

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10292-NBf-127

Short Title: Physician Assist. Omnibus/Team-based/Compact. (Public)

Sponsors: Representative Paré.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADJUST THE SUPERVISION ARRANGEMENT OF PHYSICIAN  
3 ASSISTANTS AND TO MAKE VARIOUS CHANGES TO THE LICENSURE OF  
4 PHYSICIAN ASSISTANTS.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. PHYSICIAN ASSISTANT TEAM-BASED PRACTICE**

8 **SECTION 1.1.(a)** G.S. 90-1.1 is amended by adding a new subdivision to read:

9 "(4d) Team-based setting or team-based practice. – Any of the following:

- 10 a. A medical practice that meets all of the following requirements:  
11 1. The majority of the practice is owned collectively by one or  
12 more licensed physicians.  
13 2. An owner who is a physician licensed under this Chapter has  
14 consistent and meaningful participation in the design and  
15 implementation of health services to patients, as defined by  
16 rules adopted by the Board.  
17 3. The physicians and team-based physician assistants who  
18 provide services at the medical practice work in the same  
19 clinical practice area.  
20 b. Hospitals, clinics, nursing homes, and other health facilities with  
21 active credentialing and quality programs where physicians have  
22 consistent and meaningful participation in the design and  
23 implementation of health services to patients, as defined by rules  
24 adopted by the Board.  
25 c. For the purposes of this Article, the term "team-based setting" or  
26 "team-based practice" shall not include a medical practice that  
27 specializes in pain management."

28 **SECTION 1.1.(b)** G.S. 90-9.3 reads as rewritten:

29 **"§ 90-9.3. Requirements for licensure as a physician assistant.**

30 (a) To be eligible for licensure as a physician assistant, an applicant shall submit proof  
31 satisfactory to the Board that the applicant has met all of the following:

- 32 (1) The applicant has successfully completed an educational program for  
33 physician assistants or surgeon assistants accredited by the Accreditation  
34 Review Commission on Education for the Physician Assistant or its  
35 predecessor or successor entities.



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1 (2) The applicant has a current or previous certification issued by the National  
 2 Commission on Certification of Physician Assistants or its successor.

3 (3) The applicant is of good moral character.

4 (b) Before initiating practice of medical acts, tasks, or functions as a physician assistant,  
 5 the physician assistant shall provide the Board the name, address, and telephone number of the  
 6 physician who will supervise the physician assistant in the relevant medical setting. This  
 7 subsection shall not apply to physician assistants who meet the requirements for team-based  
 8 practice under G.S. 90-9.3A.

9 (c) The Board may, by rule, require an applicant to comply with other requirements or  
 10 submit additional information the Board deems appropriate."

11 **SECTION 1.1.(c)** Article 1 of Chapter 90 of the General Statutes is amended by  
 12 adding a new section to read:

13 **"§ 90-9.3A. Requirements for team-based practice as a physician assistant.**

14 (a) In order to practice as a team-based physician assistant, a physician assistant shall  
 15 meet all of the following conditions:

16 (1) Practice in team-based settings, as defined in G.S. 90-1.1(4d).

17 (2) Have more than 4,000 hours of clinical practice experience as a licensed  
 18 physician assistant and more than 1,000 hours of clinical practice experience  
 19 within the specific medical specialty of practice with a physician in that  
 20 specialty.

21 (3) Submit proof as the Board may deem satisfactory by rule that the individual  
 22 meets the requirements of subdivisions (1) and (2) of this subsection. The  
 23 Board may, by rule, require the physician assistant to comply with other  
 24 requirements or submit additional information the Board deems appropriate.

25 (b) Team-based physician assistants shall collaborate and consult with or refer to the  
 26 appropriate members of the health care team as required by the patient's condition and as  
 27 indicated by the education, experience, and competencies of the physician assistant and the  
 28 standard of care. The degree of collaboration must be determined by the practice which may  
 29 include decisions by the employer, group, hospital service, and the credentialing and privileging  
 30 systems of a licensed facility. The Board may adopt rules to establish requirements for the  
 31 determination and enforcement of collaboration, consultation, and referral. Team-based  
 32 physician assistants are responsible for the care they provide.

33 (c) Notwithstanding any other provision of this Chapter, a team-based physician assistant  
 34 practicing in a perioperative setting, including the provision of surgical or anesthesia-related  
 35 services, shall be supervised by a physician."

36 **SECTION 1.1.(d)** G.S. 90-12.4 reads as rewritten:

37 **"§ 90-12.4. Physician assistant limited volunteer license.**

38 ...

39 (d) Before initiating the performance of medical acts, tasks, or functions as a physician  
 40 assistant licensed under this section, the physician assistant shall ~~provide~~ submit to the Board  
 41 either an "Intent to Practice Notification Form," which shall include the name, address, and  
 42 telephone number of the physician licensed under this Article who will supervise the physician  
 43 assistant in the clinic specializing in the care of indigent ~~patients~~-patients, or meet the  
 44 requirements for team-based practice under G.S. 90-9.3A.

45 ...."

46 **SECTION 1.1.(e)** G.S. 90-12.4B reads as rewritten:

47 **"§ 90-12.4B. Physician Assistant ~~assistant~~ retired limited volunteer license.**

48 ..."

49 **SECTION 1.1.(f)** G.S. 90-18.1 reads as rewritten:

50 **"§ 90-18.1. Limitations on physician assistants.**

1 (a) Any person who is licensed under the provisions of G.S. 90-9.3 to perform medical  
2 acts, tasks, and functions as a physician assistant may use the title "physician assistant" or "PA."  
3 Any other person who uses the title in any form or holds out to be a physician assistant or to be  
4 so licensed, shall be deemed to be in violation of this Article.

5 (a1) Physician assistants shall clearly designate their credentials as a physician assistant in  
6 all clinical settings.

7 (b) Physician assistants are authorized to write prescriptions for drugs under the  
8 following conditions:

9 (1) The North Carolina Medical Board has adopted regulations governing the  
10 approval of individual physician assistants to write prescriptions with such  
11 limitations as the Board may determine to be in the best interest of patient  
12 health and safety.

13 (2) The physician assistant holds a current license issued by the Board.

14 (3) Repealed by Session Laws 2019-191, s. 35, effective October 1, 2019.

15 (4) The supervising physician has provided to the physician assistant written  
16 instructions about indications and contraindications for prescribing drugs and  
17 a written policy for periodic review by the physician of the drugs prescribed.  
18 This subdivision shall not apply to individuals who are practicing in a  
19 team-based setting under G.S. 90-9.3A.

20 (5) A physician assistant shall personally consult with the supervising physician  
21 prior to prescribing a targeted controlled substance as defined in Article 5 of  
22 this Chapter when all of the following conditions apply:

23 a. The patient is being treated by a facility that primarily engages in the  
24 treatment of pain by prescribing narcotic medications.

25 b. The therapeutic use of the targeted controlled substance will or is  
26 expected to exceed a period of 30 days.

27 When a targeted controlled substance prescribed in accordance with this subdivision is  
28 continuously prescribed to the same patient, the physician assistant shall consult with the  
29 supervising physician at least once every 90 days to verify that the prescription remains medically  
30 appropriate for the patient.

31 (c) Physician assistants are authorized to compound and dispense drugs under the  
32 following conditions:

33 (1) The function is performed under the supervision of a licensed  
34 ~~pharmacist~~physician.

35 (2) Rules and regulations of the North Carolina Board of Pharmacy and all  
36 applicable State and federal laws governing this function-compounding and  
37 dispensing are complied with.

38 (3) The physician assistant holds a current license issued by the Board.

39 (4) The physician assistant registers with the Board of Pharmacy.

40 (d) Physician assistants are authorized to order medications, tests and treatments in  
41 hospitals, clinics, nursing homes, and other health facilities under the following conditions:

42 (1) The North Carolina Medical Board has adopted regulations governing the  
43 approval of individual physician assistants to order medications, tests, and  
44 treatments with such limitations as the Board may determine to be in the best  
45 interest of patient health and safety.

46 (2) The physician assistant holds a current license issued by the Board.

47 (3) ~~The~~If the physician assistant is subject to a supervisory arrangement, the  
48 supervising physician has provided to the physician assistant written  
49 instructions about ordering medications, tests, and treatments, and when  
50 appropriate, specific oral or written instructions for an individual patient, with

1 provision for review by the physician of the order within a reasonable time, as  
 2 determined by the Board, after the medication, test, or treatment is ordered.

3 (4) The hospital or other health facility has adopted a written policy about  
 4 ordering medications, tests, and treatments, including procedures for  
 5 verification of the physician assistants' orders by nurses and other facility  
 6 employees and such other procedures as are in the interest of patient health  
 7 and safety.

8 (e) Any prescription written by a physician assistant or order given by a physician  
 9 assistant for medications, tests, or treatments shall be deemed to have been authorized by the  
 10 physician approved by the Board as the supervisor of the physician assistant and the supervising  
 11 physician shall be responsible for authorizing the prescription or order. This subsection shall not  
 12 apply to individuals who are practicing in a team-based setting under G.S. 90-9.3A who may  
 13 prescribe, order, administer, and procure drugs and medical devices without physician  
 14 authorization. Individuals who are practicing in a team-based setting under G.S. 90-9.3A may  
 15 also plan and initiate a therapeutic regimen that includes ordering and prescribing  
 16 non-pharmacological interventions, including durable medical equipment, nutrition, blood, blood  
 17 products, and diagnostic support services, including home health care, hospice, and physical and  
 18 occupational therapy.

19 (e1) ~~Any medical certification completed by a physician assistant for a Physician assistants~~  
 20 ~~may authenticate any document, including death certificate shall be deemed to have been~~  
 21 ~~authorized by the physician approved by the Board as the supervisor of the physician assistant,~~  
 22 ~~and the supervising physician shall be responsible for authorizing the completion certificates with~~  
 23 ~~their signature, certification, stamp, verification, affidavit, or endorsement, if it may be so~~  
 24 ~~authenticated by the signature, certification, stamp, verification, affidavit, or endorsement of the~~  
 25 ~~medical certification a physician.~~

26 (e2) Physician assistants shall not perform final interpretations of diagnostic imaging  
 27 studies. For purposes of this subsection, "diagnostic imaging" shall include computed  
 28 tomography (CT), magnetic resonance imaging (MRI), nuclear medicine, positron emission  
 29 tomography (PET), mammography, and ultrasound services. Final interpretation shall be  
 30 provided by a physician licensed under this Chapter. Notwithstanding any other provision of this  
 31 Chapter, physician assistants conducting final interpretation of plain film radiographs shall be  
 32 supervised by a physician.

33 ...

34 (g) Any person who is licensed under G.S. 90-9.3 to perform medical acts, tasks, and  
 35 functions as a physician assistant shall comply with each of the following:

- 36 (1) Maintain a current and active license to practice in this State.
- 37 (2) Maintain an active registration with the Board.
- 38 (3) ~~Have File~~ a current Intent to Practice form ~~filed with the Board.~~Board or meet  
 39 the requirements for team-based practice under G.S. 90-9.3A.

40 ...."

41 **SECTION 1.1.(g)** G.S. 90-21.81(9) reads as rewritten:

42 "(9) Qualified technician. – A registered diagnostic medical sonographer who is  
 43 certified in obstetrics and gynecology by the American Registry for  
 44 Diagnostic Medical Sonography ~~(ARDMS)~~(ARDMS), a physician assistant  
 45 with certification in obstetrical ultrasonography, or a nurse midwife or  
 46 advanced practice nurse practitioner in obstetrics with certification in  
 47 obstetrical ultrasonography."

48 **SECTION 1.1.(h)** G.S. 58-3-169 reads as rewritten:

49 **"§ 58-3-169. Required coverage for minimum hospital stay following birth.**

50 (a) Definitions. – As used in this section:

- 51 (1) "Attending providers" includes:

- a. The obstetrician-gynecologists, pediatricians, family physicians, and other physicians primarily responsible for the care of a mother and newborn; and
- b. The nurse ~~midwives~~ midwives, physician assistants, and nurse practitioners primarily responsible for the care of a mother and her newborn child in accordance with State licensure and certification laws.

...."

**SECTION 1.1.(i)** G.S. 110-91 reads as rewritten:

**"§ 110-91. Mandatory standards for a license.**

All child care facilities shall comply with all State laws and federal laws and local ordinances that pertain to child health, safety, and welfare. Except as otherwise provided in this Article, the standards in this section shall be complied with by all child care facilities. However, none of the standards in this section apply to the school-age children of the operator of a child care facility but do apply to the preschool-age children of the operator. Children 13 years of age or older may receive child care on a voluntary basis provided all applicable required standards are met. The standards in this section, along with any other applicable State laws and federal laws or local ordinances, shall be the required standards for the issuance of a license by the Secretary under the policies and procedures of the Commission except that the Commission may, in its discretion, adopt less stringent standards for the licensing of facilities which provide care on a temporary, part-time, drop-in, seasonal, after-school or other than a full-time basis.

- (1) **Medical Care and Sanitation.** – The Commission for Public Health shall adopt rules which establish minimum sanitation standards for child care centers and their personnel. The sanitation rules adopted by the Commission for Public Health shall cover such matters as the cleanliness of floors, walls, ceilings, storage spaces, utensils, and other facilities; adequacy of ventilation; sanitation of water supply, lavatory facilities, toilet facilities, sewage disposal, food protection facilities, bactericidal treatment of eating and drinking utensils, and solid-waste storage and disposal; methods of food preparation and serving; infectious disease control; sleeping facilities; and other items and facilities as are necessary in the interest of the public health. The Commission for Public Health shall allow child care centers to use domestic kitchen equipment, provided appropriate temperature levels for heating, cooling, and storing are maintained. Child care centers that fry foods shall use commercial hoods. These rules shall be developed in consultation with the Department.

The Commission shall adopt rules for child care facilities to establish minimum requirements for child and staff health assessments and medical care procedures. These rules shall be developed in consultation with the Department. Each child shall have a health assessment before being admitted or within 30 days following admission to a child care facility. The assessment shall be done by: (i) a licensed physician, (ii) the physician's authorized agent who is currently approved by the North Carolina Medical Board, or comparable certifying board in any state contiguous to North Carolina, (iii) a certified nurse practitioner, (iv) a licensed physician assistant, or (v) a public health nurse meeting the Departments Standards for Early Periodic Screening, Diagnosis, and Treatment Program. However, no health assessment shall be required of any staff or child who is and has been in normal health when the staff, or the child's parent, guardian, or full-time custodian objects in writing to a health assessment on religious grounds which conform to the teachings and practice of any recognized church or religious denomination.

1 Organizations that provide prepared meals to child care centers only are  
2 considered child care centers for purposes of compliance with appropriate  
3 sanitation standards.

4 ...."

5 **SECTION 1.2.** The North Carolina Medical Board shall adopt permanent rules  
6 necessary to implement the provisions of this act.

7 **SECTION 1.3.** Section 1.1 of this Part becomes effective when the North Carolina  
8 Medical Board adopts the permanent rules required under Section 1.2 of this Part or June 30,  
9 2026, whichever occurs first. The North Carolina Medical Board shall notify the Revisor of  
10 Statutes when the rules required under Section 1.2 of this Part have been adopted. The remainder  
11 of this Part is effective when it becomes law.

## 12 **PART II. PHYSICIAN ASSISTANT LICENSURE COMPACT**

13 **SECTION 2.1.(a)** Chapter 90 of the General Statutes is amended by adding a new  
14 Article to read:

15 "Article 18J.

16 "PA Licensure Compact.

### 17 **"§ 90-270.200. Purpose.**

18 In order to strengthen access to Medical Services, and in recognition of the advances in the  
19 delivery of Medical Services, the Participating States of the PA Licensure Compact have allied  
20 in common purpose to develop a comprehensive process that complements the existing authority  
21 of State Licensing Boards to license and discipline PAs and seeks to enhance the portability of  
22 License to practice as a PA while safeguarding the safety of patients. This Compact allows  
23 Medical Services to be provided by PAs, via the mutual recognition of the Licensee's Qualifying  
24 License by other Compact Participating States. This Compact also adopts the prevailing standard  
25 for PA licensure and affirms that the practice and delivery of Medical Services by the PA occurs  
26 where the patient is located at the time of the patient encounter, and therefore requires the PA to  
27 be under the jurisdiction of the State Licensing Board where the patient is located. State Licensing  
28 Boards that participate in this Compact retain the jurisdiction to impose Adverse Action against  
29 a Compact Privilege in that State issued to a PA through the procedures of this Compact. The PA  
30 Licensure Compact will alleviate burdens for military families by allowing active duty military  
31 personnel and their spouses to obtain a Compact Privilege based on having an unrestricted  
32 License in good standing from a Participating State.

### 33 **"§ 90-270.201. Definitions.**

34 The following definitions apply in this Compact:

- 35 (1) Adverse Action. – Any administrative, civil, equitable, or criminal action  
36 permitted by a State's laws which is imposed by a Licensing Board or other  
37 authority against a PA License or License application or Compact Privilege  
38 such as License denial, censure, revocation, suspension, probation,  
39 monitoring of the Licensee, or restriction on the Licensee's practice.
- 40 (2) Compact Privilege. – The authorization granted by a Remote State to allow a  
41 Licensee from another Participating State to practice as a PA to provide  
42 Medical Services and other licensed activity to a patient located in the Remote  
43 State under the Remote State's laws and regulations.
- 44 (3) Conviction. – A finding by a court that an individual is guilty of a felony or  
45 misdemeanor offense through adjudication or entry of a plea of guilt or no  
46 contest to the charge by the offender.
- 47 (4) Criminal Background Check. – The submission of fingerprints or other  
48 biometric-based information for a License applicant for the purpose of  
49 obtaining that applicant's criminal history record information, as defined in 28  
50

- 1 C.F.R. § 20.3(d), from the State's criminal history record repository, as  
2 defined in 28 C.F.R. § 20.3(f).
- 3 (5) Data System. – The repository of information about Licensees, including, but  
4 not limited to, License status and Adverse Actions, which is created and  
5 administered under the terms of this Compact.
- 6 (6) Executive Committee. – A group of directors and ex officio individuals  
7 elected or appointed pursuant to G.S. 90-270.206(f)(2).
- 8 (7) Impaired Practitioner. – A PA whose practice is adversely affected by  
9 health-related condition(s) that impact their ability to practice.
- 10 (8) Investigative Information. – Information, records, or documents received or  
11 generated by a Licensing Board pursuant to an investigation.
- 12 (9) Jurisprudence Requirement. – The assessment of an individual's knowledge  
13 of the laws and Rules governing the practice of a PA in a State.
- 14 (10) License. – Current authorization by a State, other than authorization pursuant  
15 to a Compact Privilege, for a PA to provide Medical Services, which would  
16 be unlawful without current authorization.
- 17 (11) Licensee. – An individual who holds a License from a State to provide  
18 Medical Services as a PA.
- 19 (12) Licensing Board. – Any State entity authorized to license and otherwise  
20 regulate PAs.
- 21 (13) Medical Services. – Health care services provided for the diagnosis,  
22 prevention, treatment, cure, or relief of a health condition, injury, or disease,  
23 as defined by a State's laws and regulations.
- 24 (14) Model Compact. – The model for the PA Licensure Compact on file with The  
25 Council of State Governments or other entity as designated by the  
26 Commission.
- 27 (15) Participating State. – A State that has enacted this Compact.
- 28 (16) PA. – An individual who is licensed as a physician assistant in a State. For  
29 purposes of this Compact, any other title or status adopted by a State to replace  
30 the term "physician assistant" shall be deemed synonymous with "physician  
31 assistant" and shall confer the same rights and responsibilities to the Licensee  
32 under the provisions of this Compact at the time of its enactment.
- 33 (17) PA Licensure Compact Commission, Compact Commission, or Commission.  
34 – The national administrative body created pursuant to G.S. 90-270.206(f)(2)  
35 of this Compact.
- 36 (18) Qualifying License. – An unrestricted License issued by a Participating State  
37 to provide Medical Services as a PA.
- 38 (19) Remote State. – A Participating State where a Licensee who is not licensed as  
39 a PA is exercising or seeking to exercise the Compact Privilege.
- 40 (20) Rule. – A regulation promulgated by an entity that has the force and effect of  
41 law.
- 42 (21) Significant Investigative Information. – Investigative Information that a  
43 Licensing Board, after an inquiry or investigation that includes notification  
44 and an opportunity for the PA to respond if required by State law, has reason  
45 to believe is not groundless and, if proven true, would indicate more than a  
46 minor infraction.
- 47 (22) State. – Any state, commonwealth, district, or territory of the United States.
- 48 **"§ 90-270.202. State participation in this Compact.**
- 49 (a) To participate in this Compact, a Participating State shall:
- 50 (1) License PAs.
- 51 (2) Participate in the Compact Commission's Data System.

- 1           (3)    Have a mechanism in place for receiving and investigating complaints against  
2           Licensees and License applicants.
- 3           (4)    Notify the Commission, in compliance with the terms of this Compact and  
4           Commission Rules, of any Adverse Action against a Licensee or License  
5           applicant and the existence of Significant Investigative Information regarding  
6           a Licensee or License applicant.
- 7           (5)    Fully implement a Criminal Background Check requirement, within a time  
8           frame established by Commission Rule, by its Licensing Board receiving the  
9           results of a Criminal Background Check and reporting to the Commission  
10          whether the License applicant has been granted a License.
- 11          (6)    Comply with the Rules of the Compact Commission.
- 12          (7)    Utilize passage of a recognized national exam such as the NCCPA PANCE as  
13          a requirement for PA licensure.
- 14          (8)    Grant the Compact Privilege to a holder of a Qualifying License in a  
15          Participating State.
- 16          (b)    Nothing in this Compact prohibits a Participating State from charging a fee for  
17          granting the Compact Privilege.

18    **"§ 90-270.203. Compact Privilege.**

- 19          (a)    To exercise the Compact Privilege, a Licensee must:
- 20               (1)    Have graduated from a PA program accredited by the Accreditation Review  
21               Commission on Education for the Physician Assistant, Inc., or other programs  
22               authorized by Commission Rule.
- 23               (2)    Hold current NCCPA certification.
- 24               (3)    Have no felony or misdemeanor conviction.
- 25               (4)    Have never had a controlled substance license, permit, or registration  
26               suspended or revoked by a State or by the United States Drug Enforcement  
27               Administration.
- 28               (5)    Have a unique identifier as determined by Commission Rule.
- 29               (6)    Hold a Qualifying License.
- 30               (7)    Have had no revocation of a License or limitation or restriction on any License  
31               currently held due to an Adverse Action.
- 32               (8)    If a Licensee has had a limitation or restriction on a License or Compact  
33               Privilege due to an Adverse Action, two years must have elapsed from the  
34               date on which the License or Compact Privilege is no longer limited or  
35               restricted due to the Adverse Action.
- 36               (9)    If a Compact Privilege has been revoked or is limited or restricted in a  
37               Participating State for conduct that would not be a basis for disciplinary action  
38               in a Participating State in which the Licensee is practicing or applying to  
39               practice under a Compact Privilege, that Participating State shall have the  
40               discretion not to consider such action as an Adverse Action requiring the  
41               denial or removal of a Compact Privilege in that State.
- 42               (10)   Notify the Compact Commission that the Licensee is seeking the Compact  
43               Privilege in a Remote State.
- 44               (11)   Meet any Jurisprudence Requirement of a Remote State in which the Licensee  
45               is seeking to practice under the Compact Privilege and pay any fees applicable  
46               to satisfying the Jurisprudence Requirement.
- 47               (12)   Report to the Commission any Adverse Action taken by a non-participating  
48               State within 30 days after the action is taken.
- 49          (b)    The Compact Privilege is valid until the expiration or revocation of the Qualifying  
50          License unless terminated pursuant to an Adverse Action. The Licensee must also comply with  
51          all of the requirements of subsection (a) of this section to maintain the Compact Privilege in a



1 Remote State. If the Participating State takes Adverse Action against a Qualifying License, the  
2 Licensee shall lose the Compact Privilege in any Remote State in which the Licensee has a  
3 Compact Privilege until all of the following occur:

4 (1) The License is no longer limited or restricted; and

5 (2) Two years have elapsed from the date on which the License is no longer  
6 limited or restricted due to the Adverse Action.

7 (c) Once a restricted or limited License satisfies the requirements of subdivisions (b)(1)  
8 and (2) of this section, the Licensee must meet the requirements of subsection (a) of this section  
9 to obtain a Compact Privilege in any Remote State.

10 (d) For each Remote State in which a PA seeks authority to prescribe controlled  
11 substances, the PA shall satisfy all requirements imposed by such State in granting or renewing  
12 such authority.

13 **"§ 90-270.204. Designation of the State from which Licensee is applying for a Compact**  
14 **Privilege.**

15 Upon a Licensee's application for a Compact Privilege, the Licensee shall identify to the  
16 Commission the Participating State from which the Licensee is applying, in accordance with  
17 applicable Rules adopted by the Commission, and subject to the following requirements:

18 (1) When applying for a Compact Privilege, the Licensee shall provide the  
19 Commission with the address of the Licensee's primary residence and  
20 thereafter shall immediately report to the Commission any change in the  
21 address of the Licensee's primary residence.

22 (2) When applying for a Compact Privilege, the Licensee is required to consent  
23 to accept service of process by mail at the Licensee's primary residence on file  
24 with the Commission with respect to any action brought against the Licensee  
25 by the Commission or a Participating State, including a subpoena, with respect  
26 to any action brought or investigation conducted by the Commission or a  
27 Participating State.

28 **"§ 90-270.205. Adverse Actions.**

29 (a) A Participating State in which a Licensee is licensed shall have exclusive power to  
30 impose Adverse Action against the Qualifying License issued by that Participating State.

31 (b) In addition to the other powers conferred by State law, a Remote State shall have the  
32 authority, in accordance with existing State due process law, to do all of the following:

33 (1) Take Adverse Action against a PA's Compact Privilege within that State to  
34 remove a Licensee's Compact Privilege or take other action necessary under  
35 applicable law to protect the health and safety of its citizens.

36 (2) Issue subpoenas for both hearings and investigations that require the  
37 attendance and testimony of witnesses as well as the production of evidence.  
38 Subpoenas issued by a Licensing Board in a Participating State for the  
39 attendance and testimony of witnesses or the production of evidence from  
40 another Participating State shall be enforced in the latter State by any court of  
41 competent jurisdiction, according to the practice and procedure of that court  
42 applicable to subpoenas issued in proceedings pending before it. The issuing  
43 authority shall pay any witness fees, travel expenses, mileage, and other fees  
44 required by the service statutes of the State in which the witnesses or evidence  
45 are located.

46 (3) Notwithstanding subdivision (2) of this subsection, subpoenas may not be  
47 issued by a Participating State to gather evidence of conduct in another State  
48 that is lawful in that other State for the purpose of taking Adverse Action  
49 against a Licensee's Compact Privilege or application for a Compact Privilege  
50 in that Participating State.

1           (4) Nothing in this Compact authorizes a Participating State to impose discipline  
2 against a PA's Compact Privilege or to deny an application for a Compact  
3 Privilege in that Participating State for the individual's otherwise lawful  
4 practice in another State.

5           (c) For purposes of taking Adverse Action, the Participating State which issued the  
6 Qualifying License shall give the same priority and effect to reported conduct received from any  
7 other Participating State as it would if the conduct had occurred within the Participating State  
8 which issued the Qualifying License. In so doing, that Participating State shall apply its own  
9 State laws to determine appropriate action.

10          (d) A Participating State, if otherwise permitted by State law, may recover from the  
11 affected PA the costs of investigations and disposition of cases resulting from any Adverse  
12 Action taken against that PA.

13          (e) A Participating State may take Adverse Action based on the factual findings of a  
14 Remote State, provided that the Participating State follows its own procedures for taking the  
15 Adverse Action.

16          (f) Joint Investigations. –

17           (1) In addition to the authority granted to a Participating State by its respective  
18 State PA laws and regulations or other applicable State law, any Participating  
19 State may participate with other Participating States in joint investigations of  
20 Licensees.

21           (2) Participating States shall share any investigative, litigation, or compliance  
22 materials in furtherance of any joint or individual investigation initiated under  
23 this Compact.

24          (g) If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact  
25 Privilege in all Remote States shall be deactivated until two years have elapsed after all  
26 restrictions have been removed from the State License. All disciplinary orders by the  
27 Participating State which issued the Qualifying License that impose Adverse Action against a  
28 PA's License shall include a Statement that the PA's Compact Privilege is deactivated in all  
29 Participating States during the pendency of the order.

30          (h) If any Participating State takes Adverse Action, it promptly shall notify the  
31 administrator of the Data System.

32 **"§ 90-270.206. Establishment of the PA Licensure Compact Commission.**

33          (a) The Participating States hereby create and establish a joint government agency and  
34 national administrative body known as the PA Licensure Compact Commission. The  
35 Commission is an instrumentality of the Compact States acting jointly and not an instrumentality  
36 of any one State. The Commission shall come into existence on or after the effective date of the  
37 Compact as set forth in G.S. 90-270.210(a).

38          (b) Membership, Voting, and Meetings:

39           (1) Each Participating State shall have and be limited to one delegate selected by  
40 that Participating State's Licensing Board or, if the State has more than one  
41 Licensing Board, selected collectively by the Participating State's Licensing  
42 Boards.

43           (2) The delegate shall be either:

44           a. A current PA, physician, or public member of a Licensing Board or  
45 PA Council/Committee; or

46           b. An administrator of a Licensing Board.

47           (3) Any delegate may be removed or suspended from office as provided by the  
48 laws of the State from which the delegate is appointed.

49           (4) The Participating State Licensing Board shall fill any vacancy occurring in the  
50 Commission within 60 days.

- 1           (5)    Each delegate shall be entitled to one vote on all matters voted on by the  
2           Commission and shall otherwise have an opportunity to participate in the  
3           business and affairs of the Commission. A delegate shall vote in person or by  
4           such other means as provided in the bylaws. The bylaws may provide for  
5           delegates' participation in meetings by telecommunications, video conference,  
6           or other means of communication.
- 7           (6)    The Commission shall meet at least once during each calendar year.  
8           Additional meetings shall be held as set forth in this Compact and the bylaws.
- 9           (7)    The Commission shall establish by Rule a term of office for delegates.
- 10       (c)   The Commission shall have the following powers and duties:
- 11           (1)    Establish a code of ethics for the Commission;  
12           (2)    Establish the fiscal year of the Commission;  
13           (3)    Establish fees;  
14           (4)    Establish bylaws;  
15           (5)    Maintain its financial records in accordance with the bylaws;  
16           (6)    Meet and take such actions as are consistent with the provisions of this  
17           Compact and the bylaws;  
18           (7)    Promulgate Rules to facilitate and coordinate implementation and  
19           administration of this Compact. The Rules shall have the force and effect of  
20           law and shall be binding in all Participating States;  
21           (8)    Bring and prosecute legal proceedings or actions in the name of the  
22           Commission, provided that the standing of any State Licensing Board to sue  
23           or be sued under applicable law shall not be affected;  
24           (9)    Purchase and maintain insurance and bonds;  
25           (10)   Borrow, accept, or contract for services of personnel, including, but not  
26           limited to, employees of a Participating State;  
27           (11)   Hire employees and engage contractors, elect or appoint officers, fix  
28           compensation, define duties, grant such individuals appropriate authority to  
29           carry out the purposes of this Compact, and establish the Commission's  
30           personnel policies and programs relating to conflicts of interest, qualifications  
31           of personnel, and other related personnel matters;  
32           (12)   Accept any and all appropriate donations and grants of money, equipment,  
33           supplies, materials, and services and receive, utilize, and dispose of the same;  
34           provided that at all times the Commission shall avoid any appearance of  
35           impropriety or conflict of interest;  
36           (13)   Lease, purchase, accept appropriate gifts or donations of, or otherwise own,  
37           hold, improve, or use any property, real, personal, or mixed; provided that at  
38           all times the Commission shall avoid any appearance of impropriety;  
39           (14)   Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
40           dispose of any property real, personal, or mixed;  
41           (15)   Establish a budget and make expenditures;  
42           (16)   Borrow money;  
43           (17)   Appoint committees, including standing committees composed of members,  
44           State regulators, State legislators or their representatives, and consumer  
45           representatives, and such other interested persons as may be designated in this  
46           Compact and the bylaws;  
47           (18)   Provide and receive information from, and cooperate with, law enforcement  
48           agencies;  
49           (19)   Elect a Chair, Vice-Chair, Secretary, and Treasurer and such other officers of  
50           the Commission as provided in the Commission's bylaws;

- 1           (20) Reserve for itself, in addition to those reserved exclusively to the Commission  
2           under the Compact, powers that the Executive Committee may not exercise;  
3           (21) Approve or disapprove a State's participation in the Compact based upon its  
4           determination as to whether the State's Compact legislation departs in a  
5           material manner from the Model Compact language;  
6           (22) Prepare and provide to the Participating States an annual report; and  
7           (23) Perform such other functions as may be necessary or appropriate to achieve  
8           the purposes of this Compact consistent with the State regulation of PA  
9           licensure and practice.
- 10        (d) Meetings of the Commission:
- 11           (1) All meetings of the Commission that are not closed pursuant to this subsection  
12           shall be open to the public. Notice of public meetings shall be posted on the  
13           Commission's website at least 30 days prior to the public meeting.
- 14           (2) Notwithstanding subdivision (1) of this subsection, the Commission may  
15           convene a public meeting by providing at least 24 hours' prior notice on the  
16           Commission's website, and any other means as provided in the Commission's  
17           Rules, for any of the reasons it may dispense with notice of proposed  
18           rulemaking under G.S. 90-270.208(l).
- 19           (3) The Commission may convene in a closed, nonpublic meeting or nonpublic  
20           part of a public meeting to receive legal advice or to discuss:
- 21           a. Noncompliance of a Participating State with its obligations under this  
22           Compact;
- 23           b. The employment, compensation, discipline or other matters, practices  
24           or procedures related to specific employees or other matters related to  
25           the Commission's internal personnel practices and procedures;
- 26           c. Current, threatened, or reasonably anticipated litigation;
- 27           d. Negotiation of contracts for the purchase, lease, or sale of goods,  
28           services, or real estate;
- 29           e. Accusing any person of a crime or formally censuring any person;
- 30           f. Disclosure of trade secrets or commercial or financial information that  
31           is privileged or confidential;
- 32           g. Disclosure of information of a personal nature where disclosure would  
33           constitute a clearly unwarranted invasion of personal privacy;
- 34           h. Disclosure of investigative records compiled for law enforcement  
35           purposes;
- 36           i. Disclosure of information related to any investigative reports prepared  
37           by or on behalf of or for use of the Commission or other committee  
38           charged with responsibility of investigation or determination of  
39           compliance issues pursuant to this Compact;
- 40           j. Legal advice; or
- 41           k. Matters specifically exempted from disclosure by federal or  
42           Participating States' statutes.
- 43           (4) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
44           chair of the meeting or the chair's designee shall certify that the meeting or  
45           portion of the meeting may be closed and shall reference each relevant  
46           exempting provision.
- 47           (5) The Commission shall keep minutes that fully and clearly describe all matters  
48           discussed in a meeting and shall provide a full and accurate summary of  
49           actions taken, including a description of the views expressed. All documents  
50           considered in connection with an action shall be identified in such minutes.  
51           All minutes and documents of a closed meeting shall remain under seal,

- 1                    subject to release by a majority vote of the Commission or order of a court of  
2                    competent jurisdiction.
- 3        (e)    Financing of the Commission:
- 4            (1)    The Commission shall pay, or provide for the payment of, the reasonable  
5            expenses of its establishment, organization, and ongoing activities.
- 6            (2)    The Commission may accept any and all appropriate revenue sources,  
7            donations, and grants of money, equipment, supplies, materials, and services.
- 8            (3)    The Commission may levy on and collect an annual assessment from each  
9            Participating State and may impose Compact Privilege fees on Licensees of  
10           Participating States to whom a Compact Privilege is granted to cover the cost  
11           of the operations and activities of the Commission and its staff, which must  
12           be in a total amount sufficient to cover its annual budget as approved by the  
13           Commission each year for which revenue is not provided by other sources.  
14           The aggregate annual assessment amount levied on Participating States shall  
15           be allocated based upon a formula to be determined by Commission Rule.
- 16           a.       A Compact Privilege expires when the Licensee's Qualifying License  
17           in the Participating State from which the Licensee applied for the  
18           Compact Privilege expires.
- 19           b.       If the Licensee terminates the Qualifying License through which the  
20           Licensee applied for the Compact Privilege before its scheduled  
21           expiration, and the Licensee has a Qualifying License in another  
22           Participating State, the Licensee shall inform the Commission that it  
23           is changing to that Participating State the Participating State through  
24           which it applies for a Compact Privilege and pay to the Commission  
25           any Compact Privilege fee required by Commission Rule.
- 26           (4)    The Commission shall not incur obligations of any kind prior to securing the  
27           funds adequate to meet the same nor shall the Commission pledge the credit  
28           of any of the Participating States, except by and with the authority of the  
29           Participating State.
- 30           (5)    The Commission shall keep accurate accounts of all receipts and  
31           disbursements. The receipts and disbursements of the Commission shall be  
32           subject to the financial review and accounting procedures established under  
33           its bylaws. All receipts and disbursements of funds handled by the  
34           Commission shall be subject to an annual financial review by a certified or  
35           licensed public accountant, and the report of the financial review shall be  
36           included in and become part of the annual report of the Commission.
- 37        (f)    The Executive Committee:
- 38           (1)    The Executive Committee shall have the power to act on behalf of the  
39           Commission according to the terms of this Compact and Commission Rules.
- 40           (2)    The Executive Committee shall be composed of nine members:
- 41           a.       Seven voting members who are elected by the Commission from the  
42           current membership of the Commission;
- 43           b.       One ex officio, nonvoting member from a recognized national PA  
44           professional association; and
- 45           c.       One ex officio, nonvoting member from a recognized national PA  
46           certification organization.
- 47           (3)    The ex officio members will be selected by their respective organizations.
- 48           (4)    The Commission may remove any member of the Executive Committee as  
49           provided in its bylaws.
- 50           (5)    The Executive Committee shall meet at least annually.
- 51           (6)    The Executive Committee shall have the following duties and responsibilities:

- 1           a.     Recommend to the Commission changes to the Commission's Rules  
2           or bylaws, changes to this Compact legislation, fees to be paid by  
3           Compact Participating States such as annual dues, and any  
4           Commission Compact fee charged to Licensees for the Compact  
5           Privilege;  
6           b.     Ensure Compact administration services are appropriately provided,  
7           contractual or otherwise;  
8           c.     Prepare and recommend the budget;  
9           d.     Maintain financial records on behalf of the Commission;  
10          e.     Monitor Compact compliance of Participating States and provide  
11          compliance reports to the Commission;  
12          f.     Establish additional committees as necessary;  
13          g.     Exercise the powers and duties of the Commission during the interim  
14          between Commission meetings, except for issuing proposed  
15          rulemaking or adopting Commission Rules or bylaws, or exercising  
16          any other powers and duties exclusively reserved to the Commission  
17          by the Commission's Rules; and  
18          h.     Perform other duties as provided in the Commission's Rules or bylaws.  
19        (7)    All meetings of the Executive Committee at which it votes or plans to vote on  
20        matters in exercising the powers and duties of the Commission shall be open  
21        to the public and public notice of such meetings shall be given as public  
22        meetings of the Commission are given.  
23        (8)    The Executive Committee may convene in a closed, nonpublic meeting for  
24        the same reasons that the Commission may convene in a nonpublic meeting  
25        as set forth in G.S. 90-270.206(d)(3) and shall announce the closed meeting  
26        as the Commission is required to under G.S. 90-270.206(d)(3) and keep  
27        minutes of the closed meeting as the Commission is required to under  
28        G.S. 90-270.206(d)(3).  
29        (g)    Qualified Immunity, Defense, and Indemnification:  
30        (1)    The members, officers, executive director, employees, and representatives of  
31        the Commission shall be immune from suit and liability, both personally and  
32        in their official capacity, for any claim for damage to or loss of property or  
33        personal injury or other civil liability caused by or arising out of any actual or  
34        alleged act, error, or omission that occurred, or that the person against whom  
35        the claim is made had a reasonable basis for believing occurred within the  
36        scope of Commission employment, duties, or responsibilities; provided that  
37        nothing in this paragraph shall be construed to protect any such person from  
38        suit or liability for any damage, loss, injury, or liability caused by the  
39        intentional or willful or wanton misconduct of that person. The procurement  
40        of insurance of any type by the Commission shall not in any way compromise  
41        or limit the immunity granted hereunder.  
42        (2)    The Commission shall defend any member, officer, executive director,  
43        employee, and representative of the Commission in any civil action seeking  
44        to impose liability arising out of any actual or alleged act, error, or omission  
45        that occurred within the scope of Commission employment, duties, or  
46        responsibilities, or as determined by the Commission that the person against  
47        whom the claim is made had a reasonable basis for believing occurred within  
48        the scope of Commission employment, duties, or responsibilities; provided  
49        that nothing herein shall be construed to prohibit that person from retaining  
50        their own counsel at their own expense; and provided further, that the actual

1 or alleged act, error, or omission did not result from that person's intentional  
2 or willful or wanton misconduct.

3 (3) The Commission shall indemnify and hold harmless any member, officer,  
4 executive director, employee, and representative of the Commission for the  
5 amount of any settlement or judgment obtained against that person arising out  
6 of any actual or alleged act, error, or omission that occurred within the scope  
7 of Commission employment, duties, or responsibilities, or that such person  
8 had a reasonable basis for believing occurred within the scope of Commission  
9 employment, duties, or responsibilities, provided that the actual or alleged act,  
10 error, or omission did not result from the intentional or willful or wanton  
11 misconduct of that person.

12 (4) Venue is proper and judicial proceedings by or against the Commission shall  
13 be brought solely and exclusively in a court of competent jurisdiction where  
14 the principal office of the Commission is located. The Commission may waive  
15 venue and jurisdictional defenses in any proceedings as authorized by  
16 Commission Rules.

17 (5) Nothing herein shall be construed as a limitation on the liability of any  
18 Licensee for professional malpractice or misconduct, which shall be governed  
19 solely by any other applicable State laws.

20 (6) Nothing herein shall be construed to designate the venue or jurisdiction to  
21 bring actions for alleged acts of malpractice, professional misconduct,  
22 negligence, or other such civil action pertaining to the practice of a PA. All  
23 such matters shall be determined exclusively by State law other than this  
24 Compact.

25 (7) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a  
26 Participating State's state action immunity or state action affirmative defense  
27 with respect to antitrust claims under the Sherman Act, Clayton Act, or any  
28 other State or federal antitrust or anticompetitive law or regulation.

29 (8) Nothing in this Compact shall be construed to be a waiver of sovereign  
30 immunity by the Participating States or by the Commission.

31 **§ 90-270.207. Data System.**

32 (a) The Commission shall provide for the development, maintenance, operation, and  
33 utilization of a coordinated data and reporting system containing licensure, Adverse Action, and  
34 the reporting of the existence of Significant Investigative Information on all licensed PAs and  
35 applicants denied a License in Participating States.

36 (b) Notwithstanding any other State law to the contrary, a Participating State shall submit  
37 a uniform data set to the Data System on all PAs to whom this Compact is applicable (utilizing  
38 a unique identifier) as required by the Rules of the Commission, including:

39 (1) Identifying information;

40 (2) Licensure data;

41 (3) Adverse Actions against a License or Compact Privilege;

42 (4) Any denial of application for licensure, and the reason(s) for such denial  
43 (excluding the reporting of any criminal history record information where  
44 prohibited by law);

45 (5) The existence of Significant Investigative Information; and

46 (6) Other information that may facilitate the administration of this Compact, as  
47 determined by the Rules of the Commission.

48 (c) Significant Investigative Information pertaining to a Licensee in any Participating  
49 State shall only be available to other Participating States.

1        (d) The Commission shall promptly notify all Participating States of any Adverse Action  
2 taken against a Licensee or an individual applying for a License that has been reported to it. This  
3 Adverse Action information shall be available to any other Participating State.

4        (e) Participating States contributing information to the Data System may, in accordance  
5 with State or federal law, designate information that may not be shared with the public without  
6 the express permission of the contributing State. Notwithstanding any such designation, such  
7 information shall be reported to the Commission through the Data System.

8        (f) Any information submitted to the Data System that is subsequently expunged  
9 pursuant to federal law or the laws of the Participating State contributing the information shall  
10 be removed from the Data System upon reporting of such by the Participating State to the  
11 Commission.

12        (g) The records and information provided to a Participating State pursuant to this  
13 Compact or through the Data System, when certified by the Commission or an agent thereof,  
14 shall constitute the authenticated business records of the Commission and shall be entitled to any  
15 associated hearsay exception in any relevant judicial, quasi-judicial, or administrative  
16 proceedings in a Participating State.

17 **"§ 90-270.208. Rulemaking.**

18        (a) The Commission shall exercise its Rulemaking powers pursuant to the criteria set  
19 forth in this section and the Rules adopted thereunder. Commission Rules shall become binding  
20 as of the date specified by the Commission for each Rule.

21        (b) The Commission shall promulgate reasonable Rules in order to effectively and  
22 efficiently implement and administer this Compact and achieve its purposes. A Commission Rule  
23 shall be invalid and have not force or effect only if a court of competent jurisdiction holds that  
24 the Rule is invalid because the Commission exercised its rulemaking authority in a manner that  
25 is beyond the scope of the purposes of this Compact, or the powers granted hereunder, or based  
26 upon another applicable standard of review.

27        (c) The Rules of the Commission shall have the force of law in each Participating State,  
28 provided, however, that where the Rules of the Commission conflict with the laws of the  
29 Participating State that establish the Medical Services a PA may perform in the Participating  
30 State, as held by a court of competent jurisdiction, the Rules of the Commission shall be  
31 ineffective in that State to the extent of the conflict. The Rules of the Commission shall not  
32 modify or expand, in any way, the scope of practice of a PA as established by the laws of the  
33 Participating State.

34        (d) If a majority of the legislatures of the Participating States rejects a Commission Rule,  
35 by enactment of a statute or resolution in the same manner used to adopt this Compact within  
36 four years of the date of adoption of the Rule, then such Rule shall have no further force and  
37 effect in any Participating State or to any State applying to participate in the Compact.

38        (e) Commission Rules shall be adopted at a regular or special meeting of the  
39 Commission.

40        (f) Prior to promulgation and adoption of a final Rule or Rules by the Commission, and  
41 at least 30 days in advance of the meeting at which the Rule will be considered and voted upon,  
42 the Commission shall file a Notice of Proposed Rulemaking:

43            (1) On the website of the Commission or other publicly accessible platform;

44            (2) To persons who have requested notice of the Commission's notices of  
45 proposed rulemaking; and

46            (3) In such other way(s) as the Commission may by Rule specify.

47        (g) The Notice of Proposed Rulemaking shall include:

48            (1) The time, date, and location of the public hearing on the proposed Rule and  
49 the proposed time, date, and location of the meeting in which the proposed  
50 Rule will be considered and voted upon;

51            (2) The text of the proposed Rule and the reason for the proposed Rule;



- 1           (3)    A request for comments on the proposed Rule from any interested person and  
2           the date by which written comments must be received; and
- 3           (4)    The manner in which interested persons may submit notice to the Commission  
4           of their intention to attend the public hearing or provide any written  
5           comments.
- 6           (h)    Prior to adoption of a proposed Rule, the Commission shall allow persons to submit  
7           written data, facts, opinions, and arguments, which shall be made available to the public.
- 8           (i)    If the hearing is to be held via electronic means, the Commission shall publish the  
9           mechanism for access to the electronic hearing.
- 10          (1)    All persons wishing to be heard at the hearing shall as directed in the Notice  
11          of Proposed Rulemaking, not less than five business days before the scheduled  
12          date of the hearing, notify the Commission of their desire to appear and testify  
13          at the hearing.
- 14          (2)    Hearings shall be conducted in a manner providing each person who wishes  
15          to comment a fair and reasonable opportunity to comment orally or in writing.
- 16          (3)    All hearings shall be recorded. A copy of the recording and the written  
17          comments, data, facts, opinions, and arguments received in response to the  
18          proposed rulemaking shall be made available to a person upon request.
- 19          (4)    Nothing in this section shall be construed as requiring a separate hearing on  
20          each proposed Rule. Proposed Rules may be grouped for the convenience of  
21          the Commission at hearings required by this section.
- 22          (j)    Following the public hearing, the Commission shall consider all written and oral  
23          comments timely received.
- 24          (k)    The Commission shall, by majority vote of all delegates, take final action on the  
25          proposed Rule and shall determine the effective date of the Rule, if adopted, based on the  
26          Rulemaking record and the full text of the Rule.
- 27          (1)    If adopted, the Rule shall be posted on the Commission's website.
- 28          (2)    The Commission may adopt changes to the proposed Rule provided the  
29          changes do not enlarge the original purpose of the proposed Rule.
- 30          (3)    The Commission shall provide on its website an explanation of the reasons for  
31          substantive changes made to the proposed Rule as well as reasons for  
32          substantive changes not made that were recommended by commenters.
- 33          (4)    The Commission shall determine a reasonable effective date for the Rule.  
34          Except for an emergency as provided in subsection (l) of this section, the  
35          effective date of the Rule shall be no sooner than 30 days after the Commission  
36          issued the notice that it adopted the Rule.
- 37          (l)    Upon determination that an emergency exists, the Commission may consider and  
38          adopt an emergency Rule with 24 hours' prior notice, without the opportunity for comment, or  
39          hearing, provided that the usual Rulemaking procedures provided in this Compact and in this  
40          section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later  
41          than 90 days after the effective date of the Rule. For the purposes of this provision, an emergency  
42          Rule is one that must be adopted immediately by the Commission in order to:
- 43          (1)    Meet an imminent threat to public health, safety, or welfare;
- 44          (2)    Prevent a loss of Commission or Participating State funds;
- 45          (3)    Meet a deadline for the promulgation of a Commission Rule that is established  
46          by federal law or Rule; or
- 47          (4)    Protect public health and safety.
- 48          (m)    The Commission or an authorized committee of the Commission may direct revisions  
49          to a previously adopted Commission Rule for purposes of correcting typographical errors, errors  
50          in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
51          posted on the website of the Commission. The revision shall be subject to challenge by any

1 person for a period of 30 days after posting. The revision may be challenged only on grounds  
2 that the revision results in a material change to a Rule. A challenge shall be made as set forth in  
3 the notice of revisions and delivered to the Commission prior to the end of the notice period. If  
4 no challenge is made, the revision will take effect without further action. If the revision is  
5 challenged, the revision may not take effect without the approval of the Commission.

6 (n) No Participating State's rulemaking requirements shall apply under this Compact.

7 **"§ 90-270.209. Oversight, dispute resolution, and enforcement.**

8 (a) Oversight:

9 (1) The executive and judicial branches of State government in each Participating  
10 State shall enforce this Compact and take all actions necessary and appropriate  
11 to implement the Compact.

12 (2) Venue is proper and judicial proceedings by or against the Commission shall  
13 be brought solely and exclusively in a court of competent jurisdiction where  
14 the principal office of the Commission is located. The Commission may waive  
15 venue and jurisdictional defenses to the extent it adopts or consents to  
16 participate in alternative dispute resolution proceedings. Nothing herein shall  
17 affect or limit the selection or propriety of venue in any action against a  
18 Licensee for professional malpractice, misconduct, or any such similar matter.

19 (3) The Commission shall be entitled to receive service of process in any  
20 proceeding regarding the enforcement or interpretation of the Compact or the  
21 Commission's Rules and shall have standing to intervene in such a proceeding  
22 for all purposes. Failure to provide the Commission with service of process  
23 shall render a judgment or order in such proceeding void as to the  
24 Commission, this Compact, or Commission Rules.

25 (b) Default, Technical Assistance, and Termination:

26 (1) If the Commission determines that a Participating State has defaulted in the  
27 performance of its obligations or responsibilities under this Compact or the  
28 Commission Rules, the Commission shall provide written notice to the  
29 defaulting State and other Participating States. The notice shall describe the  
30 default, the proposed means of curing the default, and any other action that  
31 the Commission may take and shall offer remedial training and specific  
32 technical assistance regarding the default.

33 (2) If a State in default fails to cure the default, the defaulting State may be  
34 terminated from this Compact upon an affirmative vote of a majority of the  
35 delegates of the Participating States, and all rights, privileges, and benefits  
36 conferred by this Compact upon such State may be terminated on the effective  
37 date of termination. A cure of the default does not relieve the offending State  
38 of obligations or liabilities incurred during the period of default.

39 (3) Termination of participation in this Compact shall be imposed only after all  
40 other means of securing compliance have been exhausted. Notice of intent to  
41 suspend or terminate shall be given by the Commission to the governor, the  
42 majority and minority leaders of the defaulting State's legislature, and to the  
43 Licensing Board(s) of each of the Participating States.

44 (4) A State that has been terminated is responsible for all assessments,  
45 obligations, and liabilities incurred through the effective date of termination,  
46 including obligations that extend beyond the effective date of termination.

47 (5) The Commission shall not bear any costs related to a State that is found to be  
48 in default or that has been terminated from this Compact, unless agreed upon  
49 in writing between the Commission and the defaulting State.

50 (6) The defaulting State may appeal its termination from the Compact by the  
51 Commission by petitioning the United States District Court for the District of

- 1 Columbia or the federal district where the Commission has its principal  
2 offices. The prevailing member shall be awarded all costs of such litigation,  
3 including reasonable attorneys' fees.
- 4 (7) Upon the termination of a State's participation in the Compact, the State shall  
5 immediately provide notice to all Licensees within that State of such  
6 termination:
- 7 a. Licensees who have been granted a Compact Privilege in that State  
8 shall retain the Compact Privilege for 180 days following the effective  
9 date of such termination.
- 10 b. Licensees who are licensed in that State who have been granted a  
11 Compact Privilege in a Participating State shall retain the Compact  
12 Privilege for 180 days unless the Licensee also has a Qualifying  
13 License in a Participating State or obtains a Qualifying License in a  
14 Participating State before the 180-day period ends, in which case the  
15 Compact Privilege shall continue.
- 16 (c) Dispute Resolution:
- 17 (1) Upon request by a Participating State, the Commission shall attempt to resolve  
18 disputes related to this Compact that arise among Participating States and  
19 between Participating and non-Participating States.
- 20 (2) The Commission shall promulgate a Rule providing for both mediation and  
21 binding dispute resolution for disputes as appropriate.
- 22 (d) Enforcement:
- 23 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the  
24 provisions of this Compact and Rules of the Commission.
- 25 (2) If compliance is not secured after all means to secure compliance have been  
26 exhausted, by majority vote, the Commission may initiate legal action in the  
27 United States District Court for the District of Columbia or the federal district  
28 where the Commission has its principal offices, against a Participating State  
29 in default to enforce compliance with the provisions of this Compact and the  
30 Commission's promulgated Rules and bylaws. The relief sought may include  
31 both injunctive relief and damages. In the event judicial enforcement is  
32 necessary, the prevailing party shall be awarded all costs of such litigation,  
33 including reasonable attorneys' fees.
- 34 (3) The remedies herein shall not be the exclusive remedies of the Commission.  
35 The Commission may pursue any other remedies available under federal or  
36 State law.
- 37 (e) Legal Action Against the Commission:
- 38 (1) A Participating State may initiate legal action against the Commission in the  
39 United States District Court for the District of Columbia or the federal district  
40 where the Commission has its principal offices to enforce compliance with the  
41 provisions of the Compact and its Rules. The relief sought may include both  
42 injunctive relief and damages. In the event judicial enforcement is necessary,  
43 the prevailing party shall be awarded all costs of such litigation, including  
44 reasonable attorneys' fees.
- 45 (2) No person other than a Participating State shall enforce this Compact against  
46 the Commission.
- 47 **§ 90-270.210. Date of implementation of the PA Licensure Compact Commission.**
- 48 (a) This Compact shall come into effect on the date on which this Compact statute is  
49 enacted into law in the seventh Participating State.
- 50 (1) On or after the effective date of the Compact, the Commission shall convene  
51 and review the enactment of each of the States that enacted the Compact prior

1 to the Commission convening ("Charter Participating States") to determine if  
2 the statute enacted by each such Charter Participating State is materially  
3 different than the Model Compact.

4 a. A Charter Participating State whose enactment is found to be  
5 materially different from the Model Compact shall be entitled to the  
6 default process set forth in G.S. 90-270.209(b).

7 b. If any Participating State later withdraws from the Compact or its  
8 participation is terminated, the Commission shall remain in existence  
9 and the Compact shall remain in effect even if the number of  
10 Participating States should be less than seven. Participating States  
11 enacting the Compact subsequent to the Commission convening shall  
12 be subject to the process set forth in G.S. 90-270.206(c)(21) to  
13 determine if their enactments are materially different from the Model  
14 Compact and whether they qualify for participation in the Compact.

15 (2) Participating States enacting the Compact subsequent to the seven initial  
16 Charter Participating States shall be subject to the process set forth in  
17 G.S. 90-270.206(c)(21) to determine if their enactments are materially  
18 different from the Model Compact and whether they qualify for participation  
19 in the Compact.

20 (3) All actions taken for the benefit of the Commission or in furtherance of the  
21 purposes of the administration of the Compact prior to the effective date of  
22 the Compact or the Commission coming into existence shall be considered to  
23 be actions of the Commission unless specifically repudiated by the  
24 Commission.

25 (b) Any State that joins this Compact shall be subject to the Commission's Rules and  
26 bylaws as they exist on the date on which this Compact becomes law in that State. Any Rule that  
27 has been previously adopted by the Commission shall have the full force and effect of law on the  
28 day this Compact becomes law in that State.

29 (c) Any Participating State may withdraw from this Compact by enacting a statute  
30 repealing the same.

31 (1) A Participating State's withdrawal shall not take effect until 180 days after  
32 enactment of the repealing statute. During this 180-day period, all Compact  
33 Privileges that were in effect in the withdrawing State and were granted to  
34 Licensees licensed in the withdrawing State shall remain in effect. If any  
35 Licensee licensed in the withdrawing State is also licensed in another  
36 Participating State or obtains a license in another Participating State within  
37 the 180 days, the Licensee's Compact Privileges in other Participating States  
38 shall not be affected by the passage of the 180 days.

39 (2) Withdrawal shall not affect the continuing requirement of the State Licensing  
40 Board(s) of the withdrawing State to comply with the investigative and  
41 Adverse Action reporting requirements of this Compact prior to the effective  
42 date of withdrawal.

43 (3) Upon the enactment of a statute withdrawing a State from this Compact, the  
44 State shall immediately provide notice of such withdrawal to all Licensees  
45 within that State. Such withdrawing State shall continue to recognize all  
46 Licenses granted pursuant to this Compact for a minimum of 180 days after  
47 the date of such notice of withdrawal.

48 (d) Nothing contained in this Compact shall be construed to invalidate or prevent any PA  
49 licensure agreement or other cooperative arrangement between Participating States and between  
50 a Participating State and non-Participating State that does not conflict with the provisions of this  
51 Compact.

1       (e) This Compact may be amended by the Participating States. No amendment to this  
2 Compact shall become effective and binding upon any Participating State until it is enacted  
3 materially in the same manner into the laws of all Participating States as determined by the  
4 Commission.

5 **"§ 90-270.211. Construction and severability.**

6       (a) This Compact and the Commission's rulemaking authority shall be liberally construed  
7 so as to effectuate the purposes and the implementation and administration of the Compact.  
8 Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not  
9 be construed to limit the Commission's rulemaking authority solely for those purposes.

10       (b) The provisions of this Compact shall be severable and if any phrase, clause, sentence,  
11 or provision of this Compact is held by a court of competent jurisdiction to be contrary to the  
12 constitution of any Participating State, a State seeking participation in the Compact, or of the  
13 United States, or the applicability thereof to any government, agency, person, or circumstance is  
14 held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of  
15 this Compact and the applicability thereof to any other government, agency, person, or  
16 circumstance shall not be affected thereby.

17       (c) Notwithstanding subsection (b) of this section, the Commission may deny a State's  
18 participation in the Compact or, in accordance with the requirements of G.S. 90-270.209(b),  
19 terminate a Participating State's participation in the Compact, if it determines that a constitutional  
20 requirement of a Participating State is, or would be with respect to a State seeking to participate  
21 in the Compact, a material departure from the Compact. Otherwise, if this Compact shall be held  
22 to be contrary to the constitution of any Participating State, the Compact shall remain in full force  
23 and effect as to the remaining Participating States and in full force and effect as to the  
24 Participating State affected as to all severable matters.

25 **"§ 90-270.212. Binding effect of Compact.**

26       (a) Nothing herein prevents the enforcement of any other law of a Participating State that  
27 is not inconsistent with this Compact.

28       (b) Any laws in a Participating State in conflict with this Compact are superseded to the  
29 extent of the conflict.

30       (c) All agreements between the Commission and the Participating States are binding in  
31 accordance with their terms."

32       **SECTION 2.1.(b)** G.S. 90-9.3 reads as rewritten:

33 **"§ 90-9.3. Requirements for licensure as a physician assistant.**

34       (a) To be eligible for licensure as a physician assistant, an applicant shall submit proof  
35 satisfactory to the Board that the applicant has met all of the following:

- 36       (1) The applicant has successfully completed an educational program for  
37       physician assistants or surgeon assistants accredited by the Accreditation  
38       Review Commission on Education for the Physician Assistant or its  
39       predecessor or successor entities.
- 40       (2) The applicant has a current or previous certification issued by the National  
41       Commission on Certification of Physician Assistants or its successor.
- 42       (3) The applicant is of good moral character.

43       (a1) A physician assistant applying for licensure under Article 18J of this Chapter shall be  
44 in compliance with that Article.

45       (b) Before initiating practice of medical acts, tasks, or functions as a physician assistant,  
46 the physician assistant shall provide the Board the name, address, and telephone number of the  
47 physician who will supervise the physician assistant in the relevant medical setting.

48       (c) The Board may, by rule, require an applicant to comply with other requirements or  
49 submit additional information the Board deems appropriate."

50       **SECTION 2.1.(c)** G.S. 90-13.2 reads as rewritten:

51 **"§ 90-13.2. Registration every year with Board.**

1 (a) Every licensee shall register annually with the Board no later than 30 days after the  
2 person's birthday. Every privilege holder shall register annually with the Board in accordance  
3 with the Physician Assistant Licensure Compact, Article 18J of this Chapter.

4 ...

5 (b1) Physician assistants shall pay an annual registration fee of one hundred forty dollars  
6 (\$140.00). A physician assistant who fails to register as required by this section shall pay an  
7 additional fee of twenty-five dollars (\$25.00) to the Board.

8 ...."

9 **SECTION 2.1.(d)** G.S. 90-13.1 is amended by adding a new subsection to read:

10 "(g) For the initial licensure or privilege of a physician assistant, the Board shall require  
11 the payment of two hundred thirty dollars (\$230.00)."

12 **SECTION 2.1.(e)** G.S. 90-1.1 reads as rewritten:

13 **"§ 90-1.1. Definitions.**

14 The following definitions apply in this Article:

15 ...

16 (4) License. – An authorization issued by the Board to a physician, physician  
17 assistant, or anesthesiologist assistant to perform medical acts, tasks, or  
18 functions. License shall include any physician assistant compact privilege  
19 granted under Article 18J of this Chapter.

20 (4a) Licensee. – Any person issued a license by the Board, whether the license is  
21 active or inactive, including an inactive license by means of surrender.  
22 Licensee shall include any compact privilege issued to a holder of a qualifying  
23 license in a participating state pursuant to Article 18J of this Chapter.

24 ...."

25 **SECTION 2.1.(f)** G.S. 90-5.1 reads as rewritten:

26 **"§ 90-5.1. Powers and duties of the Board.**

27 (a) The Board shall have the following powers and duties:

28 ...

29 (11) Implement the Physician Assistant Licensure Compact under Article 18J of  
30 this Chapter, including issuing compact privileges.

31 (12) Appoint a delegate to serve on the Physician Assistant Licensure Compact  
32 Commission under G.S. 90-270.206. The delegate shall be either (i) a current  
33 physician assistant, physician, or public member of the Board, or (ii) an  
34 administrator of the Board.

35 ...."

36 **SECTION 2.1.(g)** G.S. 90-11 reads as rewritten:

37 **"§ 90-11. Criminal background checks.**

38 (a) Repealed by Session Laws 2007-346, s. 11, effective October 1, 2007.

39 (a1) Repealed by Session Laws 2007-346, s. 9.1, effective October 1, 2007.

40 (b) The Department of Public Safety may provide a criminal record check to the Board  
41 for a person who has applied for a license through the ~~Board~~ Board and for purposes of Article  
42 18J of this Chapter. The Board shall provide to the Department of Public Safety, along with the  
43 request, the fingerprints of the applicant, any additional information required by the Department  
44 of Public Safety, and a form signed by the applicant consenting to the check of the criminal  
45 record and to the use of the fingerprints and other identifying information required by the State  
46 or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of  
47 Investigation for a search of the State's criminal history record file, and the State Bureau of  
48 Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a  
49 national criminal history check. The Board shall keep all information pursuant to this subsection  
50 privileged, in accordance with applicable State law and federal guidelines, and the information  
51 shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

1 The Department of Public Safety may charge each applicant a fee for conducting the checks  
2 of criminal history records authorized by this subsection. The Board has the authority to collect  
3 this fee from each applicant and remit it to the Department of Public Safety."

4 **SECTION 2.1.(h)** G.S. 90-14 reads as rewritten:

5 **"§ 90-14. Disciplinary Authority.**

6 (a) The Board shall have the power to place on probation with or without conditions,  
7 impose limitations and conditions on, publicly reprimand, assess monetary redress, issue public  
8 letters of concern, mandate free medical services, require satisfactory completion of treatment  
9 programs or remedial or educational training, fine, deny, annul, suspend, or revoke a license, or  
10 other authority to practice medicine in this State, issued by the Board to any person who has been  
11 found by the Board to have committed any of the following acts or conduct, or for any of the  
12 following reasons:

13 ...  
14 (18) A violation of Article 18J of this Chapter, consistent with the provisions of  
15 that Article for compact privilege holders.

16 ...."

17 **SECTION 2.2.** Section 2.1 of this Part is effective nine months after it becomes law.

18 **PART III. EFFECTIVE DATE**

19 **SECTION 3.1.** Except as otherwise provided, this act is effective when it becomes  
20 law.  
21