

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Board of Dietetics & Nutrition

RULE CITATION: 21 NCAC 17 .0113

DEADLINE FOR RECEIPT: Wednesday October 5, 2022

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:

In the opening paragraph, "In accordance with the provisions of the Act," is unnecessary and should be deleted.

Also in the opening paragraph, fees are payable to the board by what method? Where are they sent? Can it be done over the phone? On your website? Is there a form that should be attached or is there required information that should be included?

Also in the opening paragraph, the sentence "Fees are nonrefundable, except for the Issuance Fee, if application is not approved." is ambiguous. It could be read to mean that fees are only nonrefundable in the case of an unapproved application. It may be better to state it thus: "Fees are nonrefundable, except the Board may refund the Issuance Fee when an application is not approved."

What is the statutory authority for the "Duplicate License Certificate Fee"?

In the History Note: Authority, "(2), (9); 90-361" could be deleted. It is unnecessary to limit G.S. 90-356 to only those two subsections and 90-361 does not seem to relate to the Rule other than tangentially.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: September 22, 2022

1 14B NCAC 17 .0204 is proposed for amendment as published in 36:19 NCR 1556 as follows:

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3 **14B NCAC 17 .0204 RENEWAL OR REINSTATEMENT OF LICENSE**

4 (a) Each applicant for a license renewal shall submit an online renewal application on the website provided by the
5 Board. This online application shall be submitted not less than 30 days prior to expiration of the applicant's current
6 license and shall be accompanied by:

- 7 (1) statements of the result of a local statewide criminal history records search by the reporting services
8 service designated by the Board pursuant to G.S. 74D-2.1 for any state where the applicant has
9 resided within the ~~preceding~~ preceding 24 months;
- 10 (2) the applicant's renewal fee as set forth in .0203(a)(2); and
- 11 (3) proof of liability insurance pursuant to G.S. 74D-9.

12 (b) Applications for renewal shall be submitted not less than 30 days before the expiration date of the license. No
13 renewal shall be granted more than 90 days after the date of expiration of a license.

14 (c) Applications for renewal submitted after the expiration date of the license shall be accompanied by the late renewal
15 fee established by Rule .0203 of this Section and shall be submitted not later than 90 days after the expiration date of
16 the license.

17 (d) If a licensee has maintained a license at least two years and fails to renew the license within 90 days of the
18 expiration date, then allows the license to expire, the license may be re-issued if an online reinstatement application
19 is made submitted within one year of the expiration date. The reinstatement application must include ~~accompanied by~~
20 the items required in Subparagraphs (a)(1) through (3) of this Rule, the late fee required by Paragraph (c) of this Rule,
21 evidence of compliance with the electrical licensing requirements of Rule .0210 of this Section, and documentation
22 of completion within the previous two years of continuing education as required by Section .0500 of this Chapter. If
23 the license reinstatement is approved, the license period shall be prorated to expire on the date the previous license
24 would have expired, had the license been renewed on time. The licensee shall remain responsible for compliance with
25 the Board's law and administrative rules during the period of lapse.

26 (e) The Director shall review and approve or recommend denial of an application for renewal or reinstatement. All
27 denials shall be submitted to the Board for a final Board decision.

28 (f) Members of the armed forces whose licenses are in good standing and to whom G.S. 105-249.2 grants an extension
29 of time to file a tax return shall be granted the same extension of time to pay the license renewal fee and to complete
30 the continuing education requirements prescribed in Section .0500 of this Chapter. A copy of the military order or the
31 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be
32 furnished to the Board.

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34 *History Note: Authority G.S. 74D-2(a); 74D-5; 74D-7; 93B-15;*
35 *Eff. January 1, 1995;*
36 *Temporary Adoption Eff. May 18, 1995;*
37 *Amended Eff. February 1, 2012; July 1, 2010; May 1, 1999; October 1, 1995;*
38 *Transferred and Recodified from 12 NCAC 11 .0204 Eff. July 1, 2015;*

1 *Amended Eff. April 1, 2018;*
2 *Readopted Eff. June 1, 2018;*
3 *Amended Eff. August 1, 2020; September 1, 2019;*
4 *Amended Eff. November 1, 2022.*