

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 728
Committee Substitute Favorable 4/23/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H728-PCS40693-TQf-58

Short Title: Amend Various Licensing Board Laws/Fees.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND LAWS AND FEES PERTAINING TO VARIOUS OCCUPATIONAL
3 LICENSING BOARDS.

4 The General Assembly of North Carolina enacts:

5
6 **INCREASE THE TIME FOR CERTIFICATION OF CHIROPRACTIC CLINICAL**
7 **ASSISTANTS BY THE STATE BOARD OF CHIROPRACTIC EXAMINERS AND**
8 **AUTHORIZE THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO IMPOSE**
9 **FINES AS SANCTIONS AND TO INCREASE ANNUAL LICENSE RENEWAL FEES**

10 **SECTION 1.(a)** G.S. 90-143.4(b) reads as rewritten:

11 "(b) Any person employed as a chiropractic clinical assistant shall obtain a certificate of
12 competency from the State Board of Chiropractic Examiners (Board) within ~~120-180~~ days after the
13 person begins employment. Certification shall not be required for employees whose duties are
14 limited to administrative activities of a nonclinical nature. Except as otherwise provided in this
15 section, it shall be unlawful for any person to practice as a chiropractic clinical assistant unless
16 duly certified by the Board."

17 **SECTION 1.(b)** G.S. 90-154(a) reads as rewritten:

18 "(a) The Board of Chiropractic Examiners may impose any of the following sanctions,
19 singly or in combination, when it finds that a practitioner or applicant is guilty of any offense
20 described in subsection (b):

- 21 (1) Permanently revoke a license to practice ~~chiropractic;~~chiropractic.
22 (2) Suspend a license to practice ~~chiropractic;~~chiropractic.
23 (3) Refuse to grant a ~~license;~~license.
24 (4) Censure a ~~practitioner;~~practitioner.
25 (5) Issue a letter of ~~reprimand;~~reprimand.
26 (6) Place a practitioner on probationary status and require him to report regularly to
27 the Board upon the matters which are the basis of probation."

28 **SECTION 1.(c)** G.S. 90-155 reads as rewritten:

29 **"§ 90-155. Annual fee for renewal of license.**

30 Any person practicing chiropractic in this State, in order to renew ~~his~~a license, shall, on or
31 before the first Tuesday after the first Monday in January in each year after a license is issued ~~to~~
32 ~~him~~as herein provided, pay to the secretary of the Board of Chiropractic Examiners a renewal
33 license fee as prescribed and set by the said Board which fee shall not be more than ~~one hundred~~
34 ~~fifty~~three hundred dollars (~~\$150.00~~),(\$300.00), and shall furnish the Board evidence ~~that he has~~of
35 having attended two days of educational sessions or programs approved by the Board during the



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1 preceding 12 months, provided the Board may waive this educational requirement due to sickness
2 or other hardship of the applicant.

3 Any license or certificate granted by the Board under this Article shall automatically be
4 canceled if the holder ~~thereof~~ of the license or certificate fails to secure a renewal within 30 days
5 from the time herein provided; but any license thus canceled may, upon evidence of good moral
6 character and proper proficiency, be restored upon the payment of the renewal fee and an
7 additional twenty-five dollars (\$25.00) reinstatement fee.

8 If any licensee of the Board retires from active practice, the licensee may renew his or her
9 license annually by paying the license fee and shall not be required to furnish the Board proof of
10 continuing education; however, if at a later time the licensee desires to resume active practice, the
11 licensee shall first appear before the Board and the Board shall determine ~~his~~ the licensee's
12 competency to practice."
13

14 AMEND LAWS PERTAINING TO THE NORTH CAROLINA MEDICAL BOARD

15 SECTION 2.(a) G.S. 90-2(b) reads as rewritten:

16 "(b) No member shall serve more than two complete ~~consecutive~~ three-year terms, terms in
17 a lifetime, except that each member shall serve until a successor is chosen and qualifies."

18 SECTION 2.(b) G.S. 90-3(b) reads as rewritten:

19 "(b) To be considered qualified for a physician position or the physician assistant or nurse
20 practitioner position on the Board, an applicant shall meet each of the following criteria:

21 ...

22 (10) Have not served more than 72 months as a member of the Board."

23 SECTION 2.(c) G.S. 90-3(c) reads as rewritten:

24 "(c) The ~~review panel~~ Review Panel shall recommend at least two qualified nominees for
25 each open position on the Board. If the Governor chooses not to appoint either of the
26 recommended nominees, the Review Panel shall recommend at least two new qualified
27 nominees."

28 SECTION 2.(d) G.S. 90-3 is amended by adding new subsections to read:

29 "(f) Notwithstanding any provision of G.S. 90-16, the Board may provide confidential and
30 nonpublic licensing and investigative information in its possession to the Review Panel.

31 (g) All applications, records, papers, files, reports, and all investigative and licensing
32 information received by the Review Panel from the Board and other documents received or
33 gathered by the Review Panel, its members, employees, agents, and consultants as a result of
34 soliciting, receiving, and reviewing applications and making recommendations as required in this
35 section shall not be considered public records within the meaning of Chapter 132 of the General
36 Statutes. All such information shall be privileged, confidential, and not subject to discovery,
37 subpoena, or other means of legal compulsion for release to any person other than the Review
38 Panel, the Board, and their employees, agents, or consultants, except as provided in this section.
39 The Review Panel shall publish on its Internet Web site the names and practice addresses of all
40 applicants within 10 days after the application deadline. The Review Panel shall publish on its
41 Internet Web site the names and practice addresses of the nominees recommended to the Governor
42 within 10 days after notifying the Governor of those recommendations and not less than 30 days
43 prior to the expiration of the open position on the Board.

44 (h) The Review Panel is a public body within the meaning of Article 33C of Chapter 143
45 of the General Statutes. In addition to the provisions contained in Article 33C of Chapter 143 of
46 the General Statutes permitting a public body to conduct business in a closed session, the Review
47 Panel shall meet in closed session to review applications; interview applicants; review and discuss
48 information received from the Board; and discuss, debate, and vote on recommendations to the
49 Governor."

50 SECTION 2.(e) G.S. 90-5.2(a)(7) reads as rewritten:

1 "~~(7) An A current, active e-mail address or facsimile number address, which shall~~
2 ~~not be made available to the public and shall considered a public record within~~
3 ~~the meaning of Chapter 132 of the General Statutes. This information may be~~
4 ~~used or made available by the Board for the purpose of expediting the~~
5 ~~dissemination of disseminating or soliciting information about a affecting~~
6 ~~public health emergency or the practice of medicine."~~

7 **SECTION 2.(f)** G.S. 90-5.2(a1) reads as rewritten:

8 "(a1) The Board shall make e-mail addresses ~~and facsimile numbers~~ reported pursuant to
9 G.S. 90-5.2(a)(7) available to the Department of Health and Human Services for use in the North
10 Carolina Controlled Substance Reporting System established by Article 5E of this Chapter."

11 **SECTION 2.(g)** G.S. 90-8.1 reads as rewritten:

12 "**§ 90-8.1. Rules governing applicants for licensure.**

13 (a) The North Carolina Medical Board is empowered to adopt rules that prescribe
14 additional qualifications for an applicant, including education and examination requirements and
15 application procedures.

16 (b) The Board shall not deny an application for licensure based solely on the applicant's
17 failure to become board certified."

18 **SECTION 2.(h)** G.S. 90-13.1(a) reads as rewritten:

19 "(a) Each applicant for a license to practice medicine and surgery in this State under either
20 G.S. 90-9.1 or G.S. 90-9.2 shall pay to the North Carolina Medical Board an application fee of
21 ~~three four~~ hundred fifty dollars ~~(\$350.00)-(\$400.00)."~~

22 **SECTION 2.(i)** G.S. 90-13.2 reads as rewritten:

23 "**§ 90-13.2. Registration every year with Board.**

24 (a) Every person licensed to practice medicine by the North Carolina Medical Board shall
25 register annually with the Board within 30 days of the person's birthday.

26 (b) A person who registers with the Board shall report to the Board the person's name and
27 office and residence address and any other information required by the Board, and shall pay an
28 annual registration fee of ~~one hundred seventy five two hundred fifty~~ dollars ~~(\$175.00)-(\$250.00),~~
29 except those who have a limited license to practice in a medical education and training program
30 approved by the Board for the purpose of education or training shall pay a registration fee of one
31 hundred twenty-five dollars ~~(\$125.00)-(\$125.00), and those who have a retired limited volunteer~~
32 ~~license pursuant to G.S. 90-12.1B shall pay an annual registration fee of twenty five dollars~~
33 ~~(\$25.00), and those who have or a limited volunteer license pursuant to G.S. 90-12.1A shall pay~~
34 no annual registration fee. However, licensees who have a limited license to practice for the
35 purpose of education and training under G.S. 90-12.01 shall not be required to pay more than one
36 annual registration fee for each year of training.

37 ~~(c) A physician who is not actively engaged in the practice of medicine in North Carolina~~
38 ~~and who does not wish to register the license may direct the Board to place the license on inactive~~
39 ~~status.~~

40 (d) A physician who is not actively engaged in the practice of medicine in North Carolina
41 and who does not wish to register the license may direct the Board to place the license on inactive
42 status.

43 (e) A physician who fails to register as required by this section shall pay an additional fee
44 of fifty dollars (\$50.00) to the Board. The license of any physician who fails to register and who
45 remains unregistered for a period of 30 days after certified notice of the failure is automatically
46 inactive. The Board shall retain jurisdiction over the holder of the inactive license.

47 (f) Except as provided in G.S. 90-12.1B, a person whose license is inactive shall not
48 practice medicine in North Carolina nor be required to pay the annual registration fee.

49 (g) Upon payment of all accumulated fees and penalties, the license of the physician may
50 be reinstated, subject to the Board requiring the physician to appear before the Board for an

1 interview and to comply with other licensing requirements. The penalty may not exceed the
2 maximum fee for a license under G.S. 90-13.1.

3 (h) The Board shall not deny a licensee's annual registration based solely on the licensee's
4 failure to become board certified."

5 **SECTION 2.(j)** G.S. 90-14(n) reads as rewritten:

6 "(n) Notwithstanding subsection (m) of this section, if the licensee has retained counsel and
7 ~~the Board has not made a nonpublic determination to initiate disciplinary proceedings, counsel, the~~
8 Board may serve to both the licensee and the licensee's counsel orders to produce, orders to
9 appear, or submit to assessment, examination, or orders following a hearing, or provide notice that
10 the Board will not be taking any further action against a licensee to both the licensee and the
11 licensee's counsel.licensee."

12 **SECTION 2.(k)** G.S. 90-14.2 is amended by adding a new subsection to read:

13 "(c) Once charges have been issued, the parties may engage in discovery as provided in
14 G.S. 1A-1, the North Carolina Rules of Civil Procedure. Additionally, pursuant to any written
15 request by the respondent or respondent's counsel, the Board shall provide information obtained
16 during an investigation, except for the following:

17 (1) Information that is subject to attorney-client privilege or is attorney work
18 product.

19 (2) Information that would identify an anonymous complainant.

20 (3) Information generated during an investigation that will not be offered into
21 evidence by the Board and is related to:

22 a. Advice, opinions, or recommendations of the Board staff, consultants,
23 or agents.

24 b. Deliberations by the Board and its committees during an investigation."

25 **SECTION 2.(l)** G.S. 90-14.13(a1)(1) reads as rewritten:

26 "(a1) A hospital is not required to report:

27 (1) ~~The suspension or limitation of a physician's privileges for failure to timely~~
28 ~~complete medical records unless the suspension or limitation is the third within~~
29 ~~the calendar year for failure to timely complete medical records. Upon reporting~~
30 ~~the third suspension or limitation, the hospital shall also report the previous two~~
31 ~~suspensions or limitations records."~~

32 **SECTION 2.(m)** Article 1D of Chapter 90 of the General Statutes is renamed as
33 follows:

34 "Article 1D.

35 "Peer Review Health Program for Medical Professionals."

36 **SECTION 2.(n)** G.S. 90-21.22 reads as rewritten:

37 **§ 90-21.22. Peer review agreements. Health program for medical professionals.**

38 (a) ~~The North Carolina Medical Board may, under rules adopted by the Board in~~
39 ~~compliance with Chapter 150B of the General Statutes, (Board) may enter into agreements with~~
40 ~~the North Carolina Medical Society and its local medical society components, and with (Society),~~
41 ~~the North Carolina Academy of Physician Assistants (Academy), and the North Carolina~~
42 ~~Physicians Health Program (Program) for the purpose purposes of conducting peer review~~
43 ~~activities. Peer review activities to be covered by such agreements shall include investigation,~~
44 ~~review, and evaluation of records, reports, complaints, litigation and other information about the~~
45 ~~practices and practice patterns of physicians licensed by the Board, and of physician assistants~~
46 ~~approved by the Board, and shall include programs for impaired physicians and impaired~~
47 ~~physician assistants. Agreements between the Academy and the Board shall be limited to~~
48 ~~programs for impaired physicians and physician assistants and shall not include any other peer~~
49 ~~review activities. identifying, reviewing, and evaluating the ability of licensees of the Board who~~
50 ~~have been referred to the Program to function in their professional capacity and to coordinate~~

1 regimens for treatment and rehabilitation. The agreement shall include guidelines for all items
2 outlined below:

3 (1) The assessment, referral, monitoring, support, and education of licensees of the
4 Board by reason of a physical or mental illness, a substance use disorder, or
5 professional sexual misconduct.

6 (2) Procedures for the Board to refer licensees to the Program.

7 (3) Criteria for the Program to report licensees to the Board.

8 (4) A procedure by which licensees may obtain review of recommendations by the
9 Program regarding assessment or treatment.

10 (5) Periodic reporting of statistical information by the Program to the Board, the
11 Society, and the Academy.

12 (6) Maintaining the confidentiality of nonpublic information.

13 (b) ~~Peer review agreements shall include provisions for the society and for the Academy to~~
14 ~~receive relevant information from the Board and other sources, conduct the investigation and~~
15 ~~review in an expeditious manner, provide assurance of confidentiality of nonpublic information~~
16 ~~and of the review process, make reports of investigations and evaluations to the Board, and to do~~
17 ~~other related activities for promoting a coordinated and effective peer review process. Peer review~~
18 ~~agreements shall include provisions assuring due process.~~

19 (c) ~~Each society which enters a peer review agreement with the Board shall establish and~~
20 ~~maintain a program for impaired physicians licensed by the Board. The Academy, after entering a~~
21 ~~peer review agreement with the Board, shall either enter an agreement with the North Carolina~~
22 ~~Medical Society for the inclusion of physician assistants in the Society's program for impaired~~
23 ~~physicians, or shall establish and maintain the Academy's own program for impaired physician~~
24 ~~assistants. The purpose of the programs shall be to identify, review, and evaluate the ability of~~
25 ~~those physicians and physician assistants to function in their professional capacity and to provide~~
26 ~~programs for treatment and rehabilitation. The North Carolina Physicians Health Program~~
27 ~~(Program) is an independent organization for medical professionals that provides screening,~~
28 ~~referral, monitoring, educational, and support services. The Board-Board, Society, and the~~
29 ~~Academy may provide funds for the administration of impaired physician and impaired physician~~
30 ~~assistant programs and shall adopt rules with provisions for definitions of impairment; guidelines~~
31 ~~for program elements; procedures for receipt and use of information of suspected impairment;~~
32 ~~procedures for intervention and referral; monitoring treatment, rehabilitation, post-treatment~~
33 ~~support and performance; reports of individual cases to the Board; periodic reporting of statistical~~
34 ~~information; assurance of confidentiality of nonpublic information and of the review process.~~
35 the
Program.

36 (d) ~~Upon investigation and review of a physician licensed by the Board, or a physician~~
37 ~~assistant approved by the Board, or upon receipt of a complaint or other information, a society~~
38 ~~which enters a peer review agreement with the Board, or the Academy if it has a peer review~~
39 ~~agreement with the Board, as appropriate, The Program shall report immediately to the Board~~
40 ~~detailed information about any physician or physician assistant licensed or approved by the Board~~
41 ~~if: licensee of the Board who meets any of the following criteria:~~

42 (1) ~~The physician or physician assistant constitutes~~ The licensee constitutes an
43 imminent danger to the public or to himself-patient care by reason of
44 impairment, mental illness, physical illness, the commission of substance use
45 disorder, professional sexual boundary violations, misconduct, or any other
46 reason;reason.

47 (2) ~~The physician or physician assistant~~ The licensee refuses to cooperate with the
48 program, refuses to submit to treatment, or is still impaired after treatment and
49 exhibits professional incompetence; or submit to an assessment as ordered by
50 the Board, has entered into a monitoring contract and fails to comply with the

terms of the Program's monitoring contract, or is still unsafe to practice medicine after treatment.

~~(3) It reasonably appears that there are other grounds for disciplinary action.~~

(e) ~~Any confidential patient information and other nonpublic information acquired, created, or used in good faith by the Academy or a society Program pursuant to this section shall remain confidential and shall not be subject to discovery or subpoena in a civil case. is privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than to the Board, the Program, or their employees or consultants. No person participating in good faith in the peer review or impaired physician or impaired physician assistant programs of this section Program shall be required in a civil case to disclose the fact of participation in the Program or any information acquired or opinions, recommendations, or evaluations acquired or developed solely in the course of participating in any agreements the Program pursuant to this section.~~

(f) ~~Peer review activities Activities conducted in good faith pursuant to any the agreement under authorized by subsection (a) of this section shall not be grounds for civil action under the laws of this State and are deemed to be State directed and sanctioned and shall constitute State action for the purposes of application of antitrust laws.State.~~

(g) Upon the written request of a licensee, the Program shall provide the licensee and the licensee's legal counsel with a copy of a written assessment of the licensee prepared as part of the licensee's participation in the Program. In addition, the licensee shall be entitled to a copy of any written assessment created by a treatment provider or facility at the recommendation of the Program, to the extent permitted by State and federal laws and regulations. Any information furnished to a licensee pursuant to this subsection shall be inadmissible in evidence and shall not be subject to discovery in any civil proceeding. However, this subsection shall not be construed to make information, documents, or records otherwise available for discovery or use in a civil action immune from discovery or use in a civil action merely because the information, documents, or records were included as part of the Program's assessment of the licensee or were the subject of information furnished to the licensee pursuant to this subsection. For purposes of this subsection, a civil action or proceeding shall not include administrative actions or proceedings conducted in accordance with Article 1 of Chapter 90 and Chapter 150B of the General Statutes.

(h) The Board has authority to adopt, amend, or repeal rules as may be necessary to carry out and enforce the provisions of this section."

SECTION 2.(o) G.S. 90-16(d) is repealed.

AMEND DISPENSING OPTICIAN EXAMINATION QUALIFICATIONS AND APPRENTICESHIP REQUIREMENTS AND AUTHORIZE THE STATE BOARD OF OPTICIANS TO INCREASE CERTAIN LICENSURE FEES

SECTION 3.(a) G.S. 90-240 reads as rewritten:

"§ 90-240. Examination.

(a) Applicants to take the examination for dispensing opticians shall be high school graduates or the equivalent ~~who;who~~ who have done one of the following:

- (1) ~~Have successfully~~ Successfully completed a two-year course of training in an accredited school of opticianry with a minimum of 1600 ~~hours; or~~ hours.
- (2) ~~Have completed three~~ Completed two and one-half years of apprenticeship while registered with the Board under a licensed dispensing optician, with time spent in a recognized school credited as part of the apprenticeship ~~period;~~ or period.
- (3) ~~Have completed three~~ Completed two and one-half years of apprenticeship while registered with the Board under the direct supervision of an optometrist or a physician specializing in ophthalmology, provided the supervising

1 optometrist or physician elects to operate the apprenticeship under the same
2 requirements applicable to dispensing opticians.

3 (a1) Applicants to take the examination for dispensing opticians who are graduates from an
4 accredited college or university with a four-year degree or comparable degree in a health-related
5 field shall satisfy one of the following:

6 (1) The requirements of subdivision (1) of subsection (a) of this section.

7 (2) Successful completion of two years of apprenticeship while registered with the
8 Board under a health care professional identified in subdivision (2) or (3) of
9 subsection (a) of this section. The Board may adopt rules specifying the
10 colleges, universities, and coursework that meet the accreditation requirements
11 of this subsection.

12 (b) The examination shall be confined to such knowledge as is reasonably necessary to
13 engage in preparation and dispensing of optical devices and shall include the following:

14 (1) The skills necessary for the proper analysis of prescriptions;

15 (2) The skills necessary for the dispensing of eyeglasses and contact lenses; and

16 (3) The processes by which the products offered by dispensing opticians are
17 manufactured.

18 (c) The examination shall be given at least twice each year at sites and on dates that are
19 publicly announced 60 days in advance.

20 (d) Each applicant shall, upon request, receive his or her examination score on each section
21 of the examination.

22 (e) The Board may shall include as part or all of the examination, any nationally prepared
23 and recognized examination, and will periodically review and validate any exam in use by the
24 Board. The Board will credit an applicant with the score on any national test taken successfully
25 completed in the last three years immediately preceding the date the applicant is scheduled to take
26 the North Carolina examination, to the extent that such test may be is included in the North
27 Carolina exam-examination. The Board shall adopt rules designating the nationally prepared and
28 recognized examinations that will satisfy and serve as credit for parts or all of the North Carolina
29 examination.

30 (f) ~~An applicant for admission on the basis of apprenticeship shall have worked full time~~
31 ~~under the supervision of a licensed dispensing optician, optometrist or physician trained in~~
32 ~~ophthalmology. An apprentice shall have obtained experience in ophthalmic fabricating and~~
33 ~~manufacturing techniques and processes for no less than six months and shall have gained~~
34 ~~experience in the other activities defined as dispensing herein.~~Completion of the six-month
35 internship required of all applicants under G.S. 90-237(4) may, at the election of the applicant,
36 occur before or after the applicant sits for the examination as provided in this section, so long as
37 the applicant has met the minimum qualifications for examination under subsection (a) or (a1) of
38 this section at the time the internship commences."

39 **SECTION 3.(b)** G.S. 90-245 reads as rewritten:

40 **"§ 90-245. Collection of fees.**

41 The ~~secretary to~~ administrator for the Board is hereby authorized and empowered to collect in
42 the name and on behalf of this Board the fees prescribed by this Article and shall turn over to the
43 State Treasurer all funds collected or received under this Article, which funds shall be credited to
44 the North Carolina State Board of Opticians, and said funds shall be held and expended under the
45 supervision of the Director of the Budget of the State of North Carolina exclusively for the
46 administration and enforcement of the provisions of this Article. Nothing in this Article shall be
47 construed to authorize any expenditure in excess of the amount available from time to time in the
48 hands of the State Treasurer derived from the fees collected under the provisions of this Article
49 and received by the State Treasurer in the manner aforesaid."

50 **SECTION 3.(c)** G.S. 90-246 reads as rewritten:

51 **"§ 90-246. Fees.**

In order to provide the means of administering and enforcing the provisions of this Article and the other duties of the North Carolina State Board of Opticians, the Board is hereby authorized to charge and collect ~~fees established by its rules not to exceed the following:~~ the following fees:

- (1) Each examination ~~\$200.00~~ \$300.00
- (2) Each initial license ~~\$ 50.00~~ \$100.00
- (3) Each renewal of license..... ~~\$100.00~~ \$150.00
- (4) Each license issued to a practitioner of another state to practice in this State..... ~~\$200.00~~ \$300.00
- (5) Each registration of an optical place of business ~~\$ 50.00~~ \$ 75.00
- (6) Each application for registration as an opticianry apprentice or intern, and renewals thereof ~~\$ 25.00~~ \$ 35.00
- (7) Repealed by Session Laws 1997-424, s. 4.
- (8) Each registration of a training establishment ~~\$ 25.00~~ \$ 35.00
- (9) Each license verification ~~\$ 10.00~~ \$ 15.00
- (10) Each registration of an optician in charge..... \$ 50.00
- (11) Late fee for restoration of an expired license within the first year after expiration..... \$ 75.00
- (12) Late fee for restoration of an expired license within the second year after expiration \$150.00
- (13) Restoration fee for an inactive license within the second year..... \$100.00."

SECTION 3.(d) G.S. 90-249 is amended by adding a new subdivision to read:

"(10a) Designation of accredited colleges, universities, and coursework that satisfy the qualifications for examination pursuant to G.S. 90-240(a1)."

INCREASE THE FEE FOR REAL ESTATE BROKER LICENSE APPLICATIONS AND REINSTATEMENTS AND INCREASE THE CAP FOR RENEWAL FEES

SECTION 4.(a) G.S. 93A-4 reads as rewritten:

"§ 93A-4. Applications for licenses; fees; qualifications; examinations; privilege licenses; renewal or reinstatement of license; power to enforce provisions.

(a) Any person, partnership, corporation, limited liability company, association, or other business entity hereafter desiring to enter into business of and obtain a license as a real estate broker shall make written application for such license to the Commission in the form and manner prescribed by the Commission. Each applicant for a license as a real estate broker shall be at least 18 years of age. Each applicant for a license as a real estate broker shall, within three years preceding the date the application is made, have satisfactorily completed, at a school approved by the Commission, an education program consisting of at least 75 hours of ~~classroom~~-instruction in subjects determined by the Commission, or shall possess real estate education or experience in real estate transactions which the Commission shall find equivalent to the education program. Each applicant for a license as a real estate broker shall be required to pay a ~~fee, fixed by the Commission but not to exceed thirty dollars (\$30.00),~~ fee. The application fee shall be one hundred dollars (\$100.00) unless the Commission sets the fee at a higher amount by rule; however, the Commission shall not set a fee that exceeds one hundred twenty dollars (\$120.00). The application fee shall not increase by more than five dollars (\$5.00) during a 12-month period.

(a1) Each person who is issued a real estate broker license on or after April 1, 2006, shall initially be classified as a provisional broker and shall, within three years following initial licensure, satisfactorily complete, at a school approved by the Commission, a postlicensing education program consisting of 90 hours of ~~classroom~~-instruction in subjects determined by the Commission or shall possess real estate education or experience in real estate transactions which the Commission shall find equivalent to the education program. The Commission may, by rule, establish a schedule for completion of the prescribed postlicensing education that requires

1 provisional brokers to complete portions of the 90-hour postlicensing education program in less
2 than three years, and provisional brokers must comply with this schedule in order to be entitled to
3 actively engage in real estate brokerage. Upon completion of the postlicensing education program,
4 the provisional status of the broker's license shall be terminated. When a provisional broker fails to
5 complete all 90 hours of required postlicensing education within three years following initial
6 licensure, the broker's license shall be placed on inactive status. The broker's license shall not be
7 returned to active status until he or she has satisfied such requirements as the Commission may by
8 rule require. Every license cancelled after April 1, 2009, because the licensee failed to complete
9 postlicensing education shall be reinstated on inactive status until such time as the licensee
10 satisfies the requirements for returning to active status as the Commission may by rule require.

11 ...

12 (c) All licenses issued by the Commission under the provisions of this Chapter shall expire
13 on the 30th day of June following issuance or on any other date that the Commission may
14 determine and shall become invalid after that date unless reinstated. A license may be renewed 45
15 days prior to the expiration date by filing an application with and paying to the Executive Director
16 of the Commission the license renewal fee. The license renewal fee ~~is thirty dollars (\$30.00)~~ shall
17 be forty-five dollars (\$45.00) unless the Commission sets the fee at a higher amount. ~~The amount~~
18 by rule; however, the Commission may shall not set the license renewal fee at an amount that does
19 ~~not exceed fifty dollars (\$50.00).~~ exceeds sixty dollars (\$60.00). The license renewal fee may not
20 increase by more than five dollars (\$5.00) during a 12-month period. The Commission may adopt
21 rules establishing a system of license renewal in which the licenses expire annually with varying
22 expiration dates. These rules shall provide for prorating the annual fee to cover the initial renewal
23 period so that no licensee shall be charged an amount greater than the annual fee for any 12-month
24 period. The fee for reinstatement of an ~~expired~~ expired, revoked, or suspended license shall be
25 ~~fifty five dollars (\$55.00).~~ an amount equal to two times the license renewal fee at the time the
26 application for reinstatement is submitted. In the event a licensee fails to obtain a reinstatement of
27 such license within six months after the expiration date thereof, the Commission may, in its
28 discretion, consider such person as not having been previously licensed, and thereby subject to the
29 provisions of this Chapter relating to the issuance of an original license, including the examination
30 requirements set forth herein. Duplicate licenses may be issued by the Commission upon payment
31 of a fee of five dollars (\$5.00) by the licensee. Commission certification of a licensee's license
32 history shall be made only after the payment of a fee of ten dollars (\$10.00).

33"

34 **SECTION 4.(b)** This section becomes effective July 1, 2017.

35
36 **EFFECTIVE DATE**

37 **SECTION 5.** Except as otherwise provided, this act becomes effective October 1,
38 2016.