

Burgos, Alexander N

Subject: FW: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Tuesday, January 27, 2026 3:23 PM

To: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Liebman, Brian R <brian.liebman@oah.nc.gov>

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

Subject: RE: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

Mr. Jimison,

Thank you for notifying us. We will add your agency's request to withdrawal this Rule to the agenda. I do recommend that someone from your agency be present for the RRC meeting this Thursday, either in person or on WebEx.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

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

Sent: Tuesday, January 27, 2026 2:48 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Liebman, Brian R <brian.liebman@oah.nc.gov>

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

Subject: RE: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

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Travis and Brian,

It has been the Board's practice to proceed with rulemaking only when we have the recommendation of RRC counsel. In my experience, the Board has not sought to challenge RRC counsel's recommendations. Although the Board contends that it has complied with the APA, that a temporary rule is in the public interest, and that the Board's arguments as conveyed to you are well grounded, nonetheless, we have decided not to deviate from prior practice.

Please accept this email as the Board abandoning the temporary rule for 21 NCAC 32B .2100. We will pursue permanent rulemaking soon with the filing of a Notice of Text. We will note and consider your objections in moving forward with this and other rules.

Please let me know if you need anything else from me, or if you have any questions.

Thanks,

Marcus Jimison

Deputy General Counsel

P 919.277.1844 E marcus.jimison@ncmedboard.org

Burgos, Alexander N

Subject: FW: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100
Attachments: Staff Opinion-Medical Board Temp Rule-Jan 2026.docx

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, January 23, 2026 5:07 PM
To: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ashley D. White <ashley.white@ncmedboard.org>
Subject: RE: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

Thank you. Please see the attached staff opinion for the RRC meeting next Thursday.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100
Attachments: 21 NCAC 32B .2100.docx

From: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>
Sent: Friday, January 23, 2026 4:09 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ashley D. White <ashley.white@ncmedboard.org>
Subject: Re: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

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.

Good Afternoon,

Please find attached the revised rule.

Thanks!

Leigh Anne Satterwhite, NCCP

Senior Paralegal
Rulemaking Coordinator
North Carolina Medical Board

1 21 NCAC 32B .2100 is adopted under temporary procedures with changes as follows:

2

3 **SUBCHAPTER 32B – LICENSE TO PRACTICE MEDICINE**

4

5 **SECTION .2100 – INTERSTATE MEDICAL LICENSURE COMPACT**

6

7 **21 NCAC 32B .2100 INTERSTATE MEDICAL LICENSURE COMPACT**

8 (a) Any applicant applying for a North Carolina medical license through the Interstate Medical Licensure Compact
9 (“Compact”) shall pay a non-refundable application fee pursuant to G.S. 90-13.1(a).

10 (b) Any applicant seeking licensure through the Compact with North Carolina as a state of principal license as defined
11 by G.S. 90-21.162(15) shall pay remit to the Board the cost of a criminal background check. check as determined by
12 the Department of Public Safety.

13 (c) Any holder of a North Carolina medical license obtained through the Compact shall annually register his or her
14 license through the Compact Compact’s website, www.https://imlcc.com, and pay the annual registration fee fee, no
15 later than 30 days after his or her birthday birthday, pursuant to G.S. 90-13.2. The Board will provide a notice of
16 renewal as required by Compact rules. Interstate Medical Licensure Compact Commission Rule on Expedited
17 Licensure, https://imlcc.com/wp-content/uploads/2025/05/IMLCC-Rule-Chapter-5-Expedited-Licensure-Amended-
18 November-14-2023-Amended-May-13-2025.pdf. After submitting their registration to the Compact, holders of a
19 Compact license shall submit additional information the Board is required to collect pursuant to any law, including
20 but not limited to, G.S. 90-5.2 and G.S. 143-789, and any corresponding rule, G.S. 143-789. This information may
21 be submitted through the licensee’s portal on the Board’s website, https://portal.ncmedboard.org/index.aspx, within
22 30 days of submitting their renewal registration fee to the Compact. The Board is required to make information
23 provided under G.S. 90-5.2 available to the public. The license of any physician who fails to register and who remains
24 unregistered for a period of 30 days after certified notice of the failure is automatically inactive pursuant to G.S. 90-
25 13.2(e).

26 (d) Applicants granted a North Carolina medical license through the Compact must submit information the Board is
27 required to collect pursuant to any law, including but not limited to G.S. 90-5.2 and G.S. 143-789, and any
28 corresponding rule, within 30 days of being granted a Compact license. Failure to submit the information required by
29 this section within 30 days may result in disciplinary action shall be considered a failure to make a report under G.S.
30 90-14(a)(17).

31

32 *History Note:* Authority G.S.90-21.165; G.S. 90-21.165; G.S. 90-21.162(15); 90-11(b); 90-21.166; 90-9.1; 90-
33 13.1(a); 90-13.1(g); 90-21.167; 90-13.2; 90-5.2; 90-14; 90-14; 143-789.

34 Temporary Adoption Eff. February 6, 2026.

Burgos, Alexander N

Subject: FW: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Friday, January 23, 2026 3:31 PM

To: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Marcus B. Jimison

<Marcus.Jimison@NCMEDBOARD.ORG>

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

Subject: RE: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

Good afternoon,

- Line 17, consider deleting “Chapter 5, Section 5.8(1)” if you’re going to include a link to its’ location.
- Lines 18-22, consider breaking this into two sentences by ending the first sentence after “G.S. 143-789”.

Please reply to this email with revisions at your earliest convenience.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100
Attachments: 21 NCAC 32B .2100.docx

From: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>
Sent: Friday, January 23, 2026 1:41 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ashley D. White <ashley.white@ncmedboard.org>
Subject: Re: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

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 find the Board's additional responses below as well as the attached revised rule.

Thank you,

Leigh Anne Satterwhite, NCCP

Senior Paralegal
Rulemaking Coordinator
North Carolina Medical Board

1 21 NCAC 32B .2100 is adopted under temporary procedures with changes as follows:

2

3 **SUBCHAPTER 32B – LICENSE TO PRACTICE MEDICINE**

4

5 **SECTION .2100 – INTERSTATE MEDICAL LICENSURE COMPACT**

6

7 **21 NCAC 32B .2100 INTERSTATE MEDICAL LICENSURE COMPACT**

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9 (“Compact”) shall pay a non-refundable application fee pursuant to G.S. 90-13.1(a).

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11 by G.S. 90-21.162(15) shall pay remit to the Board the cost of a criminal background check. check as determined by
12 the Department of Public Safety.

13 (c) Any holder of a North Carolina medical license obtained through the Compact shall annually register his or her
14 license through the Compact Compact’s website, www.https://imlcc.com, and pay the annual registration fee fee, no
15 later than 30 days after his or her birthday birthday, pursuant to G.S. 90-13.2. The Board will provide a notice of
16 renewal as required by Compact rules. Interstate Medical Licensure Compact Commission Rule on Expedited
17 Licensure, Chapter 5, Section 5.8(1), https://imlcc.com/wp-content/uploads/2025/05/IMLCC-Rule-Chapter-5-
18 Expedited-Licensure-Amended-November-14-2023-Amended-May-13-2025.pdf. After submitting their registration
19 to the Compact, holders of a Compact license shall submit additional information the Board is required to collect
20 pursuant to any law, including but not limited to, G.S. 90-5.2 and G.S. 143-789, and any corresponding rule, G.S. 143-
21 789 through the licensee’s portal on the Board’s website, https://portal.ncmedboard.org/index.aspx, within 30 days of
22 submitting their renewal registration fee to the Compact. The Board is required to make information provided under
23 G.S. 90-5.2 available to the public. The license of any physician who fails to register and who remains unregistered
24 for a period of 30 days after certified notice of the failure is automatically inactive pursuant to G.S. 90-13.2(e).

25 (d) Applicants granted a North Carolina medical license through the Compact must submit information the Board is
26 required to collect pursuant to any law, including but not limited to G.S. 90-5.2 and G.S. 143-789, and any
27 corresponding rule, within 30 days of being granted a Compact license. Failure to submit the information required by
28 this section within 30 days may result in disciplinary action shall be considered a failure to make a report under G.S.
29 90-14(a)(17).

30

31 *History Note: Authority G.S.90-21.165; G.S. 90-21.165; G.S. 90-21.162(15); 90-11(b); 90-21.166; 90-9.1; 90-
32 13.1(a); 90-13.1(g); 90-21.167; 90-13.2; 90-5.2; 90-14; 90-14; 143-789.*

33 *Temporary Adoption Eff. February 6, 2026.*

Burgos, Alexander N

Subject: FW: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Friday, January 23, 2026 3:31 PM

To: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Marcus B. Jimison

<Marcus.Jimison@NCMEDBOARD.ORG>

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

Subject: RE: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

Good afternoon,

- Line 17, consider deleting “Chapter 5, Section 5.8(1)” if you’re going to include a link to its’ location.
- Lines 18-22, consider breaking this into two sentences by ending the first sentence after “G.S. 143-789”.

Please reply to this email with revisions at your earliest convenience.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Wednesday, January 21, 2026 2:16 PM

To: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Marcus B. Jimison

<Marcus.Jimison@NCMEDBOARD.ORG>

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

Subject: RE: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

Thank you for the responses and changes. Please see my responses below.

- *Under the IMLC, physicians receive an expedited, full and unrestricted medical license or a license to practice medicine pursuant to G.S. 90-9.1. G.S. 90-13.1(a) requires all applicants for a license to practice medicine to pay a \$400 application fee. This fee is set by statute and subject to change as determined by the legislature. G.S. 90-13.1(g) grants the Board the authority to require additional fees associated with the Compact. Paragraph (a) of the proposed temporary rule is about the application fee; therefore, the statutory reference should be to G.S. 90-13.1(a). Where in the IMLC is the application fee set by G.S. 90-9.1? How is your agency's interpretation consistent with other provisions within the IMLC (e.g., 90-21.163, 90-21.165(f) and (j), 90-21.166, 90-13.1, 90-13.2)?*
- *This is a Compact Rule – See Rule 5.8(1).* What is Rule 5.8(1) and where is it found? Please make clear what law or rule you're citing that requires the Board to prove a notice of renewal.
- Line 19, “through the Board’s website” is unclear. Please cite the website as was done for the Compact. Are there specific instructions on how to submit additional information through the website? Is there a portal that requires a username and password?
- Is it necessary to include “G.S. 90-5.2(b) requires the Board to make information provided under G.S. 90-5.2 available to the public” twice in this Rule? If not, please delete one usage.
- Line 28, is “make” necessary to include in “a failure to make report”? Your response didn’t use “make”. Please delete it if it’s not necessary.

Please reply at your earliest convenience, but no later than 5pm on January 23, 2026.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100
Attachments: 21 NCAC 32B .2100 - NCMB Response to Technical Changes-Temporary Rule.docx; 21 NCAC 32B .2100.docx

From: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>
Sent: Wednesday, January 21, 2026 11:41 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Ashley D. White <ashley.white@ncmedboard.org>
Subject: [External] Re: Medical Board Temporary Rule: 21 NCAC 32B .2100

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Please find attached the Board's Response to Technical Changes as well as the revised rule.

Thank you,

Leigh Anne Satterwhite, NCCP

Senior Paralegal
Rulemaking Coordinator
North Carolina Medical Board

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.

If the request includes questions, please contact the reviewing attorney to discuss.

In order 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. 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

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

Travis Wiggs
Commission Counsel
Date submitted to agency: January 13, 2026

REQUEST FOR TECHNICAL CHANGES

AGENCY: Medical Board

RULE CITATION: 21 NCAC 32B .2100 (Temporary)

DEADLINE FOR RECEIPT: January 23, 2026.

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:

In (a), line 9, the cited subsection (a) doesn't cover the Compact. Replace (a) with (g). What is the cost of the "non-refundable application fee"? Under the IMLC, physicians receive an expedited, full and unrestricted medical license or a license to practice medicine pursuant to G.S. 90-9.1. G.S. 90-13.1(a) requires all applicants for a license to practice medicine to pay a \$400 application fee. This fee is set by statute and subject to change as determined by the legislature. G.S. 90-13.1(g) grants the Board the authority to require additional fees associated with the Compact. Paragraph (a) of the proposed temporary rule is about the application fee; therefore, the statutory reference should be to G.S. 90-13.1(a).

*In (b), line 10, is "state of principal license" defined in this context? Please cite the definition or define the phrase for clarity. **Done.***

*Line 11, what is the "cost of a criminal background check" and how is it determined? **Done***

*In (c), line 12, what is the process to "annually register" through the Compact? Where can the process be found? **Done***

*Line 13, add a comma after "fee" and after "birthday". **Done***

*Line 14, what "Compact rules" are being referred to? Please specify the rules by citing them in this Rule. **This is a Compact Rule – See Rule 5.8(1)***

*Line 16, "any law" is unclear. Please delete it or cite which specific laws are being referred to so the regulated public can be aware of their obligations. **Deleted.***

Travis Wiggs

Commission Counsel

Date submitted to agency: January 13, 2026

Line 16, “including, but not limited to,” is unclear and unnecessary. Please delete it. **Deleted**

Line 16, G.S. 90-5.2(b) requires the Board to “make information collected under G.S. 90-5.2(a) available to the public.” Consider adding that language for transparency. **Done.**

Line 16, “and any corresponding rule” is unclear and unnecessary. Please delete it or cite the specific rules you are referring to. **Deleted**

Line 17, replace “renewal to” with “registration for” for consistency and clarity. **Done**

Line 21, “any law” is unclear. Please delete it or cite which specific laws are being referred to so the regulated public can be aware of their obligations. **Deleted**

Line 21, “including, but not limited to,” is unclear and unnecessary. Please delete it. **Deleted**

Lines 21-22, “and any corresponding rule” is unclear and unnecessary. Please delete it or cite the specific rules you are referring to. **Deleted**

Line 23, G.S. 90-14(a)(17) says, “Failure to make reports as required by this Article.” Is there a definition for “make reports”? Please cite the definition or specify what your agency is requiring of the regulated public. **There is no definition of failure to report; the language has been revised to indicate that the information reportable under this section of the rule is considered a failure to report.**

In your History Note, why is G.S. 143-789 not listed as authority? Also, please include your agency’s desired effective date for this Rule. **Done**

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

Travis Wiggs
Commission Counsel
Date submitted to agency: January 13, 2026

1 21 NCAC 32B .2100 is adopted under temporary procedures with changes as follows:

2

3 **SUBCHAPTER 32B – LICENSE TO PRACTICE MEDICINE**

4

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16 renewal as required by Compact rules. Interstate Medical Licensure Compact Commission Rule on Expedited
17 Licensure, Chapter 5, Section 5.8(1). After submitting their registration to the Compact, holders of a Compact license
18 shall submit additional information the Board is required to collect pursuant to any law, including but not limited to,
19 G.S. 90-5.2 and G.S. 143-789, and any corresponding rule, G.S. 143-789 through the Board’s website, within 30 days
20 of submitting their renewal registration fee to the Compact. G.S. 90-5.2(b) requires the Board to make information
21 provided under G.S. 90-5.2 available to the public. The license of any physician who fails to register and who remains
22 unregistered for a period of 30 days after certified notice of the failure is automatically inactive pursuant to G.S. 90-
23 13.2(e).

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27 information provided under G.S. 90-5.2 available to the public. Failure to submit the information required by this
28 section within 30 days may result in disciplinary action shall be considered a failure to make report under G.S. 90-
29 14(a)(17).

30

31 *History Note: Authority G.S.90-21.165; G.S. 90-21.165; G.S. 90-21.162(15); 90-11(b); 90-21.166; 90-9.1; 90-*
32 *13.1(a); 90-13.1(g); 90-21.167; 90-13.2; 90-5.2; 90-14. 90-14; 143-789.*

33 *Temporary Adoption Eff. February 6, 2026.*

Burgos, Alexander N

Subject: FW: [External] RE: Medical Board Temporary Rule: 21 NCAC 32B .2100

From: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Sent: Tuesday, January 13, 2026 12:44 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: Medical Board Temporary Rule: 21 NCAC 32B .2100

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Thank you, Travis. We will turn this around promptly.

Thanks again,

Marcus

Marcus Jimison
Deputy General Counsel
P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, January 13, 2026 12:38 PM
To: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Medical Board Temporary Rule: 21 NCAC 32B .2100

Good afternoon,

I'm the attorney who reviewed proposed rule 21 NCAC 32B .2100 submitted by the Medical Board for the January 2026 RRC meeting. The RRC will formally review this Rule at its meeting on Thursday, January 29, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes. Please submit the revised Rule to me via email, no later than 5 p.m. on January 23, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

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

Subject: FW: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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

Sent: Tuesday, January 13, 2026 10:27 AM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>

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Travis,

Hi. The Board does not have a mailing list because no one has ever asked to us to be notified of rulemaking per 150B-21.2(d). In addition, no specific parties or persons expressed interest in Compact rule making, which is the subject of this particular rule, and the Board has not identified other interested parties for this particular rule. The Board did, however, notify the public of its intent to adopt a temporary rule and of the public hearing by placing it on the Board's rule tracker on its website.

I hope this helps.

Marcus

Marcus Jimison

Deputy General Counsel

P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Tuesday, January 13, 2026 10:14 AM

To: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Marcus B. Jimison

<Marcus.Jimison@NCMEDBOARD.ORG>; Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>

Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

Good morning and thank you for the information. I'm asking that you send me the notification your agency sent to the mailing list, maintained pursuant to G.S. 150B-21.2(d), and other interested parties of your "intent to adopt a temporary rule and of the public hearing." This was required under G.S. 150B-21.1(a3)(2).

Please email me this information at your earliest convenience.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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

Sent: Monday, January 12, 2026 5:28 PM

To: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>

Subject: Re: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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Although not required by GS 150B-21.1, the Board posted the temporary rule on its [Rule Change Tracker](#) for notification in an effort to solicit, invite, and receive public comments. The proposed temporary rule with instruction on how to submit written comments or attend the public hearing was posted on November 12, 2025, and has continued to remain there for notification purposes. To date, the Board has received no public comments regarding this rule.

The Board currently has no individual who has requested notice of Medical Board rulemaking per GS 150B-21.2.

Thanks!

Leigh Anne Satterwhite, NCCP

Senior Paralegal
Rulemaking Coordinator
North Carolina Medical Board

Burgos, Alexander N

Subject: FW: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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

Sent: Monday, January 12, 2026 12:57 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite

<leigh.satterwhite@ncmedboard.org>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>

Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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Travis,

Hi. I will ask Leigh Anne to provide you with that information.

Thanks,

Marcus

Marcus Jimison

Deputy General Counsel

P 919.277.1844 E marcus.jimison@ncmedboard.org

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, January 12, 2026 12:11 PM
To: Marcus B. Jimison; Liebman, Brian R
Cc: Burgos, Alexander N; Leigh Anne Satterwhite; NCMBLegal
Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

Mr. Jimison,

I've received proposed temporary rule 21 NCAC 32B .2100 that was withdrawn by your agency on December 29, 2025, and resubmitted on January 8, 2026.

As part of the RRC's review, over what period did your agency accept written comments? Please email me any written comments your agency received pertaining to this Rule. Also, please send me the notification your agency sent to the mailing list and other interested parties of your "intent to adopt a temporary rule and of the public hearing."

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Sent: Monday, December 29, 2025 12:02 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>
Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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Travis and Brian,

Please accept this notification as the Board withdrawing the proposed temporary rule 21 NCAC 32B .2100. The Board may choose to refile the temporary rule within 15 days, and on or after January 7, 2026. If so, the Board will supplement its findings of need as previously discussed.

Thanks for all of your help.

Sincerely,

Marcus Jimison
Deputy General Counsel
P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Marcus B. Jimison
Sent: Monday, December 29, 2025 10:04 AM
To: 'Wiggs, Travis C' <travis.wiggs@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

That can't be rescheduled by agreement?

And what about the supplemental findings? The statute (b1) says the board has 30 days to supplement our findings. How can the RRC consider the rule prior to our deadline for supplementing our findings?

Perhaps a phone call would be best with you, Brian, and myself and help explain this to me.

My cell is best 919,593.3820.

Marcus Jimison
Deputy General Counsel
P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, December 29, 2025 9:53 AM
To: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>; Thomas W. Mansfield <Thomas.Mansfield@NCMEDBOARD.ORG>
Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

No sir, G.S. 150B-21.1(b) says the RRC "shall review" this Rule "within 15 business days after receiving the proposed temporary rule."

Please advise.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Sent: Monday, December 29, 2025 9:45 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>
Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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Travis,

Can the Board agree to not having to call a special meeting without withdrawing the rule? I see no reason this couldn't go before the RRC at its regular January meeting. Would resubmitting an amended or supplemental .0500 form not restart the clock?

Thanks,

Marcus Jimison

Deputy General Counsel

P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, December 29, 2025 9:26 AM

To: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite

<leigh.satterwhite@ncmedboard.org>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>; Thomas W. Mansfield

<Thomas.Mansfield@NCMEDBOARD.ORG>

Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

Mr. Jimison,

I need an answer as soon as possible as to how your agency wishes to proceed. If your agency doesn't withdraw this Rule, I need to coordinate scheduling a special meeting with the RRC to take place no later than January 14th. That would be a challenge considering the holidays and we just had a regular meeting. Please advise.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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

Sent: Tuesday, December 23, 2025 9:31 AM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite

<leigh.satterwhite@ncmedboard.org>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>;

thomas.mansfield@ncmedboard.org

Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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Travis,

Thank you. I will check with my folks and see how we will proceed, either withdrawing the rule or submitting an amended form supplementing the findings of need and unchecking the establishing a fee box.

Happy holidays,

Marcus Jimison

Deputy General Counsel

P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Tuesday, December 23, 2025 9:11 AM

To: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite

<leigh.satterwhite@ncmedboard.org>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>; Thomas W. Mansfield

<Thomas.Mansfield@NCMEDBOARD.ORG>

Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

Mr. Jimison,

Good morning. The RRC has no legal mechanism to prohibit you from submitting an amended Form 0500. However, the RRC will use the Form 0500 you have filed and “the Commission shall review the agency’s written statement of findings of need for the rule to determine whether the statement meets the criteria listed in subsection (a) of this section and the rule meets the standards in G.S. 150B-21.9” (G.S. 150B-21.1(b)). As previously stated, my recommendation to the RRC will be to disapprove this temporary rule because the written statement of findings of need fails to meet the criteria in G.S. 150B-21.1(a).

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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

Sent: Monday, December 22, 2025 5:34 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>

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

Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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Travis,

The Board can certainly supplement its findings for the need for a temporary rule. May the Board also submit an amended .0500 form – not changing the rule but correcting the form – to state that the rule does not establish a fee and therefore consultation is not required?

Thanks,

Marcus Jimison

Deputy General Counsel

P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, December 22, 2025 4:38 PM

To: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Thomas W. Mansfield

<Thomas.Mansfield@NCMEDBOARD.ORG>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite

<leigh.satterwhite@ncmedboard.org>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>; Liebman, Brian R

<brian.liebman@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>; Miller, Christopher S

<christopher.miller@oah.nc.gov>

Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

Mr. Jimison,

Thanks for the update. Please send me the Board's request to withdraw the consultation request with the JLGCO. Also, please send the written report that was required to be filed with the consultation request pursuant to G.S. 12-3.1. You wrote "permanent rule" below, but I assume we're still discussing the submitted temporary rule, correct? What has changed, since the Rule was filed on December 18th, that has caused Board staff to change their legal advice? It appears the request for consultation was withdrawn simply because I asked about it.

Pursuant to 26 NCAC 05 .0107(b), "an agency shall make no changes to any rule after filing with the RRC and before review by the RRC except: (1) in response to a request for technical changes from the RRC staff; or (2) after notifying RRC staff of the changes in writing, identifying each change, and providing an explanation for each change." I have not made a request for technical changes, verbally or in writing. Requests for technical changes are governed by G.S. 150B-21.10, "Commission action on *permanent rule*." Thus, your agency must comply with (2) for each change you are proposing to make to this temporary rule.

I have not been provided sufficient information by your agency to demonstrate compliance with G.S. 150B-21.1(a)(2). To adopt a temporary rule, G.S. 150B-21.1(a) requires agencies to "find that adherence to the notice and hearing requirements of G.S. 150B-21.2 would be *contrary to the public interest* and that the *immediate adoption* of the rule *is required* by (2) The effective date of a recent act of the General Assembly..." The findings of need submitted by your agency do not address these requirements (See 7.). The explanation provided only says the temporary rule "is necessary to implement Part 1 of House Bill 67/SL 2025-37...". Why are following the notice and hearing requirements of G.S. 150B-21.2 *contrary to the public interest*? Where in House Bill 67 does it *require* your agency to *immediately adopt* any temporary rule? The General Assembly enacted the notice and hearing requirements of G.S. 150B-21.2 in the interest of public transparency. There needs to be compelling justification to circumvent those requirements through the temporary rule making process.

House Bill 67 does not direct your agency to adopt temporary rules or to adopt rules within a specific timeframe. Based on my experience, the General Assembly directs agencies in session laws to begin temporary rule making when they believe it should be "required". That's consistent with the language the General Assembly elected to use in G.S. 150B-21.1(a) ("immediate adoption of the rule is required").

House Bill 67/ SL 2025-37 was passed July 1st, but your agency waited until October 31st to first submit this proposed rule. Part I authorizing the Interstate Medical Licensure Compact becomes effective January 1, 2026. Your agency could've filed this temporary rule 2 days earlier for it to be reviewed at the December 18th RRC meeting. If approved, it could have been effective on January 1, 2026. Instead, your agency submitted Findings of Need (Form 0500) and this proposed temporary rule on December 18, 2025 (6:09 PM). My understanding is your agency waited until December 18th to try and align the temporary rule with the effective date of House Bill 67/ SL 2025-37 (See 5g.). Under G.S. 150B-21.1(b), the RRC would have had to conduct a special meeting on December 19, 2025 (the day after our regular meeting) for this temporary rule to be effective on January 1, 2026. It would've been impossible for us to conduct a special meeting in the timeframe for which you requested.

I will not begin reviewing 21 NCAC 32B .2100 under the G.S. 150B-21.9 standards unless and until your agency can demonstrate compliance with G.S. 150B-21.1(a)(2).

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Sent: Monday, December 22, 2025 12:41 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>
Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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Travis,

Hi. Just as a way of update. The Board has withdrawn its request for consultation with the Joint Ops Committee as a result of withdrawing the permanent rule in order to make revisions. The revision we will make is that the Board staff takes the position that the rule does not establish a fee and therefore consultation is not required.

Please let me know if you would like us to submit an amended form .0500 to reflect the same.

Marcus Jimison
Deputy General Counsel
P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Marcus B. Jimison
Sent: Monday, December 22, 2025 10:53 AM
To: 'Wiggs, Travis C' <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; NCMBLegal <NCMBLegal@NCMEDBOARD.ORG>
Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

Travis,

Hi. Thanks for the response.

In your original email, you wrote, "Pursuant to G.S. 150B-21.1(b1), please consider this email notice to the head of your agency that the findings of need submitted on December 18, 2025, do not meet the criteria listed in subsection G.S. 150B-21.1(a)(2)."

1. Subsection (b1) speaks to the statement of need. Subsection (a2) defines a recent act of the General Assembly as one where the effective date is less than 210 days from enactment (here, it is 184 days).
2. Per (b1), if the Commission or its designee finds that the statement does not meet the criteria, then the agency may supplement the statement of need or submit a new statement to the Commission within 30 days of the notification.

With these provisions in mind, may the Board submit a new statement that does the following:

1. Provide additional reasons for the need for the temporary rule.
2. Asserts (a2) is a legislative presumption that if the new recently enacted law goes into effect in less than 210 days, then the agency is presumptively allowed to make temporary rules.
3. Withdraws the fee or simply rechecks the box on form 0500 to state that it does not establish a new fee, which it doesn't, and in hindsight stating that it did was in error.

At this point, I'm inclined to resubmit form .0500 as outlined above. I would also be willing to resubmit the form such that the RRC does not have to call a special meeting and could consider the rule at its regularly scheduled January meeting.

Please let me know your thoughts.

Sincerely,

Marcus Jimison

Deputy General Counsel

P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Monday, December 22, 2025 10:23 AM

To: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite

<leigh.satterwhite@ncmedboard.org>; Brian L. Blankenship <Brian.Blankenship@NCMEDBOARD.ORG>

Subject: RE: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

Good morning, Mr. Jimison,

These responses do not address my concerns. I continue to recommend that your agency withdraw this temporary rule based on your agency's failure to comply with G.S. 150B-21.1.

Please notify me as soon as possible on how your agency wishes to proceed.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Sent: Friday, December 19, 2025 3:36 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Brian L. Blankenship <Brian.Bankenship@NCMEDBOARD.ORG>
Subject: [External] RE: Temporary Rule-Making: 21 NCAC 32B .2100

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Travis,

Thank you for talking with me this afternoon.

Travis,

Per our conversation:

- 1) The Board will strike subsection(a) of the proposed temporary rule. I believe this will moot your objections to issues regarding the fee and GS 12-3.1. As stated in our conversation, the fee in subsection (a)(1) is set by GS 90-13.1(a).
- 2) As to the need to adopt a temporary rule, GS 150B-21.1(a)(2), specifically authorizes agencies to adopt a temporary rule because of a “recent act of the General Assembly.” SL 2025-37 was passed in July 2025. Part I authorizing the Interstate Medical Licensure Compact becomes effective January 1, 2026. This six month window did not allow Board staff sufficient time to develop, draft, and have the Board approve permanent rules that could be in place in time of the January 1, 2026. Board staff worked diligently after the enactment of SL 2025-37, given its many other duties and responsibilities, to develop rules. However, unless rules were already in place the following day after SL 2025-37, the six-month window was an impractical, if not impossible, window to meet. I believe the Board’s adoption of temporary rules here are consistent with the General Assembly’s mandate to allow temporary rules to implement a recent enactment of its laws.
- 3) The public interest is served by having rules in place for the Board to use to properly guide applicants for a NC medical licensure through the Compact once it becomes law.

Please let me know if these responses address your concerns and as such make submitting an amended Form 0500, consistent with the above, worth pursuing.

Sincerely,

Marcus Jimison
Deputy General Counsel
P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Marcus B. Jimison
Sent: Friday, December 19, 2025 2:37 PM
To: 'Wiggs, Travis C' <travis.wiggs@oah.nc.gov>
Subject: RE: Temporary Rule-Making: 21 NCAC 32B .2100

Travis,

As an initial response:

Though HB 67 went into effect on July 1, it takes board staff and the board time to write and develop rules. And because the Board only meets every other month, that process did not conclude until at the end of the Board's September meeting. This left a small window to get the rules in place by January 1, 2026, and thus the need for a temporary rule.

As to the fee language in subsection (a) of the temporary rule and the consultation requirement in GS 12-3.1, there is a sense among the staff that the proposed rule does not establish a fee but simply directs the applicant to pay the fee as required in GS 90-13.1(a). However, in an abundance of caution, it was decided to seek the consultation in submitting the permanent rule.

I left you a message and look forward to talking to you.

Thanks,

Marcus Jimison

Deputy General Counsel

P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Marcus B. Jimison

Sent: Friday, December 19, 2025 1:07 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Subject: RE: Temporary Rule-Making: 21 NCAC 32B .2100

Hey Travis,

I just left you a voicemail. I'm happy to respond but had a few questions. When you have a chance, could you please call me at 919.593.3820.

Thanks,

Marcus

Marcus Jimison

Deputy General Counsel

P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Friday, December 19, 2025 12:26 PM

To: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>; Marcus B. Jimison

<Marcus.Jimison@NCMEDBOARD.ORG>; Thomas W. Mansfield <Thomas.Mansfield@NCMEDBOARD.ORG>

Cc: Liebman, Brian R <brian.liebman@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: Temporary Rule-Making: 21 NCAC 32B .2100

Good afternoon,

We received your agency's Findings of Need (Form 0500) for proposed temporary rule 21 NCAC 32B .2100 that was submitted December 18, 2025 (6:09 PM). I have a few questions and concerns.

To adopt a temporary rule, G.S. 150B-21.1(a) requires agencies to "find that adherence to the notice and hearing requirements of G.S. 150B-21.2 would be *contrary to the public interest* and that the *immediate adoption* of the

rule is required by (2) The effective date of a recent act of the General Assembly..." The findings of need submitted by your agency does not address these requirements (See 7.). The explanation provided only says the temporary rule "is necessary to implement Part 1 of House Bill 67/SL 2025-37...". Why are following the notice and hearing requirements of G.S. 150B-21.2 *contrary to the public interest*? Where in House Bill 67 does it require your agency to *immediately adopt* any temporary rule?

I don't see where House Bill 67 directs your agency to adopt temporary rules or to adopt rules within a specific timeframe. House Bill 67 went into effect July 1, 2025, but your agency waited until October 31, 2025, to first submit this proposed rule. Your agency would have had sufficient time to begin permanent rule-making that could have been effective January 1, 2026.

The Findings of Need submitted by your agency does meet the requirements in G.S. 12-3.1 (See 8.) and G.S. 150B-21.1(a4). G.S. 12-3.1 says, "a rule adopted by an agency to establish or increase a fee or charge shall not go into effect until the agency has consulted with the Joint Legislative Commission on Governmental Operations on the amount and purpose of the fee or charge to be established or increased." Further, "the agency shall submit a request for consultation to all members of the Commission, the Commission Assistant, the Fiscal Research Division of the General Assembly *on the same date the notice of text of the rule is published*. Form 0500 indicates your agency published notice of this proposed temporary rule on November 12, 2025, but did not request a consultation until yesterday (December 18th). Did your agency also submit the required written report to the Joint Legislative Commission? If so, please send us a copy the report.

G.S. 150B-21.1(a4) says, "if the temporary rule establishes a new fee or increases an existing fee, the agency shall include in the written statement that it has complied with G.S. 12-3.1. The statement must be signed by the head of the agency adopting the temporary rule." The required statement has not been submitted or signed by the head of your agency. That makes sense considering your agency has not complied with G.S. 12-3.1.

Pursuant to G.S. 150B-21.1(b1), please consider this email notice to the head of your agency that the findings of need submitted on December 18, 2025, do not meet the criteria listed in subsection G.S. 150B-21.1(a)(2).

Please let me know if you have any questions.

Thanks,

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