

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 1056
Committee Substitute Favorable 6/4/24

Short Title: PA Licensure Interstate Compact.

(Public)

Sponsors:

Referred to:

May 7, 2024

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A PA LICENSURE COMPACT FOR THE LICENSURE OF
3 PHYSICIAN ASSISTANTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Chapter 90 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 18J.

8 "PA Licensure Compact.

9 **"§ 90-270.200. Purpose.**

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

25 **"§ 90-270.201. Definitions.**

26 The following definitions apply in this Compact:

- 27 (1) Adverse Action. – Any administrative, civil, equitable, or criminal action
28 permitted by a State's laws which is imposed by a Licensing Board or other
29 authority against a PA License or License application or Compact Privilege
30 such as License denial, censure, revocation, suspension, probation,
31 monitoring of the Licensee, or restriction on the Licensee's practice.
32 (2) Compact Privilege. – The authorization granted by a Remote State to allow a
33 Licensee from another Participating State to practice as a PA to provide
34 Medical Services and other licensed activity to a patient located in the Remote
35 State under the Remote State's laws and regulations.



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- 1 (3) Conviction. – A finding by a court that an individual is guilty of a felony or
2 misdemeanor offense through adjudication or entry of a plea of guilt or no
3 contest to the charge by the offender.
- 4 (4) Criminal Background Check. – The submission of fingerprints or other
5 biometric-based information for a License applicant for the purpose of
6 obtaining that applicant's criminal history record information, as defined in 28
7 C.F.R. § 20.3(d), from the State's criminal history record repository, as
8 defined in 28 C.F.R. § 20.3(f).
- 9 (5) Data System. – The repository of information about Licensees, including, but
10 not limited to, License status and Adverse Actions, which is created and
11 administered under the terms of this Compact.
- 12 (6) Executive Committee. – A group of directors and ex-officio individuals
13 elected or appointed pursuant to G.S. 90-270.206(f)(2).
- 14 (7) Impaired Practitioner. – A PA whose practice is adversely affected by
15 health-related condition(s) that impact their ability to practice.
- 16 (8) Investigative Information. – Information, records, or documents received or
17 generated by a Licensing Board pursuant to an investigation.
- 18 (9) Jurisprudence Requirement. – The assessment of an individual's knowledge
19 of the laws and Rules governing the practice of a PA in a State.
- 20 (10) License. – Current authorization by a State, other than authorization pursuant
21 to a Compact Privilege, for a PA to provide Medical Services, which would
22 be unlawful without current authorization.
- 23 (11) Licensee. – An individual who holds a License from a State to provide
24 Medical Services as a PA.
- 25 (12) Licensing Board. – Any State entity authorized to license and otherwise
26 regulate PAs.
- 27 (13) Medical Services. – Health care services provided for the diagnosis,
28 prevention, treatment, cure, or relief of a health condition, injury, or disease,
29 as defined by a State's laws and regulations.
- 30 (14) Model Compact. – The model for the PA Licensure Compact on file with The
31 Council of State Governments or other entity as designated by the
32 Commission.
- 33 (15) Participating State. – A State that has enacted this Compact.
- 34 (16) PA. – An individual who is licensed as a physician assistant in a State. For
35 purposes of this Compact, any other title or status adopted by a State to replace
36 the term "physician assistant" shall be deemed synonymous with "physician
37 assistant" and shall confer the same rights and responsibilities to the Licensee
38 under the provisions of this Compact at the time of its enactment.
- 39 (17) PA Licensure Compact Commission, Compact Commission, or Commission.
40 – The national administrative body created pursuant to G.S. 90-270.206(f)(2)
41 of this Compact.
- 42 (18) Qualifying License. – An unrestricted License issued by a Participating State
43 to provide Medical Services as a PA.
- 44 (19) Remote State. – A Participating State where a Licensee who is not licensed as
45 a PA is exercising or seeking to exercise the Compact Privilege.
- 46 (20) Rule. – A regulation promulgated by an entity that has the force and effect of
47 law.
- 48 (21) Significant Investigative Information. – Investigative Information that a
49 Licensing Board, after an inquiry or investigation that includes notification
50 and an opportunity for the PA to respond if required by State law, has reason

1 to believe is not groundless and, if proven true, would indicate more than a
2 minor infraction.
3 (22) State. – Any state, commonwealth, district, or territory of the United States.

4 **"§ 90-270.202. State Participation in this Compact.**

5 (a) To participate in this Compact, a Participating State shall:

- 6 (1) License PAs.
- 7 (2) Participate in the Compact Commission's Data System.
- 8 (3) Have a mechanism in place for receiving and investigating complaints against
9 Licensees and License applicants.
- 10 (4) Notify the Commission, in compliance with the terms of this Compact and
11 Commission Rules, of any Adverse Action against a Licensee or License
12 applicant and the existence of Significant Investigative Information regarding
13 a Licensee or License applicant.
- 14 (5) Fully implement a Criminal Background Check requirement, within a time
15 frame established by Commission Rule, by its Licensing Board receiving the
16 results of a Criminal Background Check and reporting to the Commission
17 whether the License applicant has been granted a License.
- 18 (6) Comply with the Rules of the Compact Commission.
- 19 (7) Utilize passage of a recognized national exam such as the NCCPA PANCE as
20 a requirement for PA licensure.
- 21 (8) Grant the Compact Privilege to a holder of a Qualifying License in a
22 Participating State.

23 (b) Nothing in this Compact prohibits a Participating State from charging a fee for
24 granting the Compact Privilege.

25 **"§ 90-270.203. Compact Privilege.**

26 (a) To exercise the Compact Privilege, a Licensee must:

- 27 (1) Have graduated from a PA program accredited by the Accreditation Review
28 Commission on Education for the Physician Assistant, Inc., or other programs
29 authorized by Commission Rule.
- 30 (2) Hold current NCCPA certification.
- 31 (3) Have no felony or misdemeanor Conviction.
- 32 (4) Have never had a controlled substance license, permit, or registration
33 suspended or revoked by a State or by the United States Drug Enforcement
34 Administration.
- 35 (5) Have a unique identifier as determined by Commission Rule.
- 36 (6) Hold a Qualifying License.
- 37 (7) Have had no revocation of a License or limitation or restriction on any License
38 currently held due to an adverse action.
- 39 (8) If a Licensee has had a limitation or restriction on a License or Compact
40 Privilege due to an Adverse Action, two years must have elapsed from the
41 date on which the License or Compact Privilege is no longer limited or
42 restricted due to the Adverse Action.
- 43 (9) If a Compact Privilege has been revoked or is limited or restricted in a
44 Participating State for conduct that would not be a basis for disciplinary action
45 in a Participating State in which the Licensee is practicing or applying to
46 practice under a Compact Privilege, that Participating State shall have the
47 discretion not to consider such action as an Adverse Action requiring the
48 denial or removal of a Compact Privilege in that State.
- 49 (10) Notify the Compact Commission that the Licensee is seeking the Compact
50 Privilege in a Remote State.

1 (11) Meet any Jurisprudence Requirement of a Remote State in which the Licensee
2 is seeking to practice under the Compact Privilege and pay any fees applicable
3 to satisfying the Jurisprudence Requirement.

4 (12) Report to the Commission any Adverse Action taken by a non-Participating
5 State within 30 days after the action is taken.

6 (b) The Compact Privilege is valid until the expiration or revocation of the Qualifying
7 License unless terminated pursuant to an Adverse Action. The Licensee must also comply with
8 all of the requirements of subsection (a) of this section above to maintain the Compact Privilege
9 in a Remote State. If the Participating State takes Adverse Action against a Qualifying License,
10 the Licensee shall lose the Compact Privilege in any Remote State in which the Licensee has a
11 Compact Privilege until all of the following occur:

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

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

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

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

21 **"§ 90-270.204. Designation of the State from Which Licensee is Applying for a Compact**
22 **Privilege.**

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

26 (1) When applying for a Compact Privilege, the Licensee shall provide the
27 Commission with the address of the Licensee's primary residence and
28 thereafter shall immediately report to the Commission any change in the
29 address of the Licensee's primary residence.

30 (2) When applying for a Compact Privilege, the Licensee is required to consent
31 to accept service of process by mail at the Licensee's primary residence on file
32 with the Commission with respect to any action brought against the Licensee
33 by the Commission or a Participating State, including a subpoena, with respect
34 to any action brought or investigation conducted by the Commission or a
35 Participating State.

36 **"§ 90-270.205. Adverse Actions.**

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

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

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

44 (2) Issue subpoenas for both hearings and investigations that require the
45 attendance and testimony of witnesses as well as the production of evidence.
46 Subpoenas issued by a Licensing Board in a Participating State for the
47 attendance and testimony of witnesses or the production of evidence from
48 another Participating State shall be enforced in the latter State by any court of
49 competent jurisdiction, according to the practice and procedure of that court
50 applicable to subpoenas issued in proceedings pending before it. The issuing
51 authority shall pay any witness fees, travel expenses, mileage, and other fees

1 required by the service statutes of the State in which the witnesses or evidence
2 are located.

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

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

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

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

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

23 (f) Joint Investigations. –

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

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

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

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

39 **"§ 90-270.206. Establishment of the PA Licensure Compact Commission.**

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

45 (b) Membership, Voting, and Meetings:

46 (1) Each Participating State shall have and be limited to one delegate selected by
47 that Participating State's Licensing Board or, if the State has more than one
48 Licensing Board, selected collectively by the Participating State's Licensing
49 Boards.

50 (2) The delegate shall be either:

- 1 a. A current PA, physician or public member of a Licensing Board or PA
2 Council/Committee; or
3 b. An administrator of a Licensing Board.
4 (3) Any delegate may be removed or suspended from office as provided by the
5 laws of the State from which the delegate is appointed.
6 (4) The Participating State Licensing Board shall fill any vacancy occurring in the
7 Commission within 60 days.
8 (5) Each delegate shall be entitled to one vote on all matters voted on by the
9 Commission and shall otherwise have an opportunity to participate in the
10 business and affairs of the Commission. A delegate shall vote in person or by
11 such other means as provided in the bylaws. The bylaws may provide for
12 delegates' participation in meetings by telecommunications, video conference,
13 or other means of communication.
14 (6) The Commission shall meet at least once during each calendar year.
15 Additional meetings shall be held as set forth in this Compact and the bylaws.
16 (7) The Commission shall establish by Rule a term of office for delegates.
17 (c) The Commission shall have the following powers and duties:
18 (1) Establish a code of ethics for the Commission;
19 (2) Establish the fiscal year of the Commission;
20 (3) Establish fees;
21 (4) Establish bylaws;
22 (5) Maintain its financial records in accordance with the bylaws;
23 (6) Meet and take such actions as are consistent with the provisions of this
24 Compact and the bylaws;
25 (7) Promulgate Rules to facilitate and coordinate implementation and
26 administration of this Compact. The Rules shall have the force and effect of
27 law and shall be binding in all Participating States;
28 (8) Bring and prosecute legal proceedings or actions in the name of the
29 Commission, provided that the standing of any State Licensing Board to sue
30 or be sued under applicable law shall not be affected;
31 (9) Purchase and maintain insurance and bonds;
32 (10) Borrow, accept, or contract for services of personnel, including, but not
33 limited to, employees of a Participating State;
34 (11) Hire employees and engage contractors, elect or appoint officers, fix
35 compensation, define duties, grant such individuals appropriate authority to
36 carry out the purposes of this Compact, and establish the Commission's
37 personnel policies and programs relating to conflicts of interest, qualifications
38 of personnel, and other related personnel matters;
39 (12) Accept any and all appropriate donations and grants of money, equipment,
40 supplies, materials, and services, and receive, utilize, and dispose of the same;
41 provided that at all times the Commission shall avoid any appearance of
42 impropriety or conflict of interest;
43 (13) Lease, purchase, accept appropriate gifts, or donations of, or otherwise own,
44 hold, improve or use, any property, real, personal, or mixed; provided that at
45 all times the Commission shall avoid any appearance of impropriety;
46 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
47 dispose of any property real, personal, or mixed;
48 (15) Establish a budget and make expenditures;
49 (16) Borrow money;
50 (17) Appoint committees, including standing committees composed of members,
51 State regulators, State legislators or their representatives, and consumer

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

1 portion of the meeting may be closed and shall reference each relevant
2 exempting provision.

3 (5) The Commission shall keep minutes that fully and clearly describe all matters
4 discussed in a meeting and shall provide a full and accurate summary of
5 actions taken, including a description of the views expressed. All documents
6 considered in connection with an action shall be identified in such minutes.
7 All minutes and documents of a closed meeting shall remain under seal,
8 subject to release by a majority vote of the Commission or order of a court of
9 competent jurisdiction.

10 (e) Financing of the Commission:

11 (1) The Commission shall pay, or provide for the payment of, the reasonable
12 expenses of its establishment, organization, and ongoing activities.

13 (2) The Commission may accept any and all appropriate revenue sources,
14 donations, and grants of money, equipment, supplies, materials, and services.

15 (3) The Commission may levy on and collect an annual assessment from each
16 Participating State and may impose Compact Privilege fees on Licensees of
17 Participating States to whom a Compact Privilege is granted to cover the cost
18 of the operations and activities of the Commission and its staff, which must
19 be in a total amount sufficient to cover its annual budget as approved by the
20 Commission each year for which revenue is not provided by other sources.
21 The aggregate annual assessment amount levied on Participating States shall
22 be allocated based upon a formula to be determined by Commission Rule.

23 a. A Compact Privilege expires when the Licensee's Qualifying License
24 in the Participating State from which the Licensee applied for the
25 Compact Privilege expires.

26 b. If the Licensee terminates the Qualifying License through which the
27 Licensee applied for the Compact Privilege before its scheduled
28 expiration, and the Licensee has a Qualifying License in another
29 Participating State, the Licensee shall inform the Commission that it
30 is changing to that Participating State the Participating State through
31 which it applies for a Compact Privilege and pay to the Commission
32 any Compact Privilege fee required by Commission Rule.

33 (4) The Commission shall not incur obligations of any kind prior to securing the
34 funds adequate to meet the same; nor shall the Commission pledge the credit
35 of any of the Participating States, except by and with the authority of the
36 Participating State.

37 (5) The Commission shall keep accurate accounts of all receipts and
38 disbursements. The receipts and disbursements of the Commission shall be
39 subject to the financial review and accounting procedures established under
40 its bylaws. All receipts and disbursements of funds handled by the
41 Commission shall be subject to an annual financial review by a certified or
42 licensed public accountant, and the report of the financial review shall be
43 included in and become part of the annual report of the Commission.

44 (f) The Executive Committee:

45 (1) The Executive Committee shall have the power to act on behalf of the
46 Commission according to the terms of this Compact and Commission Rules.

47 (2) The Executive Committee shall be composed of nine members:

48 a. Seven voting members who are elected by the Commission from the
49 current membership of the Commission;

50 b. One ex-officio, nonvoting member from a recognized national PA
51 professional association; and

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

1 that occurred within the scope of Commission employment, duties, or
2 responsibilities, or as determined by the commission that the person against
3 whom the claim is made had a reasonable basis for believing occurred within
4 the scope of Commission employment, duties, or responsibilities; provided
5 that nothing herein shall be construed to prohibit that person from retaining
6 their own counsel at their own expense; and provided further, that the actual
7 or alleged act, error, or omission did not result from that person's intentional
8 or willful or wanton misconduct.

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

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

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

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

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

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

37 **"§ 90-270.207. Data System.**

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

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

45 (1) Identifying information;

46 (2) Licensure data;

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

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

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

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

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

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

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

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

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

21 **"§ 90-270.208. Rulemaking.**

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

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

31 (c) The Rules of the Commission shall have the force of law in each Participating State,
32 provided however that where the Rules of the Commission conflict with the laws of the
33 Participating State that establish the medical services a PA may perform in the Participating State,
34 as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in
35 that State to the extent of the conflict.

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

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

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

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

46 (2) To persons who have requested notice of the Commission's notices of
47 proposed rulemaking, and

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

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

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

1 (m) The Commission or an authorized committee of the Commission may direct revisions
2 to a previously adopted Commission Rule for purposes of correcting typographical errors, errors
3 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
4 posted on the website of the Commission. The revision shall be subject to challenge by any
5 person for a period of 30 days after posting. The revision may be challenged only on grounds
6 that the revision results in a material change to a Rule. A challenge shall be made as set forth in
7 the notice of revisions and delivered to the Commission prior to the end of the notice period. If
8 no challenge is made, the revision will take effect without further action. If the revision is
9 challenged, the revision may not take effect without the approval of the Commission.

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

11 **"§ 90-270.209. Oversight, Dispute Resolution, and Enforcement.**

12 (a) Oversight:

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

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

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

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

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

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

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

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

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

"§ 90-270.210. Date of Implementation of the PA Licensure Compact Commission.

(a) This Compact shall come into effect on the date on which this Compact statute is enacted into law in the seventh Participating State.

(1) On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the States that enacted the Compact prior to the Commission convening ("Charter Participating States") to determine if the statute enacted by each such Charter Participating State is materially different than the Model Compact.

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

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

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

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

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

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

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

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

(3) Upon the enactment of a statute withdrawing a State from this Compact, the State shall immediately provide notice of such withdrawal to all Licensees within that State. Such withdrawing State shall continue to recognize all

1 licenses granted pursuant to this Compact for a minimum of 180 days after the
2 date of such notice of withdrawal.

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

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

11 **"§ 90-270.211. Construction and Severability.**

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

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

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

31 **"§ 90-270.212. Binding Effect of Compact.**

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

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

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

38 **SECTION 1.(b)** G.S. 90-9.3 reads as rewritten:

39 **"§ 90-9.3. Requirements for licensure as a physician assistant.**

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

42 (1) The applicant has successfully completed an educational program for
43 physician assistants or surgeon assistants accredited by the Accreditation
44 Review Commission on Education for the Physician Assistant or its
45 predecessor or successor entities.

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

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

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

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

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

6 **SECTION 1.(c)** G.S. 90-13.1 reads as rewritten:

7 "**§ 90-13.1. License fees.**

8 (a) Each applicant for a license to practice medicine and surgery in this State under
9 G.S. 90-9.1, 90-9.2, or 90-12.02 shall pay to the North Carolina Medical Board an application
10 fee of four hundred dollars (\$400.00).

11 (b) Each applicant for a limited license to practice in a medical education and training
12 program under G.S. 90-12.01 shall pay to the Board a fee of one hundred dollars (\$100.00).

13 (c) An applicant for a limited volunteer license under G.S. 90-12.1A or G.S. 90-12.1B
14 shall not pay a fee.

15 (d) A fee of twenty-five dollars (\$25.00) shall be paid for the issuance of a duplicate
16 license.

17 (e) All fees shall be paid in advance to the North Carolina Medical Board, to be held in
18 a fund for the use of the Board.

19 (f) For the initial and annual licensure of an anesthesiologist assistant, the Board may
20 require the payment of a fee not to exceed one hundred fifty dollars (\$150.00).

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

23 **SECTION 1.(d)** G.S. 90-13.2 reads as rewritten:

24 "**§ 90-13.2. Registration every year with Board.**

25 (a) Every licensee and privilege holder shall register annually with the Board no later
26 than 30 days after the person's birthday.

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

37 (b1) Physician assistants shall pay an annual registration fee of one hundred forty dollars
38 (\$140.00). A physician assistant who fails to register as required by this section shall pay an
39 additional fee of twenty-five dollars (\$25.00) to the Board.

40 (c) Repealed by Session Laws 2016-117, s. 2(i), effective October 1, 2016.

41 (d) A licensee who is not actively engaged in the performance of medical acts, tasks, or
42 functions in North Carolina and who does not wish to register the license may direct the Board
43 to place the license on inactive status.

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

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

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

1 interview and to comply with other licensing requirements. The penalty may not exceed the
2 applicable 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.** This act becomes effective October 1, 2024.