

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**HOUSE BILL 1381
RATIFIED BILL**

AN ACT AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO RAISE THE CEILING ON CERTAIN LICENSURE FEES AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-660(b) reads as rewritten:

"(b) All monies received by the Board pursuant to this Article shall be deposited in an account for the Board and shall be used for the administration and implementation of this Article. The Board shall establish fees in amounts to cover the cost of services rendered for the following purposes:

- (1) For an initial application, a fee not to exceed ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00).
- (2) For examination or reexamination, a fee not to exceed two hundred dollars (\$200.00).
- (3) For issuance of any license, a fee not to exceed ~~one hundred dollars (\$100.00)~~ one hundred fifty dollars (\$150.00).
- (4) For the renewal of any license, a fee not to exceed ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00).
- (5) For the late renewal of any license, an additional late fee not to exceed ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00).
- (6) For a license with a provisional or temporary endorsement, a fee not to exceed ~~thirty-five dollars (\$35.00)~~ fifty dollars (\$50.00).
- (7) For copies of rules adopted pursuant to this Article and licensure standards, charges not exceeding the actual cost of printing and mailing.
- (8) For official verification of licensure status, a fee not to exceed twenty dollars (\$20.00).
- (9) For approval of continuing education programs, a fee not to exceed one hundred fifty dollars (\$150.00)."

SECTION 2. G.S. 90-9, 90-10, and 90-13 are repealed.

SECTION 3. If House Bill 818, 2007 Regular Session, becomes law, then G.S. 90-8.2 reads as rewritten:

"§ 90-8.2. Appointment of subcommittees.

(a) The North Carolina Medical Board shall appoint and maintain a subcommittee to work jointly with a subcommittee of the Board of Nursing to develop rules to govern the performance of medical acts by registered nurses, including the determination of reasonable fees to accompany an application for approval not to exceed one hundred dollars (\$100.00) and for renewal of approval not to exceed fifty dollars (\$50.00). ~~The fee for reactivation of an inactive incomplete application shall be five dollars (\$5.00).~~ Rules developed by this subcommittee from time to time shall govern the performance of medical acts by registered nurses and shall become effective when adopted by both the North Carolina Medical Board and the Board of Nursing. The North Carolina Medical Board shall have responsibility for securing compliance with these rules.

(b) The North Carolina Medical Board shall appoint and maintain a subcommittee of four licensed physicians to work jointly with a subcommittee of the North Carolina Board of Pharmacy to develop rules to govern the performance of medical acts by clinical pharmacist practitioners, including the determination of reasonable fees to accompany an application for approval not to exceed one hundred dollars (\$100.00) and for renewal of approval not to exceed fifty dollars (\$50.00). ~~The fee for reactivation of an inactive incomplete application shall be five dollars (\$5.00).~~ Rules recommended by the subcommittee shall be adopted in accordance with Chapter 150B of the General Statutes by both the North Carolina Medical Board and the North Carolina Board of Pharmacy and shall not become effective until adopted by both Boards. The North Carolina Medical Board shall have responsibility for ensuring compliance with these rules."

SECTION 4. Article 1 of Chapter 90 of the General Statutes is amended by adding the following new section to read:

"§ 90-12A. Limited license to practice in a medical education and training program.

(a) As provided in rules adopted by the Board, the Board may issue a limited license known as a 'resident's training license' to a physician not otherwise licensed by the Board who is participating in a graduate medical education training program.

(b) A resident's training license shall become inactive at the time its holder ceases to be a resident in a training program or obtains any other license to practice medicine issued by the Board. The Board shall retain jurisdiction over the holder of the inactive license."

SECTION 5. Article 1 of Chapter 90 of the General Statutes is amended by adding the following new section to read:

"§ 90-12.1A. Limited volunteer license.

(a) The Board may issue a 'military limited volunteer license' to an applicant who:

- (1) Has a license to practice medicine and surgery in another state;
- (2) Produces a letter from the state of licensure indicating the applicant is in good standing; and
- (3) Is authorized to treat personnel enlisted in a branch of the United States armed services or veterans.

(b) The Board may issue a 'retired limited volunteer license' to an applicant who is a retired physician and has allowed his or her license to practice medicine and surgery in this State or another state to become inactive.

(c) A physician holding a limited license under this section shall comply with the continuing medical education requirements pursuant to rules adopted by the Board.

(d) The Board shall issue a limited license under this section within 30 days after an applicant provides the Board with information satisfying the requirements of this section.

(e) The holder of a limited license under this section may practice medicine and surgery only at clinics that specialize in the treatment of indigent patients. The holder of the limited license may not receive compensation for services rendered at clinics specializing in the care of indigent patients.

(f) The holder of a limited license issued pursuant to this section who practices medicine or surgery at places other than clinics that specialize in the treatment of indigent patients shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. The Board, in its discretion, may revoke the limited license after due notice is given to the holder of the limited license.

(g) The Board may, by rule, require an applicant for a limited license under this section to comply with other requirements or submit additional information the Board deems appropriate."

SECTION 6. Article 1 of Chapter 90 of the General Statutes is amended by adding the following new section to read:

"§ 90-12.2A. Special purpose license.

(a) The Board may issue a special purpose license to practice medicine to an applicant who:

- (1) Holds a full and unrestricted license to practice in at least one other jurisdiction; and
- (2) Does not have any current or pending disciplinary or other action against him or her by any medical licensing agency in any state or other jurisdiction.

(b) The holder of the special purpose license practicing medicine or surgery beyond the limitations of the license shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. The Board, at its discretion, may revoke the special license after due notice is given to the holder of the special purpose license.

(c) The Board may adopt rules and set fees as appropriate to implement the provisions of this section."

SECTION 7. Article 1 of Chapter 90 of the General Statutes is amended by adding the following new section to read:

"§ 90-12.3. Medical school faculty license.

(a) The Board may issue a medical school faculty license to practice medicine and surgery to a physician who:

- (1) Holds a full-time appointment as either a lecturer, assistant professor, associate professor, or full professor at one of the following medical schools:
 - a. Duke University School of Medicine;
 - b. The University of North Carolina at Chapel Hill School of Medicine;
 - c. Wake Forest University School of Medicine; or
 - d. East Carolina University School of Medicine; and
- (2) Is not subject to disciplinary order or other action by any medical licensing agency in any state or other jurisdiction.

(b) The holder of the medical school faculty license issued under this section shall not practice medicine or surgery outside the confines of the medical school or an affiliate of the medical school. The holder of the medical school faculty license practicing medicine or surgery beyond the limitations of the license shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. The Board, at its discretion, may revoke the special license after due notice is given to the holder of the medical school faculty license.

(c) The Board may adopt rules and set fees related to issuing medical school faculty licenses. The Board may, by rule, set a time limit for the term of a medical school faculty license."

SECTION 8. If House Bill 818, 2007 Regular Session, becomes law, then G.S. 90-13.1 reads as rewritten:

"§ 90-13.1. License fees.

(a) Each applicant for a license to practice medicine and surgery in this State under either G.S. ~~90-9, 90-10, or 90-13~~90-9.1 or G.S. 90-9.2 shall pay to the North Carolina Medical Board an application fee of three hundred fifty dollars (\$350.00).

(b) ~~Whenever Each applicant for a limited license is granted as provided into practice in a medical education and training program under G.S. 90-12, the applicant~~90-12A shall pay to the Board a fee ~~not to exceed~~of one hundred fifty dollars (\$100.00). ~~(\$150.00), except where a limited license to practice in a medical education and training program approved by the Board for the purpose of education or training is granted, the applicant shall pay a fee of one hundred dollars (\$100.00), and~~

~~(c) where An applicant for a limited volunteer license to practice medicine and surgery only at clinics that specialize in the treatment of indigent patients is granted, the applicant under G.S. 90-12.1A shall not pay a fee.~~

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

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

SECTION 9. If House Bill 818, 2007 Regular Session, becomes law, then G.S. 90-13.2 reads as rewritten:

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

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

(b) A person who registers with the Board shall report to the Board the person's name and office and residence address and any other information required by the Board, and shall pay ~~a~~ an annual registration fee of one hundred seventy-five dollars (\$175.00), except those who have a limited license to practice in a medical education and training program approved by the Board for the purpose of education or training shall pay a registration fee of one hundred twenty-five dollars (\$125.00) and those who have a limited volunteer license shall pay an annual registration fee of twenty-five dollars (\$25.00). However, licensees who have a limited license to practice for the purpose of education and training under G.S. 90-12A shall not be required to pay more than one annual registration fee for each year of training.

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

(d) For purposes of annual registration, the Board shall use a simplified registration form which allows registrants to confirm information on file with the Board.

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

(f) Except as provided in G.S. ~~90-12(d),~~ 90-12.1A, a person whose license is inactive shall not practice medicine in North Carolina nor be required to pay the annual registration fee.

(g) Upon payment of all accumulated fees and penalties, the license of the physician may be reinstated, subject to the Board requiring the physician to appear before the Board for an interview and to comply with other licensing requirements. The penalty may not exceed the maximum fee for a license under G.S. ~~90-13.90-13.1.~~"

SECTION 10. Section 1 and Section 10 of this act are effective when it becomes law. The remainder of this act becomes effective October 1, 2007.

In the General Assembly read three times and ratified this the 2nd day of August, 2007.

Beverly E. Perdue
President of the Senate

Joe Hackney
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2007