

Burgos, Alexander N

Subject: FW: [External] 21 NCAC 10 .0204
Attachments: 21 NCAC 10 .0204 - Revised 12.8.23.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, December 8, 2023 3:59 PM
To: Elizabeth A. Berger <eberger@hedrickgardner.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: FW: [External] 21 NCAC 10 .0204

Thank you for your email.

It is my intention to recommend approval of the rule as revised.

Have a great weekend.

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

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From: Elizabeth A. Berger <eberger@hedrickgardner.com>
Sent: Friday, December 8, 2023 3:28 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Anna Baird Choi <achoi@hedrickgardner.com>; dr.joe@ncchiroboard.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] 21 NCAC 10 .0204

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Good afternoon Mr. Peaslee,

Please find attached revised rule .0204 per your request below.

Thank you,

Elizabeth A. Berger | Paralegal
Hedrick Gardner Kincheloe & Garofalo LLP

4131 Parklake Ave., Suite 300 | Raleigh, NC 27612
Phone: 919-341-5147 | Fax: 919-832-9425
eberger@hedrickgardner.com | www.hedrickgardner.com



1 21 NCAC 10 .0204 is amended as published in 38:05 NCR 278-280 as follows:

2
3 **21 NCAC 10 .0204 LICENSURE; RENEWAL OF LICENSE**

4 (a) Initial Licensure. The initial license awarded to an applicant who passed the examination shall be mailed to the
5 address appearing on the application form.

6 (b) Change of Contact Information. The licentiate shall inform the Board of any change in his or her contact
7 information. Updated contact information shall be forwarded to the Board office email at ncboce@ncchiroboard.com
8 within 30 days after any such change.

9 (c) General. The renewal, inactivation, and restoration of a license are governed by G.S. 90-155 and this Rule. A
10 current license that is not renewed shall be placed on inactive status on January 30th of the following year. A licentiate
11 desiring license renewal shall submit to the Board, on or before the date of inactivation, a completed license renewal
12 form accompanied by the renewal fee as provided in Paragraph (i) of this Rule. The renewal fee shall not be paid in
13 cash and may be paid by credit card through the Board's website, www.ncchiroboard.com, or by a check made payable
14 to the North Carolina Board of Chiropractic Examiners.

15 (d) License Renewal Notification and Form. On or before December 1 of each year, the Board shall email to each
16 licentiate, at the licentiate's current email address on file with the Board, license renewal instructions. The license
17 renewal form with instructions shall also be available at the Board's website, www.ncchiroboard.com, or upon request
18 at the Board's office. A licentiate desiring license renewal shall note on the form changes in name, address, specialty,
19 employment circumstances, and criminal convictions since the last renewal form was submitted to the Board. The
20 licentiate shall also note on the form any professional development continuing education for which the licentiate seeks
21 credit pursuant to Rule .0210(d) of this Chapter.

22 (e) Continuing Education. As used in G.S. 90-155, one "day" of continuing education shall mean nine hours. Except
23 as provided in Paragraphs (f), (g) and (h) of this Rule, a licentiate seeking license renewal shall obtain 18 hours (2
24 days) of Board-approved continuing education each calendar year. At least 10 hours shall be obtained by attending in-
25 person or live on-line educational sessions. Live online hours include the opportunity to interact with the instructor in
26 real-time. As many as eight hours may be obtained in the manner set forth in Rule .0210 of this **ChapterSection**. The
27 Board shall not award credit for any continuing education hours until the sponsor or licentiate submits to the Board
28 the sponsor's certificate of attendance or course completion.

29 (f) First-Year Continuing Education Exemptions. A licentiate who was enrolled in chiropractic college at any time
30 during the year of initial licensure or a licentiate initially licensed after September 1st of the current year shall be
31 permitted to renew his or her license for the ensuing year without obtaining continuing education but shall be required
32 to submit a license renewal form and pay the renewal fee. In subsequent years, a licentiate shall not be permitted to
33 renew his or her license until the continuing education requirements set forth in Paragraph (e) of this Rule are satisfied.

34 (g) Hardship Waivers. A licentiate seeking a hardship waiver of the continuing education requirement shall make
35 written application to the Board no later than December 15th of the current year explaining the nature and
36 circumstances of the hardship. Upon the applicant's showing that compliance with the continuing education
37 requirement poses an undue hardship, the Board may waive the requirement in whole or part or grant an extension of

1 time within which to comply. "Undue hardship" shall include protracted medical illness, natural disaster, or extended
2 absence from the United States.

3 (h) Military Hardship. A licentiate who is serving in the Armed Forces of the United States and to whom G.S. 93B-
4 15(a) grants an extension of time to pay a renewal fee shall also be granted an identical extension of time to complete
5 the continuing education required for license renewal.

6 (i) Renewal Fee. A renewal fee in the maximum amount allowed by G.S. 90-155 shall be paid by each licentiate
7 applying for renewal.

8 (j) Restoration of Inactive License. Evidence of Proficiency. In order to provide evidence of proficiency, a former
9 licentiate whose license has been inactive for 180 or fewer days due to non-compliance with G.S. 90-155 shall be re-
10 examined and shall pay the non-refundable application fee prescribed in Rule .0202(d) of this **ChapterSection** and
11 shall demonstrate compliance with continuing education requirements. A former licentiate whose license has been
12 inactive for more than 180 days shall comply with Rule .0203(f) of this **ChapterSection** in addition to this Paragraph.
13 Payment of the application fee shall not constitute payment of the reinstatement fee of twenty-five dollars (\$25.00)
14 mandated by G.S. 90-155.

15
16 *History Note: Authority G.S. 90-142; 90-145; 90-155; 90-148; 93B-15;*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. January 27, 1978;*

19 *Amended Eff. January 1, 1983;*

20 *Legislative Objection Lodged Eff. January 31, 1983;*

21 *Curative Amended Eff. February 28, 1983;*

22 *Amended Eff. July 1, 2014; December 1, 1988;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
24 *2019;*

25 *Amended Eff. January 1, 2023; January 1, 2022; January 1, 2020.*

Burgos, Alexander N

Subject: FW: [External] 21 NCAC 10 .0204

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Thursday, December 7, 2023 2:57 PM

To: Elizabeth A. Berger <eberger@hedrickgardner.com>

Cc: Anna Baird Choi <achoi@hedrickgardner.com>; dr.joe@ncchiroboard.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] 21 NCAC 10 .0204

Good afternoon,

Page 2, Line 12 "Chapter" should be "Section" as well.

Thank you.

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

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Burgos, Alexander N

From: Elizabeth A. Berger <eberger@hedrickgardner.com>
Sent: Friday, December 1, 2023 12:45 PM
To: Peaslee, William W
Cc: Anna Baird Choi; dr.joe@ncchiroboard.com; Burgos, Alexander N
Subject: [External] 21 NCAC 10 .0204
Attachments: 21 NCAC 10 .0204.docx

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Good afternoon Mr. Peaslee,

Please find attached the revised Rule 21 NCAC 10 .0204 per your requested changes.

Thank you,

Elizabeth A. Berger | Paralegal
Hedrick Gardner Kincheloe & Garofalo LLP
4131 Parklake Ave., Suite 300 | Raleigh, NC 27612
Phone: 919-341-5147 | Fax: 919-832-9425
eberger@hedrickgardner.com | www.hedrickgardner.com



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14 by G.S. 90-155.

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16 *History Note: Authority G.S. 90-142; 90-145; 90-155; 90-148; 93B-15;*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. January 27, 1978;*

19 *Amended Eff. January 1, 1983;*

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21 *Curative Amended Eff. February 28, 1983;*

22 *Amended Eff. July 1, 2014; December 1, 1988;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
24 *2019;*

25 *Amended Eff. January 1, 2023; January 1, 2022; January 1, 2020.*

Burgos, Alexander N

From: Anna Baird Choi <achoi@hedrickgardner.com>
Sent: Tuesday, November 28, 2023 2:47 PM
To: Peaslee, William W; dr.joe@ncchiroboard.com
Cc: Burgos, Alexander N; Elizabeth A. Berger
Subject: RE: [External] RE: 21 NCAC 10 .0204

Follow Up Flag: Follow up
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Fantastic – we'll get right on it.

Anna

Anna Baird Choi | Partner
Hedrick Gardner Kincheloe & Garofalo LLP.
4131 Parklake Ave., Suite 300 | Raleigh, NC 27612
Phone: 919-341-2658 | Fax: 919-832-9425
achoi@hedrickgardner.com | www.hedrickgardner.com



From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, November 28, 2023 2:12 PM
To: Anna Baird Choi <achoi@hedrickgardner.com>; dr.joe@ncchiroboard.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: 21 NCAC 10 .0204

Yes

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

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From: Anna Baird Choi <achoi@hedrickgardner.com>
Sent: Tuesday, November 28, 2023 2:11 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; dr.joe@ncchiroboard.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: 21 NCAC 10 .0204

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Hi Bill,
Is this the only technical change for the rule?

Anna

Anna Baird Choi | Partner
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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, November 27, 2023 2:28 PM
To: dr.joe@ncchiroboard.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Anna Baird Choi <achoi@hedrickgardner.com>
Subject: 21 NCAC 10 .0204

Good afternoon,

In the above captioned rule, please change “Chapter” to “Section” on Page 1, Line 26, and Page 2, Lines 10, and 12. I realize that there is only on section in this chapter currently, but that could change in the future.

Thank you in advance for your prompt revision.

William W. Peaslee
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