

State of North Carolina

ROY COOPER

GOVERNOR

September 5, 2019

EXECUTIVE ORDER NO. 105

TEMPORARY WAIVER FOR LICENSURE REQUIREMENTS TO FACILITATE OUT-OF-STATE HEALTH CARE PROFESSIONALS TO TREAT VICTIMS OF HURRICANE DORIAN

WHEREAS, Hurricane Dorian ("Hurricane") is expected to impact the State of North Carolina beginning September 5, 2019; and

WHEREAS, it is expected that those in the Hurricane's path will be exposed to a substantial risk of injury or death; and

WHEREAS, the potential impacts from the Hurricane constitute a State of Emergency, as defined in N.C. Gen. Stat. §166A-19.3(19); and

WHEREAS, the undersigned issued Executive Order No. 101 on August 31, 2019, declaring a State of Emergency ("Declaration of a State of Emergency" or "State of Emergency"); and

WHEREAS, Executive Order No. 101 further invokes the North Carolina Emergency Management Act ("Emergency Management Act") which authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the President of the United States issued an emergency declaration for the State of North Carolina, FEMA-3423-EM, on September 3, 2019, which provides, in part, for Public Assistance — Category B, including direct Federal Assistance to the State; and

WHEREAS, the State of Emergency implicates emergency public health needs and there is a compelling state interest to ensure that Hurricane victims receive the health care necessary to address their immediate needs and alleviate human suffering; and

WHEREAS, the North Carolina Division of Emergency Management, on behalf of the undersigned, has requested assistance through the Emergency Management Assistance Compact to provide needed emergency personnel, equipment, materials and supplies; and

WHEREAS, licensed health care professionals from other states have the capacity and ability to come to North Carolina to assist in addressing the health care needs of Hurricane victims; and

WHEREAS, the North Carolina Medical Board ("NCMB"), pursuant to N.C. Gen. Stat. § 90-12.5, has the authority to permit physicians not licensed in North Carolina to practice medicine in this State; and

WHEREAS, the NCMB has passed rules permitting licensed medical professionals under its jurisdiction to enter the state without a North Carolina medical license in order to address the urgent health care needs of people affected by the Hurricane; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned is authorized and empowered to make, amend, or rescind the necessary orders, rules, and regulations within the limits of the authority conferred through the Emergency Management Act with due consideration of the policies of the federal government; and

WHEREAS, in order to address important public health needs and requirements, the undersigned, with the concurrence of the Council of State, has made the determination that it is in the state's interest to ensure that licensed health care professionals may assist in disaster recovery within the state in accordance with N.C. Gen. Stat. § 166A-19.30(b)(4); and

WHEREAS, the undersigned, in consultation with the Secretary of the North Carolina Department of Health and Human Services, has determined that there is a critical need for licensed health care professionals, including, but not limited to, doctors, nurses, psychologists, professional counselors, clinical social workers, and substance abuse treatment professionals to be available to treat Hurricane victims.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. (Definitions — for the purposes of this Executive Order only)

- a. A person is a psychologist if that person uses any title or description of services incorporating the words “psychology”, “psychological”, “psychologic”, or “psychologist”, demonstrates that he or she possesses expert qualification in any area of psychology, and provides, or offers to provide, services defined as the practice of psychology and is licensed to practice psychology in another state, district, or territory of the United States.
- b. A person is a licensed clinical social worker if that person demonstrates that he or she possesses expert qualification in the area of clinical social work, provides or offers to provide clinical social work services, by whatever means of communication, to persons, including the professional application of social work theory and methods to the diagnosis, treatment, and prevention of emotional and mental disorders, and is licensed to practice clinical social work in another state, district, or territory of the United States.
- c. A person is a licensed professional counselor if that person demonstrates that he or she possesses expert qualification in the area of counseling, provides or offers to provide services defined as the practice of counseling, and is licensed to practice counseling in another state, district, or territory of the United States.
- d. A person is a licensed or certified substance abuse treatment professional if that person demonstrates that he or she possesses expert qualification in the area of substance abuse services, provides or offers to provide, substance abuse services, including assessment, evaluation, counseling, and therapeutic services to persons suffering from substance abuse or dependency, and is licensed or certified to provide substance abuse services in another state, district, or territory of the United States.

Section 2.

The North Carolina state licensure rules and regulations for health care professionals and personnel are hereby suspended to the limited extent necessary to allow those psychologists, professional counselors, clinical social workers, and substance abuse treatment professionals who are currently licensed or certified in other states, but not in North Carolina, to enter and work in the State of North Carolina for the purpose of providing health services within the reasonable scope of their licensure or certification, skills, training and ability to treat the immediate health care needs of Hurricane victims in North Carolina.

Any other applicable laws shall not be enforced to the limited extent necessary to allow the provision of health services consistent with this Executive Order.

Section 3.

Only licensed psychologists, licensed clinical social workers, licensed professional counselors and licensed or certified substance abuse professionals who hold unrestricted licenses or certifications (as applicable) in good standing with the licensing board of the state, district, or territory of the United States where the individual practices their aforementioned profession (collectively, “Qualified Health Care Professionals”) shall be permitted to offer services to individuals in North Carolina under the authority of this Executive Order.

Section 4.

Each out-of-state Qualified Health Care Professional offering and providing services in the State of North Carolina by authority of this Executive Order shall practice in good faith and within the reasonable scope of his or her license or certification (as applicable) and skills, training, and ability for a period not to exceed thirty (30) days.

Section 5.

To the limited extent necessary to effectuate this Executive Order allowing out-of-state Qualified Health Care Professionals to provide services in the State of North Carolina to address the immediate health care needs of Hurricane victims, the provisions of N.C. Gen. Stat. § 90-270.17 (licensed psychologist), N.C. Gen. Stat. § 90B-12 (licensed clinical social worker), N.C. Gen. Stat. § 90-341 (licensed professional counselor) and N.C. Gen. Stat. § 90-113.43 (licensed or certified substance abuse counselor) shall not be enforced for the duration of this Executive Order.

Section 6.

To the limited extent necessary to effectuate this Executive Order allowing out-of-state Qualified Health Care Professionals to provide services in the State of North Carolina to address the immediate health care needs of Hurricane victims, the rules and regulations relating to the enforcement of the statutes identified in Section 5 are hereby waived in accordance with the undersigned's authority under the Emergency Management Act and shall not be enforced for the duration of this Executive Order.

Section 7.

The North Carolina Psychology Board, the North Carolina Board of Licensed Professional Counselors, the North Carolina Social Work Certification and Licensure Board, and the North Carolina Substance Abuse Professional Practice Board have been consulted regarding this Executive Order and concur in its issuance.

Section 8.


This Executive Order does not suspend or waive North Carolina State licensure rules and regulations for other types of health care professionals issued by North Carolina occupational licensing boards which have established regulations and/or processes in place to allow licensed health care professionals in good standing in other states, districts, or territories of the United States to provide emergency health services to treat the immediate health care needs of Hurricane victims in North Carolina.

The NCMB and the North Carolina Nursing Board are encouraged to consider waiving any applicable licensure requirements under North Carolina law to allow qualified medical and nursing professionals licensed and in good standing in other states, districts, or territories of the United States to provide emergency health services to treat the immediate health care needs of Hurricane victims in North Carolina.

Section 9.


This Executive Order is effective immediately and shall remain in effect until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 5th day of September in the year of our Lord two thousand and nineteen.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

