past five years, military service, professional liability insurance history, investigations for employment misclassification for the past five years, and history of regulatory actions, hospital privilege, and malpractice;

ix. attesting under oath or affirmation 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) submit a photograph of the applicant that was taken in the last two years;

(4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. 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 ~~must~~ shall provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;

(5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;

(6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;

(7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for licensure in this State;

- (8) provide proof that the applicant ~~is in good standing in the jurisdiction of licensure~~, has not been disciplined in the last five years by any occupational licensing board, and has no pending investigations by any occupational licensing board;
- (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the 2 years immediately preceding relocation to this State;
- (10) submit two completed fingerprint record cards to the Board;
- (11) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
- (12) pay to the Board a non-refundable fee as required by 21 NCAC 32S .0202, plus the cost of a criminal background check;
- (13) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

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

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

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

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

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

*History Note: Authority G.S. 90-5.1(a)(3); 90-12.02; ~~21 NCAC 32S .0202(5)~~;  
Eff. April 1, 2025.*

## Burgos, Alexander N

---

**Subject:** FW: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107  
**Attachments:** 21 NCAC 32N .0107.docx

---

**From:** Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>  
**Sent:** Friday, May 16, 2025 1:53 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Ashley D. White <ashley.white@ncmedboard.org>;  
Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

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Please find the attached for review.

Thank you,

**Leigh Anne Satterwhite, NCCP**

Senior Paralegal  
Rulemaking Coordinator  
North Carolina Medical Board

21 NCAC 32N .0107 is amended with changes as published in 39:12 NCR 769 as follows:

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

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

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

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

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

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

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

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

*Eff. February 1, 2012;*

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

*Amended Eff. April 1, 2025.*

**Burgos, Alexander N**

---

**Subject:** FW: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>

**Sent:** Friday, May 9, 2025 4:27 PM

**To:** Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>

**Cc:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Ashley D. White <ashley.white@ncmedboard.org>;  
Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] Response to Request for Technical Changes - 21 NCAC 32N .0107

Good afternoon,

Paragraph (a) requires the same notices as G.S. 90-14(i). Accordingly, it is unnecessary pursuant to G.S. 150B-21.9(a)(3).

Lines 15-17: Under G.S. 90-16(e1), the Board is granted discretion regarding when it “may” provide a patient with a licensee’s written response to a complaint. However, this discretion must be exercised according to defined standards, not arbitrarily. The Board is therefore required to specify, by rule, the circumstances in which it will provide such responses.

According to the rule, the Board “shall” provide the responses unless one of two exceptions applies. The rule outlines these two exceptions, but one is unclear and ambiguous. Specifically, the Board reserves the right to withhold the response if it determines there has been a “misuse” of the process; however, the rule does not define what constitutes “misuse.” It appears the Board may intend this to cover situations involving vexatious or frivolous complaints, but this is not made explicit.

Line 22: Change “may” to “shall” or state the criteria which the Board will use in exercising its discretion.

Please reply by May 16, 2025.

Thank you and have a good weekend.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 32B .1361

---

**From:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>

**Sent:** Friday, May 9, 2025 11:18 AM

**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>

**Cc:** Ashley D. White <ashley.white@ncmedboard.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: 21 NCAC 32B .1361

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Understood, and thanks Bill.

Marcus

**Marcus Jimison**

Deputy General Counsel

P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 32B .1361

---

**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>

**Sent:** Friday, May 9, 2025 11:13 AM

**To:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>

**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: [External] RE: 21 NCAC 32B .1361

Whatever those answers are, they probably need to be in the rule in some manner.

**William W. Peaslee**

**Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

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**From:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>

**Sent:** Friday, May 9, 2025 11:09 AM

**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>

**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: [External] RE: 21 NCAC 32B .1361

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Bill,

Hi. I'll try to get those answers to you soon.

Thanks,

Marcus

**Marcus Jimison**

Deputy General Counsel

P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Friday, May 9, 2025 11:04 AM  
**To:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>  
**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 32B .1361

Good morning,

In Paragraph (b) an applicant is required to fill out an application (1) and provide the listed items (2)-(13).

What information does an applicant need to provide on the application (1) to the Board to satisfy?

Bill

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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**From:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>  
**Sent:** Friday, May 9, 2025 10:52 AM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>  
**Cc:** Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** [External] RE: 21 NCAC 32B .1361

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hey Bill,

On page 1, line 11 the substantive requirements of the application are listed in subsections 2 -13. How would you suggest we reword this, otherwise I'm not really following?

Page 1, line 27. That's an oversight. I'll ask Leigh Anne to correct and resubmit.

Page 2, line 1. Again, I'm not sure what this means. The fingerprint cards are the fingerprint cards. Again, I'm not following. However, I'm happy to change if you believe it should be rewritten.

Thanks again, and we will certainly get Page 1, line 27 fixed.

Marcus



**Marcus Jimison**

Deputy General Counsel

P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>**Sent:** Friday, May 9, 2025 10:10 AM**To:** Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>**Cc:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>; Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>;  
Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>**Subject:** 21 NCAC 32B .1361

Good morning:

Page 1, Line 1: An online application is a form, the substantive requirements of which need to be set forth in the rule. Whether the form is paper or electronic is immaterial. See G.S. 150B-2(8a)d.

Page 1, Line 27: In your response you stated that “good standing” was being removed but it was not. What is your intention?

Page 2, Line 1: While this language is not objectionable as written, it does not accurately represent what the Board is requiring according to the response to the RFC.

Please reply by 5/16.

Thank you.

**William W. Peaslee****Rules Review Commission Counsel / Legislative Liaison**

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

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**From:** Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>  
**Sent:** Thursday, May 8, 2025 1:55 PM  
**To:** Rules, Oah; Peaslee, William W; Burgos, Alexander N  
**Cc:** Marcus B. Jimison; Ashley D. White  
**Subject:** [External] Response to Request for Technical Changes - 21 NCAC 32N .0107; 21 NCAC 32B .1361; 21 NCAC 32S .0226  
**Attachments:** RRC Submission - 21 NCAC 32N .0107.pdf; 21 NCAC 32N .0107.docx; RRC Submission - 21 NCAC 32S .0226.pdf; 21 NCAC 32B .1361.docx; 21 NCAC 32S .0226.docx; RRC Submission - 21 NCAC 32B .1361.pdf; 05.2025 - Medical Board RFC - Response.docx

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Attached is the NC Medical Board's response to the request for technical changes for 21 NCAC 32N .0107; 21 NCAC 32B .1361; and 21 NCAC 32S .0226.

Thank you.

### Leigh Anne Satterwhite, NCCP

Senior Paralegal

North Carolina Medical Board

P 919.326.1109 x395 E [leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)

F 919.326.1131 A 3127 Smoketree Court, Raleigh, NC 27604

[Website](#) | [Facebook](#) | [Twitter](#)

*E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law.*

**NOTICE:** This communication (including any attachment) is being sent by or on behalf of a lawyer and may contain confidential or legally privileged information. The sender does not intend to waive any privilege, including the attorney-client privilege or work-product privilege that may attach to this communication. Additionally, any information protected pursuant to N.C. Gen. Stat. § 90-16 shall maintain the same protections provided by that statute. If you are not the intended recipient, you are not authorized to intercept, read, print, retain, copy, forward, or disseminate this communication. If you have received this communication in error, please notify the sender immediately by email and delete this communication and all copies.

## **Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### **Note the following general instructions:**

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: "aAssociation"
  - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
  - Wrong: "day;;and"
  - Right: "~~day;~~ day;and"
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**

William W. Peaslee  
Commission Counsel

Date submitted to agency: April 25, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Medical Board

RULE CITATION: 21 NCAC 32N .0107

DEADLINE FOR RECEIPT: May 9, 2025

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

*The Form 0400 submitted with the rule misstates the Notice of Text date of publication. Please resubmit it with corrections. **Corrected.***

*Lines 4-6: G.S. 90-14(e1) requires that certain notices be sent to the licensee "at least five days prior to the informal nonpublic precharge conference." This rule appears to require the notices be sent contemporaneously with the first contact from the Board, Et. al. Then the Board creates an exception for Paragraph (e). However, Paragraph (e) does not appear to address the timing of any notice. Paragraph (e) addresses the licensees' right to counsel notice of which is already addressed G.S. 90-1(e1). It is unclear what the Board's intentions are. Is the Board requiring all notices required by G.S. 90-14(e1) be provided at the time for the first contact with the licensee except for the notice of counsel which would then only require five days prior to the informal nonpublic precharge conference?*

*Refer to email exchange between counsel for Medical Board and counsel for RRC on May 6-7, 2025 for additional clarification and explanation regarding this request.*

*Line 10 and 21: Define "complete" information? Complete in this context means the licensee provides all relevant information to fully explain the issues and allegations raised in the complaint in his or her initial response to the Board. Should a licensee provide information at a later date that he knew or should have known existed at the time when he filed his or her initial response, or when he or she submitted to an interview, then he or she may be considered to have failed to provide complete information. The Board's intent is to obtain all relevant information in a timely manner and not in a piecemeal fashion.*

*Line 15: Is there a definition or rule that addresses "misuse"? There is no definition in the rules. Here, misuse means to use the Board's complaint process for an improper purpose.*

*Line 29: G.S. 90-14(a) does not have an (i) or (l). **Corrected, and changed.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: April 25, 2025

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

William W. Peaslee  
Commission Counsel  
Date submitted to agency: April 25, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Medical Board

RULE CITATION: 21 NCAC 32B .1361

**DEADLINE FOR RECEIPT: May 9, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the rule: The Board would benefit globally from a definitions rule defining “good standing.” Consider that for future submissions. **Thank you. Will so advise the Board.***

*The Form 0400 submitted with the rule misstates the Notice of Text date of publication. Please resubmit it with corrections. **Corrected.***

*Page 1, Line 11 and Page 2, Line 16: Does the Board have an application form, electronic or physical? **The application is an electronic online application. The word “online” has been added before the word “application” in only the first instance, as the second wasn’t necessarily due to lines 15-20 being removed.***

*Page 1, Line 18: Change “must” to “shall.” **Changed.***

*Page 1, Line 27: Define “good standing.” **The term is defined later in the language following “good standing,” i.e., no discipline in the last five years and no pending investigations by any licensing board. Given that the term is later defined, we have chosen to delete “good standing.”***

*Page 2, Line 1: Will any fingerprint “record” do? **No. The fingerprint cards are specific to the requirements of the State Bureau of Investigation who performs the background checks.***

*Page 2, Lines 7-13: Is all of this not covered in G.S. 90-12.02? Why is this paragraph necessary? **Paragraph has been removed.***

*Page 2, Line 14: Is this not covered in G.S. 90-12.02? Why is this paragraph necessary? **Line has been removed.***

*Page 2, Lines 15-20: Is all of this not covered in G.S. 90-12.02? Why is this paragraph necessary? **Paragraph has been removed.***

William W. Peaslee  
Commission Counsel

Date submitted to agency: April 25, 2025

*Page 2, Line 21: Change “must” to “shall.” **Changed.***

*Page 2, Line 24: Add the Board’s general rulemaking authority. **Added.***

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Medical Board

RULE CITATION: 21 NCAC 32S .0226

**DEADLINE FOR RECEIPT: May 9, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

In reviewing this Rule, the staff recommends the following changes be made:

*The Form 0400 submitted with the rule misstates the Notice of Text date of publication. Please resubmit it with corrections. **Corrected.***

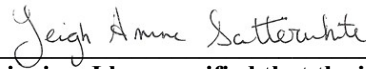
*Please see the request for changes to 21 NCAC 32B .1361 and make changes accordingly. **Changes made accordingly.***

*Page 2, Line 18: A rule cannot provide authority to an agency. Only the General Assembly can provide authority. **Rule removed from the History Note.***

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



# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency:</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b>	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: <input type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b> <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<b>9. REASON FOR ACTION</b> <b>9A. What prompted this action? Check all that apply:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency  <input type="checkbox"/> Court order / cite:  <input type="checkbox"/> Federal statute / cite:  <input type="checkbox"/> Federal regulation / cite:         </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly              Cite Session Law:  <input type="checkbox"/> Petition for rule-making  <input type="checkbox"/> Other:         </div> </div> <b>9B. Explain:</b> <div style="height: 100px;"></div>	
<b>10. Rulemaking Coordinator:</b>  Phone: E-Mail:  Additional agency contact, if any:  Phone: E-Mail:	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b> <div style="text-align: center; margin-top: 20px;">   <hr style="width: 80%; margin: 0 auto;"/> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Title:
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

21 NCAC 32B .1361 is adopted with changes as published in 39:12 NCR 768-769 as follows:

### SECTION .1300 – GENERAL

#### **21 NCAC 32B .1361        MILITARY RELOCATION LICENSE FOR PHYSICIAN SERVICEMEMBERS AND SPOUSES**

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

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

- (1) complete the Board's online application attesting under oath or affirmation 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) submit a photograph of the applicant that was taken in the last two years;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant ~~must~~ shall provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;
- (5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;
- (6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;
- (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for licensure in this State;
- (8) provide proof that the applicant is in good standing in the jurisdiction of licensure, has not been disciplined in the last five years by any occupational licensing board, and has no pending investigations by any occupational licensing board;
- (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the 2 years immediately preceding relocation to this State;
- (10) if the applicant is a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS, the applicant shall furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript 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 ~~(e) 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)~~ (c) When possible, all reports and Orders ~~must~~ shall be submitted directly to the Board from the primary source.

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

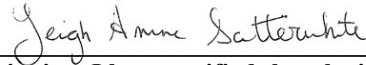
23

24 *History Note: Authority G.S. 90-5.1(a)(3); G.S. 90-12.02; G.S. 90-13.1;*

25 *Eff. April 1, 2025.*

26

# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency:</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b>	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: <input type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b> <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<b>9. REASON FOR ACTION</b> <b>9A. What prompted this action? Check all that apply:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency  <input type="checkbox"/> Court order / cite:  <input type="checkbox"/> Federal statute / cite:  <input type="checkbox"/> Federal regulation / cite:         </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly              Cite Session Law:  <input type="checkbox"/> Petition for rule-making  <input type="checkbox"/> Other:         </div> </div> <b>9B. Explain:</b>          	
<b>10. Rulemaking Coordinator:</b>  <b>Phone:</b> <b>E-Mail:</b>  <b>Additional agency contact, if any:</b>  <b>Phone:</b> <b>E-Mail:</b>	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b> <div style="text-align: center; margin-top: 10px;">   <hr style="width: 80%; margin: 0 auto;"/> </div> <p>By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.</p> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p><b>Typed Name:</b>  <b>Title:</b></p>
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

21 NCAC 32N .0107 is amended with changes as published in 39:12 NCR 769 as follows:

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

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

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

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

(d) A licensee shall submit to an interview within 30 days from the date of an oral or written request from Board staff. The Board may grant up to an additional 15 days for the interview where the licensee demonstrates good cause for the extension of time. The responses to the questions and requests for information, including documents, during the interview shall be complete and accurate. Where the licensee fails to respond in the time and manner provided herein, 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. 90-14(a)(14).

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

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

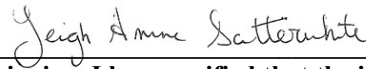
*History Note:*      Authority G.S. 90-5.1(a)(3); 90-14(a)(14); ~~90-14(i); [90-14(a)(i) and (l);~~ 90-14(a); 90-16(e1);

*Eff. February 1, 2012;*

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

*Amended Eff. April 1, 2025.*

# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency:</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b>	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: <input type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b> <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<b>9. REASON FOR ACTION</b> <b>9A. What prompted this action? Check all that apply:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency  <input type="checkbox"/> Court order / cite:  <input type="checkbox"/> Federal statute / cite:  <input type="checkbox"/> Federal regulation / cite:         </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly              Cite Session Law:  <input type="checkbox"/> Petition for rule-making  <input type="checkbox"/> Other:         </div> </div> <b>9B. Explain:</b>          	
<b>10. Rulemaking Coordinator:</b>  Phone: E-Mail:  Additional agency contact, if any:  Phone: E-Mail:	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b> <div style="text-align: center; margin-top: 10px;">   <hr style="width: 80%; margin: 0 auto;"/> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Title:
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

21 NCAC 32S .0226 is adopted with changes as published in 39:12 NCR 770 as follows

### SECTION .0200 – PHYSICIAN ASSISTANT REGISTRATION

#### 21 NCAC 32S .0226      **MILITARY    RELOCATION    LICENSE    FOR    PHYSICIAN    ASSISTANT SERVICEMEMBERS AND SPOUSES**

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

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

- (1) complete the Board's online application attesting under oath or affirmation 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) submit a photograph of the applicant that was taken in the last two years;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. 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 ~~must~~ shall provide information about applicant's immigration status that the Board will use to verify applicant's eligibility for this license;
- (5) provide proof that applicant is a servicemember of the United States Armed Forces or a spouse of a servicemember of the United States Armed Forces;
- (6) provide a copy of military orders that indicates that the applicant is residing in this State pursuant to such military orders for military service relating to applicant or applicant's spouse;
- (7) provide proof that the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent or otherwise exceed the requirements for licensure in this State;
- (8) provide proof that the applicant is in good standing in the jurisdiction of licensure, has not been disciplined in the last five years by any occupational licensing board, and has no pending investigations by any occupational licensing board;
- (9) provide proof that the applicant has actively practiced medicine an average of 20 hours per week during the 2 years immediately preceding relocation to this State;
- (10) submit two completed fingerprint record cards to the Board;
- (11) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
- (12) pay to the Board a non-refundable fee as required by 21 NCAC 32S .0202, plus the cost of a criminal background check;
- (13) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

1 ~~(e) 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)~~ (c) When possible, all reports and Orders ~~must~~ shall be submitted directly to the Board from the primary source.

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

17  
18 *History Note: Authority G.S. 90-5.1(a)(3); 90-12.02; ~~21 NCAC 32S-0202(5)~~;*  
19 *Eff. April 1, 2025.*



## Burgos, Alexander N

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**From:** Peaslee, William W  
**Sent:** Wednesday, May 7, 2025 1:29 PM  
**To:** Marcus B. Jimison  
**Cc:** Burgos, Alexander N; Ashley D. White; Leigh Anne Satterwhite  
**Subject:** RE: [External] RE: 21 NCAC 32N .0107

Sounds good, thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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**From:** Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>  
**Sent:** Wednesday, May 7, 2025 1:22 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ashley D. White <ashley.white@ncmedboard.org>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>  
**Subject:** RE: [External] RE: 21 NCAC 32N .0107

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Thanks, Bill. We will try to get the revisions and responses to you soon.

Thanks again,

Marcus

**Marcus Jimison**  
Deputy General Counsel  
P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Wednesday, May 7, 2025 1:18 PM  
**To:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>  
**Subject:** RE: [External] RE: 21 NCAC 32N .0107

Thank you for your response. I look forward seeing the revised rule.

While the Board may want to encourage representation as a policy, I'm not sure the Code is the best forum.

Bill

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**From:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>  
**Sent:** Wednesday, May 7, 2025 1:11 PM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Ashley D. White <[ashley.white@ncmedboard.org](mailto:ashley.white@ncmedboard.org)>; Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>  
**Subject:** [External] RE: 21 NCAC 32N .0107

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Hey Bill,

Thanks for this response. I understand the comment now. I have provided responses to your questions and comments below.

Thanks again, and we will try to get you our full responses and technical changes to you soon.

Marcus

**Marcus Jimison**  
Deputy General Counsel  
P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Tuesday, May 6, 2025 6:00 PM  
**To:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** 21 NCAC 32N .0107

Marcus,

Sorry for the confusion.

G.S. 90-14(i) sets forth the timing of certain notices ((i)-(vi)) which shall be given with the “first communication from the Board...” The (ii)-notice concerns the right to have counsel.

Rule 32N .0107 appears to reaffirm the requirement of the notices required by G.S. 90-14(i) (which is unnecessary as it is already a statutory requirement) but then creates an exception. ...”except as provide in Paragraph (e) of this Rule.” This language refers to the situation when a licensee is represented by counsel. In such a case, we would provide the notices to the licensee’s counsel instead of the licensee directly because GS 90-14(m) requires the Board to only communicate with counsel if the licensee has one. It’s not an exception but a recognition that if the doctor has an attorney, the Board communicates with the attorney. See GS 90-14(m). In any event, I believe the language can be deleted.

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

Both G.S. 90-14(i) and Rule .0107 required concern notices “regarding a complaint or investigation.” I do not believe G.S. 90-14(j) is contemplated in Rule .0107(a) as, again, it states in Paragraph (a) “regarding a complaint or investigation.” Yes, Rule .0107(a) speaks to the investigative process and not precharge conferences which is the subject of GS 90-14(j).

Lines 5-6: What authority does the Board have to make any exception to the notices or their timing set forth in the G.S. 90-14(i)? See above. I will delete this language.

Lines 24-25: Is this right to counsel not already inherent in G.S. 90-14(i) which requires the Board to provide notice of this right to the licensee? It is. However, the Board, as a matter of policy, encourages licensees to retain counsel to represent them in front of the Board.

Lines 24-25: Why would any licensee need the Board’s permission, by rule or otherwise, to retain legal counsel of their choosing? They don’t. Again, the Board encourages licensees to retain counsel. The provision reiterates the fact that licensees can hire an attorney to represent them, which again, the Board strongly encourages.

What am I missing?

If you believe a phone conversation would be helpful, please let me know.

Thanks.

Bill

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Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

**From:** Marcus B. Jimison <[Marcus.Jimison@NCMEDBOARD.ORG](mailto:Marcus.Jimison@NCMEDBOARD.ORG)>

**Sent:** Tuesday, May 6, 2025 3:24 PM

**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>

**Subject:** [External] RE: Medical Board rules RFC

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Bill,

Hi. Thanks for the Request for Changes. We've made the changes as requested, but we have a question about the first question you had for rule 21 NCAC 32N .0107.

You asked:

*Lines 4-6: G.S. 90-14(e1) requires that certain notices be sent to the licensee "at least five days prior to the informal nonpublic precharge conference." This rule appears to require the notices be sent contemporaneously with the first contact from the Board, Et. al. Then the Board creates an exception for Paragraph (e). However, Paragraph (e) does not appear to address the timing of any notice. Paragraph (e) addresses the licensees' right to counsel notice of which is already addressed G.S. 90-1(e1). It is unclear what the Board's intentions are. Is the Board requiring all notices required by G.S. 90-14(e1) be provided at the time for the first contact with the licensee except for the notice of counsel which would then only require five days prior to the informal nonpublic precharge conference?*

The response I drafted is basically the following:

There are no statutory provisions that are GS 90-14(e1) or GS 90-1(e1), but what I think was intended was a question about the two notice provisions found in GS 90-14(i) and 90-14(j). The notice requirements for a precharge conference found in GS 90-14(j) is different than the notice requirement for the beginning of an investigation which is found in GS-90-14(i). These two separate notice provisions serve different purposes. Not all investigations will result in a Board action to charge the licensee with misconduct, thus triggering the right to a precharge conference and the notice requirements for a precharge conference in GS 90-14(j). That notice states that within five days prior to the precharge conference, Board staff will furnish the licensee certain information. Under GS 90-14(i), when the Board opens any investigation, whether the investigation will ultimately have merit or not, the Board is obligated to provide information to the licensee explaining the investigative process prior to first contact with the licensee.

In sum, these two types of notice have different purposes and appear in different statutory provisions. GS 90-14(i) speaks to all investigations while GS 90-14(j) speaks to only to precharge conferences.

Does this answer your question?

Sorry that I'm a little confused. Happy to discuss if that would work better. Just let me know a good time to call and I can initiate the call.

Thanks for all of your hard work on these proposed rules.

Marcus

**Marcus Jimison**

Deputy General Counsel

P 919.277.1844 E [marcus.jimison@ncmedboard.org](mailto:marcus.jimison@ncmedboard.org)

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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Friday, April 25, 2025 1:38 PM  
**To:** Leigh Anne Satterwhite <[leigh.satterwhite@ncmedboard.org](mailto:leigh.satterwhite@ncmedboard.org)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** Medical Board rules RFC

Good afternoon.

Attached please find the request for changes for the Medical Board rules under review by the Rules Review Commission for May.

As always if you have any questions please feel free to contact me.

Have a great weekend.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**

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