

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Department of Health and Human Services intends to adopt the rule cited as 10A NCAC 15 .1801.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: November 15, 2023.

Public Hearing:

Date: December 7, 2023

Time: 10:00 a.m.

Location: Dorothea Dix Park, Brown Building, Room 104, 801 Biggs Drive, Raleigh, NC 27603

Reason for Proposed Temporary Action: The effective date of a recent act of the General Assembly or of the U.S. Congress, cite: S.L. 2023-91, s. 2.(b), effective date: July 10, 2023. The proposed temporary adoption of Rule 10A NCAC 15 .1801, Requirements for Registration of Radon Proficiency Programs, is in response to a recent act of the General Assembly, Session Law 2023-91, "An act to amend the North Carolina Building Code Exclusion for temporary motion picture, television, and theater stage sets and scenery to exempt them from use and occupancy classification under the code; to direct the Department of Health and Human Services to establish an approval process for Radon Proficiency Programs; and to provide that evidence of a licensee having maintained a license in good standing under Article 2 of Chapter 87 of the General Statutes for at least 15 years shall be accepted as experience for plumbing and heating qualifications by the Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors." that became effective July 10, 2023. Section 2.(b) of this Act, requires the N.C. Department of Health and Human Services to adopt temporary radon proficiency program approval rules. The purpose for the proposed temporary rule adoption is to establish minimum criteria for programs which will certify radon professionals in North Carolina. It additionally gives radon proficiency programs the ability to gain approval in the State of North Carolina since there is currently no other avenue on the state or national level for organizations to be approved to certify radon professionals.

Comment Procedures: Comments from the public shall be directed to: Taylor Corpening, 809 Ruggles Drive; 2701 Mail Service Center, Raleigh, NC 27699-2701; email dhsr.rulescoordinator@dhs.nc.gov. The comment period begins November 27, 2023 and ends December 18, 2023.

CHAPTER 15 - RADIATION PROTECTION

SECTION .1800 – STANDARDS FOR RADON PROFICIENCY PROGRAM APPROVAL

10A NCAC 15 .1801 REQUIREMENTS FOR REGISTRATION OF RADON PROFICIENCY PROGRAMS

(a) No person shall offer services as a radon proficiency program unless registered with the Department.

(b) In addition to the definitions found in Rule .0104 of this Chapter, the following definition shall apply to this Rule: "Radon proficiency program" means an organization that provides training, competency testing, and certification to an individual as a radon professional.

(c) Persons seeking initial registration, to amend a registration, or to renew a registration as a radon proficiency program shall:

- (1) submit an application for registration to the agency at the addresses shown in Rule .0111(a) of this Chapter or as otherwise instructed by the agency. Applications for initial registration and applications to renew a registration shall be submitted with supporting information demonstrating that the requirements of Paragraph (d) of this Rule and S.L. 2023-91, s.2 are met. Applications to amend a registration shall be submitted with an attachment explaining the items to be amended; and
- (2) comply with the provisions of Paragraph (i) of this Rule.

(d) The Department shall approve an application for initial registration or to renew a registration as a radon proficiency program that meets the criteria set out in S.L. 2023-91, s.2.

(e) Radon proficiency program registrations issued by the Department shall expire at midnight on the expiration date stated on the radon proficiency program registration. The Department shall not issue an initial or renewed registration expiring less than one year from the date of issuance.

(f) The Department shall deny an application for initial registration or to renew a registration as a radon proficiency program if the application fails to demonstrate compliance with Paragraph (d) of this Rule and S.L. 2023-91, s.2.

(g) Persons whose radon proficiency program registrations are revoked or expired may apply for registration in accordance with Paragraph (c) of this Rule and S.L. 2023-91, s.2 and shall not offer services as a radon proficiency program with a revoked or expired registration.

(h) Each registrant shall, upon notice of at least 48 hours, make available to the Department for inspection records maintained pursuant to this Rule.

(i) Applications submitted to the Department for registration as a radon proficiency program shall contain the following information:

- (1) Box 1, check the box next to the type of registration requested;
- (2) Box 2, business physical address;

- (A) name of the radiation proficiency program;
- (B) phone number at the physical location;
- (C) website associated with the radiation proficiency program;
- (D) physical address of the business, including the street address, city, county, state, and zip code. The five digit zip code may be used if the nine digit zip code is not known;
- (E) mailing address if different from Box 1. If the physical and mailing addresses are the same, the mailing address may be left blank: Mailing address of the business, including city, state, and zip code. The five digit zip code may be used if the nine digit zip code is not known; and
- (F) name, phone number and email for the individual completing the form.
- (3) Box 3, authorizing signature of individual responsible for the radon proficiency program:
 - (A) name of company or corporate office;
 - (B) full legal name. Middle initials may be used in lieu of the full middle name; and
 - (C) signature of the individual registering the radiation proficiency program on behalf of the business; and
- (4) Additional Attachments to include with application:
 - (A) documents establishing compliance and periodic reaccreditation with the international program approval standard through accreditation by a recognized accreditation body or demonstration of current approval by the United States Environmental Protection Agency as a radon proficiency program;
 - (B) list of a board members from various private and public sector stakeholders to make decisions regarding curriculum, testing, instructor qualifications, quality assurance and control, continuing education requirements, and procedures for the handling of complaints;
 - (C) minimum training requirements for radon professionals for each type of certification offered;
 - (D) examination requirements for each type of certification;
 - (E) continuing education requirements for each type of certification; and
 - (F) instructor names and qualifications demonstrating relevant knowledge and experience.
- (5) copies of the registration form are available free of charge by emailing the contacts listed at <https://www.ncdhhs.gov/divisions/health-service-regulation/north-carolina-radon-program/contacts>.

Authority S.L. 2023-91, s. 2.