

Burgos, Alexander N

Subject: FW: 24 NCAC 20D Request for changes
Attachments: 24 NCAC 02D .0101.docx; 24 NCAC 02D .0102.docx; 24 NCAC 02D .0103.docx; 24 NCAC 02D .0104.docx; 24 NCAC 02D .0105.docx; 24 NCAC 02D .0106.docx; 062025 AFA 24 NCAC 02D_6.6.25.docx

From: Hayworth, Anna <Anna.Hayworth@ncagr.gov>
Sent: Friday, June 6, 2025 4:30 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 24 NCAC 20D Request for changes

Good afternoon Mr. Peaslee,

Please see attached the requested technical corrections and responses.

Let me know if you have any questions, or require anything additional.

Anna R. Hayworth | Agricultural Programs Specialist

Office of the Assistant Commissioner of Consumer Protection

NC Department of Agriculture and Consumer Services

1002 Mail Service Center | Raleigh, NC 27699

Office: (984) 236-4509 (new office)

Cell: (919) 745-9356

anna.hayworth@ncagr.gov

24 NCAC 02D .0101 is adopted as published in 39:15 NCR 1041-1042 as follows:

CHAPTER 02 – N.C. AGRICULTURAL FINANCE AUTHORITY

SUBCHAPTER 02D - LARGE ANIMAL HEALTHCARE ENHANCEMENT ADVISORY COMMITTEE

24 NCAC 02D .0101 PURPOSE

This Chapter describes the operating procedures for the Large Animal Healthcare Enhancement Advisory Committee and the North Carolina Agricultural Finance Authority implementing the Large Animal Healthcare Enhancement Fund for the enhancement of large animal veterinary services in North Carolina. Procedures and requirements for participating applicants are also established. The purpose of the program is to provide grants to encourage veterinary practitioners to sustainably serve as large or mixed animal veterinarians in underserved areas in the state of North Carolina, and to provide additional resources for large or mixed animal veterinary practices that operate in underserved areas to help them to better serve their communities.

*History Note: Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);
Eff. July 1, 2025.*

24 NCAC 02D .0102 is adopted with changes as published in 39:15 NCR 1042 as follows:

24 NCAC 02D .0102 DEFINITIONS

In addition to the terms defined in Article 88 of Chapter 106 of the North Carolina General Statutes, the following terms used in this Chapter have the following meanings:

- (1) “Applicant” means a large animal veterinarian as defined in [G.S. 106-1072] Article 88 of Chapter 106 of the North Carolina General Statutes who applies for funds from the Large Animal Healthcare Enhancement Fund.
- (2) “Application” means the “Large Animal Healthcare Enhancement Fund Application Form” detailed in Rule .0103(c), developed and made available by the Large Animal Healthcare Enhancement Advisory Committee, including, but not limited to, any attachments and other information or documentation required by the form, for an applicant to complete and submit to the advisory committee to request a grant from the fund.
- (3) “Chair” or “Commissioner” means the chair of the advisory committee who is also the Commissioner of Agriculture.
- (4) “Grant” means an amount of money designated by the advisory committee to be given to a qualified applicant who has been chosen by the advisory committee.
- (5) “Financial records” means documentation that provides evidence or a summary of business transactions, which may include invoices, receipts, and general monetary ledgers.
- (6) “Grant recipient” means a qualified applicant who has received a grant.
- (7) “Large animal” means any of the animals referenced in [G.S. 106-1072(8) and (9)] Article 88 of Chapter 106 of the North Carolina General Statutes.
- (8) “Qualified applicant” means a large animal veterinarian [(as defined in G.S. 106-1072(8)) and]who [otherwise] meets the criteria described in this Rule and in Article 88 of Chapter 106 of the North Carolina General Statutes.

History Note: Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);
Eff. July 1, 2025.

24 NCAC 02D .0103 is adopted with changes as published in 39:15 NCR 1042-1043 as follows:

24 NCAC 02D .0103 **EVALUATION OF APPLICATIONS**

(a) Applicants for funding from the fund shall submit a completed application within 60 days from the date of the public announcement of requests for proposals (the “application deadline”).

(b) Applications and instructions shall be available online at www.ncagr.gov.

(c) To be eligible for consideration for funding, applicants shall complete the application, which shall be titled the “Large Animal Healthcare Enhancement Fund Application Form,” and which shall contain the following information:

(1) identifying information such as location, business name, and contact information;

(2) statement from the applicant that acknowledges and agrees that in the event that the applicant’s veterinary license expires, is revoked, or is suspended during the fiscal year in which the grant is awarded, or if the applicant fails to practice at least 30% large animal veterinary medicine in the designated counties named in the applicant’s application, the applicant shall repay the entire amount received from the fund;

(3) statement from the applicant that the applicant shall have no conflicting service obligation that would prevent the State from benefitting from the applicant’s services, with the exception of service in the National Guard or military reserve;

(4) an essay which describes the applicant’s professional ambition and how those professional goals fit with the intent of the fund, which shall be submitted in a format using an eight hundred word maximum, typed in 12-point Times New Roman font, and double spaced;

(5) three personal or professional references listing the individual’s name, telephone number, and email address; and

(7) certification that the applicant currently practices a minimum of 30% large animal veterinary medicine in at least one designated county.

(d) Each completed application shall be evaluated by the advisory committee staff based on the information provided in the application and in accordance with the fund criteria described in this rule and in Article 88 of Chapter 106 of the North Carolina General Statutes.

(e) The staff shall review all applications for completeness. If staff deems an application incomplete in that it does not contain information required by statute or these rules, the applicant shall be asked by the authority staff to complete the application within seven days if the application deadline has expired.

(f) After the staff has reviewed each application for completeness, the advisory committee shall then review the applications prepared by each applicant.

(g) All applicants shall meet the following criteria for grant eligibility:

(1) the applicant must practice veterinary medicine in at least one of the approved counties pursuant to [G.S. 106-1074;]G.S. 106-1077;

(2) the applicant must be a currently licensed veterinarian in the state of North Carolina; and

1 (3) the applicant shall be practicing at least thirty percent cumulatively of their veterinary operation
2 within the field of large animal care.

3 (h) Grants shall be awarded contingent on the availability of sufficient funds to do so. Grants shall be conveyed to
4 grant recipient(s) through contracts with the North Carolina Agricultural Finance Authority. If the advisory committee
5 determines that grants are not being used for the purpose for which they were awarded, the fund shall immediately
6 cease making payments under the grant schedule and shall demand return of all amounts from the grant pursuant to
7 ~~[G.S. 106-1074.]~~G.S. 106-1079. Grant recipient(s) must reimburse the fund all funds that the advisory committee
8 determines to have been spent in violation of ~~[G.S. 106-1074(e).]~~G.S. 106-1079(e).

9
10 *History Note: Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);*
11 *Eff. July 1, 2025.*

24 NCAC 02D .0104 is adopted as published in 39:15 NCR 1043 as follows:

24 NCAC 02D .0104 GRANT AGREEMENT

(a) The advisory committee shall approve applications based on the criteria set forth by Article 88 of Chapter 106 of the North Carolina General Statutes. Once approved by the committee, a written agreement shall be executed between the grant recipient(s) and the North Carolina Agricultural Finance Authority.

(b) The agreement shall define the North Carolina Agricultural Finance Authority's and grant recipient's responsibilities and obligations, the project period, project scope, and the amount of grant assistance.

(c) The approved application and any support documentation submitted by the applicant shall become a part of the grant agreement.

(d) The grant agreement may be amended upon mutual consent and approval by the North Carolina Agricultural Finance Authority and the grant recipient(s). The grant recipient(s) shall submit a written request for amendment to the North Carolina Agricultural Finance Authority. Any amendment for consideration must adhere to the eligibility requirements set forth by Article 88 of Chapter 106 of the North Carolina General Statutes.

(e) Grant payments shall be made only for activities within the grant contract period and projects may not begin until the North Carolina Agricultural Finance Authority and grant recipient(s) sign the agreement.

(f) The grant agreement shall include a requirement that the grant recipient(s) understands, acknowledges, and agrees that in the event that the grant recipient's veterinary license expires, is revoked, or is suspended during the fiscal year in which the grant is awarded, or the grant recipient(s) fails to practice a minimum of 30% large animal veterinary medicine in at least one designated county named in the grant recipient's application, the grant recipient(s) shall repay the entire amount received from the Fund.

History Note: Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);
Eff. July 1, 2025.

24 NCAC 02D .0105 is adopted as published in 39:15 NCR 1043-1044 as follows:

24 NCAC 02D .0105 REPORTING

(a) Grant recipients shall submit to the North Carolina Agricultural Finance Authority a written progress report within 180 days of receipt of the grant.

(b) Written reports shall describe the status of the project, progress toward achieving program objectives, notable occurrences, any problems encountered, and steps taken to overcome the problems, and a statement of affirmation that supports the following:

(1) the grant recipient's veterinary license has not expired, been revoked, or been suspended, and

(2) the grant recipient(s) is currently practicing a minimum of 30% large animal veterinary medicine across their cumulative practice in at least one designated county named in the grant recipient's(s') application.

(c) Upon completion of the project, the grant recipient shall make a final written report to the North Carolina Agricultural Finance Authority that shall include project accomplishments and benefits, all expenditures by line item as established in the application, and a statement of affirmation that supports the following:

(1) the grant recipient's veterinary license has not expired, been revoked, or been suspended, and

(2) the grant recipient(s) practiced a minimum of 30% large animal veterinary medicine across their cumulative practice in at least one designated county named in the grant recipient's(s') application.

(d) The North Carolina Agricultural Finance Authority shall review the progress reports for completeness, which shall include a showing of how the project is meeting its stated goals and performance standards. If the North Carolina Agricultural Finance Authority finds that the report is deficient in showing how the project is meeting its stated goals and performance standards, the grant recipient(s) shall be notified of the deficiency and shall provide a changed and corrected report within 30 business days. A corrected or changed report shall be submitted to the North Carolina Agricultural Finance Authority within 30 business days.

(e) All grant funds shall be spent within 180 days of receipt by the grant recipient. If grant funds are not spent by the grant recipient by the end of this 180-day period, the grant funds shall be returned to the North Carolina Agricultural Finance Authority.

(f) Grant recipient(s) shall submit monitoring reports annually to the North Carolina Agricultural Finance Authority by email at largeanimalvetgrants@ncagr.gov, as well as mailed to or hand delivered to 1101 Spring Forest Road, Suite 150, Raleigh, North Carolina 27615. The monitoring reports shall include all the reporting requirements set forth in Paragraph (b).

*History Note: Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);
Eff. July 1, 2025.*

24 NCAC 02D .0106 is adopted as published in 39:15 NCR 1044 as follows:

24 NCAC 02D .0106 RECORDS

Grant recipients shall keep financial records, as defined in Rule .0102, of the project for a period of five years, following completion of the project, or until audited. The records shall be made available to the Commissioner and the North Carolina Agricultural Finance Authority upon request. The North Carolina Agricultural Finance Authority shall maintain and dispose of paper and electronic records in accordance with the approved Functional Schedule for North Carolina State Agencies, Program Record Retention and Disposition Schedule and Electronic Records and Imaging Policy, incorporated by reference with subsequent editions and amendments. The policy can be accessed free of charge at <https://archives.ncdcr.gov/documents/functional-schedule-state-agencies>.

*History Note: Authority G.S. 106-1074; Session Law 2023-134 House Bill 259 Section 10.1(c);
 Eff. July 1, 2025.*

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "aAssociation"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;;and"
 - Right: "~~day;~~ day;and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0101

DEADLINE FOR RECEIPT: June 13, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally, to the Rule: Explain why this rule is necessary?

The Large Animal Healthcare Enhancement Fund is a new grant program, as an effort to recruit and retain large animal veterinarians to at-need areas in North Carolina. Given how new this program is to potential applicants and the public, the Advisory Committee included this rule as an introductory landing page to explain how the program works, and for what purposes. It is anticipated that this will be a very popular program with the general public in the veterinary sector, and that this rule would assist them in understanding the purpose of the grant program without needing to reference the General Statute or additional language.

However, if this rule is still considered to be unnecessary, the agency is not opposed to dropping .0101 and simply reordering the other rules to make them .0101 - .0105.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: May 30, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0102

DEADLINE FOR RECEIPT: June 13, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 20-21: G.S. 106-1072 does not appear to exist. [Chapter 106 - Article 88](#)

Changes made.

Line 25: G.S. 106-1074 does not appear to exist. [Chapter 106 - Article 88](#)

Changes made.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0103

DEADLINE FOR RECEIPT: June 13, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Intentionally left blank

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0104

DEADLINE FOR RECEIPT: June 13, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Intentionally left blank

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0105

DEADLINE FOR RECEIPT: June 13, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

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Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Agricultural Finance Authority

RULE CITATION: 24 NCAC 02D .0106

DEADLINE FOR RECEIPT: June 13, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Intentionally left blank

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, May 30, 2025 12:07 PM
To: Hayworth, Anna
Cc: Burgos, Alexander N
Subject: 24 NCAC 20D Request for changes
Attachments: 062025 AFA 24 NCAC 02D.docx

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon,

Attached please find the request for changes for the above captioned rules set to be considered by the RRC at its June meeting.

As always if you have any questions or concerns please do not hesitate to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.