NORTH CAROLINA REGISTER

VOLUME 37 • ISSUE 10 • Pages 753 – 766

November 15, 2022

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PUBLISHED BY
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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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Raleigh, North Carolina 27699-0320
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Raleigh, North Carolina 27603
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NC League of Municipalities — 919-715-2925
424 Fayetteville Street, Suite 1900
Raleigh, North Carolina 27601
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545 Legislative Office Building
300 North Salisbury Street — 919-733-2578
Raleigh, North Carolina 27611 — 919-715-5460 FAX

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NORTH CAROLINA REGISTER
Publication Schedule for January 2022 – December 2022

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270th day from publication in the Register
36:13	01/03/22	12/08/21	01/18/22	03/04/22	03/21/22	04/21/2022	05/01/22	09/30/22
36:14	01/18/22	12/22/21	02/02/22	03/21/22	04/20/22	05/19/2022	06/01/22	10/15/22
36:15	02/01/22	01/10/22	02/16/22	04/04/22	04/20/22	05/19/2022	06/01/22	10/29/22
36:16	02/15/22	01/25/22	03/02/22	04/18/22	04/20/22	05/19/2022	06/01/22	11/12/22
36:17	03/01/22	02/08/22	03/16/22	05/02/22	05/20/22	06/16/2022	07/01/22	11/26/22
36:18	03/15/22	02/22/22	03/30/22	05/16/22	05/20/22	06/16/2022	07/01/22	12/10/22
36:19	04/01/22	03/11/22	04/16/22	05/31/22	06/20/22	07/21/2022	08/01/22	12/27/22
36:20	04/18/22	03/25/22	05/03/22	06/17/22	06/20/22	07/21/2022	08/01/22	01/13/23
36:21	05/02/22	04/08/22	05/17/22	07/01/22	07/20/22	08/18/2022	09/01/22	01/27/23
36:22	05/16/22	04/25/22	05/31/22	07/15/22	07/20/22	08/18/2022	09/01/22	02/10/23
36:23	06/01/22	05/10/22	06/16/22	08/01/22	08/22/22	09/15/2022	10/01/22	02/26/23
36:24	06/15/22	05/24/22	06/30/22	08/15/22	08/22/22	09/15/2022	10/01/22	03/12/23
37:01	07/01/22	06/10/22	07/16/22	08/30/22	09/20/22	10/20/2022	11/01/22	03/28/23
37:02	07/15/22	06/23/22	07/30/22	09/13/22	09/20/22	10/20/2022	11/01/22	04/11/23
37:03	08/01/22	07/11/22	08/16/22	09/30/22	10/20/22	11/17/2022	12/01/22	04/28/23
37:04	08/15/22	07/25/22	08/30/22	10/14/22	10/20/22	11/17/2022	12/01/22	05/12/23
37:05	09/01/22	08/11/22	09/16/22	10/31/22	11/21/22	12/15/2022	01/01/23	05/29/23
37:06	09/15/22	08/24/22	09/30/22	11/14/22	11/21/22	12/15/2022	01/01/23	06/12/23
37:07	10/03/22	09/12/22	10/18/22	12/02/22	12/20/22	01/19/2023	02/01/23	06/30/23
37:08	10/17/22	09/26/22	11/01/22	12/16/22	12/20/22	01/19/2023	02/01/23	07/14/23
37:09	11/01/22	10/11/22	11/16/22	01/03/23	01/20/23	02/16/2023	03/01/23	07/29/23
37:10	11/15/22	10/24/22	11/30/22	01/17/23	01/20/23	02/16/2023	03/01/23	08/12/23
37:11	12/01/22	11/07/22	12/16/22	01/30/23	02/20/23	03/16/2023	04/01/23	08/28/23
37:12	12/15/22	11/22/22	12/30/22	02/13/23	02/20/23	03/16/2023	04/01/23	09/11/23

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

(1) temporary rules;
(2) text of proposed rules;
(3) text of permanent rules approved by the Rules Review Commission;
(4) emergency rules
(5) Executive Orders of the Governor;
(6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
(7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: ELITE RETREAT HOMES LLC

Applicant's Address: 385 WHITEHOUSE FORK RD.

SWANSBORO, NC 28584

Application Date: 10/18/2022

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

STEPHEN GLENN MOORE – MANAGER

JODIE MOORE - MANAGER

NORTH CAROLINA RATE BUREAU

PUBLIC NOTICE

Notice is hereby given pursuant to North Carolina General Statute 58-36-120 that, on October 31, 2022, the North Carolina Rate Bureau made filings for an increase in insurance rates for two Mobile Home insurance policy programs (MH(C) and MH(F)) under its jurisdiction. Public notice of the filings is being published in two newspapers with statewide distribution and in the North Carolina Register. The Commissioner of Insurance may or may not schedule and conduct a hearing with respect to the filings. This information is being posted on the web sites of the North Carolina Rate Bureau and the North Carolina Department of Insurance. The filings only relate to Mobile Home insurance policies under the jurisdiction of the North Carolina Rate Bureau and do not affect Dwelling Fire and Extended Coverage or Homeowners insurance policies or rates not part of the Mobile Home policy programs.

Note from the Codifier: *The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 29 - LOCKSMITH LICENSING BOARD

Notice *is hereby given in accordance with G.S. 150B-21.2 that the Locksmith Licensing Board intends to adopt the rule cited as 21 NCAC 29 .0705 and amend the rules cited as 21 NCAC 29 .0404 and .0501.*

Link to agency website pursuant to G.S. 150B-19.1(c): *www.nclocksmithboard.org*

Proposed Effective Date:
21 NCAC 29 .0501, .0705: March 1, 2023
21 NCAC 29 .0404: January 1, 2024

Public Hearing:
Date: *December 14, 2022*
Time: *10:00 a.m.*
Location: *Young Moore Henderson, 3101 Glenwood Ave. #200, Raleigh, NC 27612 and Zoom: tinyurl.com/3988cjp5*

Reason for Proposed Action:
.0501 *The Board seeks to better define the relationship between employer and employee.*
.0705 *The Board seeks to create an inactive duty military personnel who are deployed while licensed.*
.0404 *The Board seeks to raise its renewal fee to its statutory cap of $300.00.*

Comments may be submitted to: *Barden Culbreth, PO Box 10972, Raleigh, NC 27605; email director@nclocksmithboard.org or director@nclocksmithboard.org or barden@recanc.com*

Comment period ends: *January 17, 2023*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

SECTION .0400 - LICENSING REQUIREMENTS

21 NCAC 29 .0404 FEES

~~The license issuance fee shall be two hundred dollars ($200.00). The license issuance fee shall accompany the application for licensure. In the event the applicant is denied licensure, the fee shall be refunded. Replacement licenses shall be available upon written request and the fee for issuance of a replacement license shall be ten dollars ($10.00).~~

(a) License Application Fee shall be two hundred dollars ($200.00).
(b) Apprentice License Fee shall be two hundred dollars ($200.00).
(c) License Renewal Fee shall be three hundred dollars ($300.00).
(d) Background Check Fee shall be thirty-eight dollars ($38.00).
(e) The Board may impose a Replacement or Duplicate License Fee of ten dollars ($10.00) when a licensee's badge is lost, missing, or damaged.

Authority G.S. 74F-6; 74F-7; 74F-9; 74F-10.

SECTION .0500-CODE OF ETHICS

21 NCAC 29 .0501 OBLIGATION OF LICENSED LOCKSMITHS

~~By applying for and accepting a license issued by the Board, all licensees become obligated to comply with the provisions of this section. Failure to comply shall result in disciplinary action by the Board.~~

(a) By applying for and accepting a license issued by the Board, all licensees become obligated to comply with the provisions of this section. Failure to comply may result in disciplinary action by the Board.
(b) The obligations of this Chapter extend to all employees of licensed individuals and licensed individuals shall be responsible for the actions of their employees. The term "employee" shall mean every person engaged in employment under a contract of hire or apprenticeship, express or implied, oral or written, including non-citizens, and also minors, whether lawfully or unlawfully employed.

Authority G.S. 74F-6; 74F-3.

SECTION .0700 – LICENSE RENEWAL REQUIREMENTS

21 NCAC 29 .0705 INACTIVE LICENSE STATUS DUE TO ACTIVE MILITARY DEPLOYMENT

(a) A licensee who is actively deployed for military service may place their license on inactive status by notifying the Board by submission of the military activation form on the Board's website indicating their deployment.

(b) A license placed on inactive status may be re-activated by the license holder notifying the Board in writing of their return to civilian employment by use of the re-activation form available on the Board's website.

(c) While a licensee holds an inactive license status issued by the Board, the licensee shall not provide locksmith services to the public, nor shall they supervise a locksmith apprentice.

Authority G.S. 74F-6; 74F-7; 74F-10.

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CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Medical Board intends to repeal the rules cited as 21 NCAC 32B .1708; and 32M .0119.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *www.ncmedboard.org/about_the_board/rule_changes*

Proposed Effective Date: *April 1, 2023*

Public Hearing:
Date: *January 4, 2023*
Time: *10:00 a.m.*
Location: *North Carolina Board of Pharmacy, 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina 27517*

Reason for Proposed Action: *At the outset of the COVID-19 pandemic in March 2020, the North Carolina Secretary of Health and Human Services and the State Health Director proposed that the Boards of Pharmacy and Nursing and the Medical Board adopt a COVID-19 Drug Preservation Rule. At that time, there were many drugs with a suspected potential to treat COVID-19. The rule was drafted to ensure that a supply of those drugs also remained available for patients who were prescribed those drugs for other conditions. On August 15, 2022, the declared state of emergency ended in North Carolina. With that change, the North Carolina Secretary of Health and Human Services and the State Health Director have agreed that there is no current need for this rule.*

Comments may be submitted to: *Wanda Long, 3127 Smoketree Court, Raleigh, NC 27604; phone (919) 326-1109; email wanda.long@ncmedboard.org*

Comment period ends: *January 17, 2023*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

SUBCHAPTER 32B – LICENSE TO PRACTICE MEDICINE

SECTION .1700 – OTHER LICENSES

21 NCAC 32B .1708 COVID-19 DRUG PRESERVATION RULE

Authority G.S. 90-5.1(a)(3).

SUBCHAPTER 32M - APPROVAL OF NURSE PRACTITIONERS

21 NCAC 32M .0119 COVID-19 DRUG PRESERVATION RULE

Authority G.S. 90-5.1(a)(3); 90-18.2.

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CHAPTER 36 – BOARD OF NURSING

***Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Nursing intends to amend the rule cited as 21 NCAC 36 .0228 and repeal the rule cited as 21 NCAC 36 .0817.*

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless

the agency requests otherwise. The text of the rule(s) are available on the OAH website at http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.ncbon.com/laws-rules-administrative-code-rules-board-of-nursing-board-of-nursing-propose*

Proposed Effective Date: *March 1, 2023*

Public Hearing:
Date: *December 7, 2022*
Time: *9:00 a.m.*
Location: *NC Board of Nursing, 4516 Lake Boone Trail, Raleigh NC 27607*

Reason for Proposed Action:
21 NCAC 36 .0228 *Clinical Nurse Specialists (CNSs) can be recognized in North Carolina without national certification. Currently, CNSs may submit evidence of meeting requirements equivalent to national certification if no clinical nurse specialist certification is available in the specialty. A portfolio process has been used if no national CNS certification is available in the CNS's specialty and the CNS completed their academic preparation prior to 07-01-2015. No portfolio has been submitted since August 2020. The Board approved amendments to Rules to eliminate the portfolio route for new CNS recognition and align certification and continuing education with the requirements for other Advanced Practice Registered Nurse roles of Certified Registered Nurse Anesthetist, Certified Nurse Midwives and Nurse Practitioners.*
21 NCAC 36 .0817 *At the outset of the COVID-19 pandemic in March 2020, the North Carolina Secretary of Health and Human Services and the State Health Director proposed that the Boards of Nursing, Pharmacy and the Medical Board adopt a COVID-19 Drug Preservation Rule. At that time, there were many drugs with a suspected potential to treat COVID-19. The rule was drafted to ensure that a supply of those drugs also remained available for patients who were prescribed those drugs for other conditions. On August 15, 2022, the declared state of emergency ended in North Carolina. With that change, the North Carolina Secretary of Health and Human Services and the State Health Director have agreed that there is no current need for this rule. The Board of Nursing understands that the Medical Board and the Board of Pharmacy are considering repealing their analogous rules.*

Comments may be submitted to: *Angela Ellis, PO Box 2129, Raleigh, NC 27602-2129; email lawsrules@ncbon.com*

Comment period ends: *January 17, 2023*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
☐ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☐ **Approved by OSBM**
☒ **No fiscal note required**

SECTION .0200 – LICENSURE

21 NCAC 36 .0228 CLINICAL NURSE SPECIALIST PRACTICE

(a) Only a registered nurse who meets the qualifications outlined in Paragraph (b) of this Rule shall be approved by the Board as a clinical nurse specialist to perform advanced practice registered nursing activities listed in Paragraph (f) of this Rule.

(b) The Board shall approve an applicant who:

(1) has an active, unencumbered license to practice as a registered nurse in North Carolina or a state that has adopted the Nurse Licensure Compact;

(2) has an unrestricted previous approval, registration, or license as a clinical nurse specialist if previously approved, registered, or licensed as a clinical nurse specialist in another state, territory, or possession of the United States;

(3) has successfully completed a master's or higher level degree program that is accredited by a nursing accrediting body approved by the United States Secretary of Education or the Council for Higher Education Accreditation and meets the qualifications for clinical nurse specialist certification by an approved national credentialing body under Subparagraph (b)(4) of this Rule; and

(4) ~~either:~~

~~(A)~~ has current certification as a clinical nurse specialist from a national credentialing body approved by the Board, as defined in Paragraph (h) of this Rule and ~~21 NCAC 36 .0120(26); or~~ 21 NCAC 36 .0120(26).

~~(B) meets requirements that are equivalent to national certification if no clinical nurse specialist certification is available in the specialty. The Board shall determine equivalence based on consideration of an official transcript and course descriptions validating Subparagraph (b)(3) of this Rule, a current curriculum vitae, work history,~~

~~professional recommendations indicating evidence of at least 1,000 hours of clinical nurse specialist practice, and documentation of certificates indicating 75 contact hours of continuing education applicable to clinical nurse specialist practice during the previous five years.~~

(c) An applicant certified as a clinical nurse specialist by a national credentialing body prior to January 1, 2007, and who has maintained that certification and active clinical nurse specialist practice and holds a master's or higher degree in nursing or a related field shall be approved by the Board as a clinical nurse specialist.

(d) New graduates seeking first-time clinical nurse specialist approval in North Carolina shall hold a master's or doctoral degree or a post-master's certificate from a clinical nurse specialist program accredited by a nursing accrediting body approved by the U.S. Secretary of Education or the Council for Higher Education Accreditation and shall meet all requirements in Subparagraph (b)(1) and Part (g)(3)(A) of this Rule.

(e) A clinical nurse specialist seeking Board approval who has never practiced as a clinical nurse specialist or has not practiced in more than two years shall complete a clinical nurse specialist refresher course approved by the Board in accordance with 21 NCAC 36 .0220(o) and (p), consisting of common conditions and their management related to the clinical nurse specialist's area of education and certification. A clinical nurse specialist refresher course participant shall be granted limited clinical nurse specialist recognition that is specific to clinical activities taught in the refresher course.

(f) The scope of practice of a clinical nurse specialist shall incorporate the basic components of nursing practice as defined in Rule .0224 of this Section as well as the understanding and application of nursing principles at an advanced practice registered nurse level in the area of clinical nursing specialization in which the clinical nurse specialist is educationally prepared and for which competency is maintained, including:

(1) assessing clients' health status, synthesizing and analyzing multiple sources of data, and identifying alternative possibilities as to the nature of a healthcare problem;

(2) diagnosing and managing clients' acute and chronic health problems within an advanced practice nursing framework;

(3) assessing for and monitoring the usage and effect of pharmacologic agents within an advanced practice nursing framework;

(4) formulating strategies to promote wellness and prevent illness;

(5) prescribing and implementing therapeutic and corrective non-pharmacologic nursing interventions;

(6) planning for situations beyond the clinical nurse specialist's expertise and consulting with or referring clients to other health care providers as appropriate;

(7) promoting and practicing in collegial and collaborative relationships with clients, families, other health care professionals, and individuals whose decisions influence the health of individual clients, families, and communities;

(8) initiating, establishing, and using measures to evaluate health care outcomes and modify nursing practice decisions;

(9) assuming leadership for the application of research findings for the improvement of health care outcomes; and

(10) integrating education, consultation, management, leadership, and research into the clinical nurse specialist role.

(g) A registered nurse seeking approval by the Board as a clinical nurse specialist shall:

(1) complete the appropriate application that includes the following:

(A) evidence of a master's or doctoral degree or a post-master's certificate, as set out in Subparagraph (b)(3) or Paragraph (d) of this Rule; and either

(B) evidence of current certification in a clinical nursing specialty from a national credentialing body, set out in ~~Part (b)(4)(A)~~ Subparagraph (b)(4) of this ~~Rule; or~~ Rule.

~~(C) meet requirements set out in Part (b)(4)(B) of this Rule;~~

(2) renew the approval every two years at the time of registered nurse renewal; and

(3) either:

(A) submit evidence of initial certification and re-certification by a national credentialing body at the time such occurs in order to maintain Board recognition, consistent with Paragraphs (b) and (h) of this Rule; or

(B) if ~~subject to Part (b)(4)(B) of this Rule,~~ recognized in North Carolina as a clinical nurse specialist without national certification prior to April 1, 2023, submit evidence of either:

(i) at least 1,000 hours of practice and 75 contact hours of continuing education with 25 contact hours of pharmacotherapeutics as a portion of the mandatory 75 contact hours every five ~~years.~~ years; or

(ii) 150 contact hours of continuing education with 50 contact hours of pharmacotherapeutics as a portion of the 150 contact hours every five years.

(4) Documentation shall be maintained by the clinical nurse specialist for the previous five

years and made available upon request to either Board.

(h) The Board shall approve those national credentialing bodies offering certification and recertification in a clinical nursing specialty that have established the following minimum requirements:

(1) active unencumbered licensure as a registered nurse; and

(2) certification as a clinical nurse specialist that is limited to applicant prepared with a master's or doctoral degree or a post-master's certificate.

Authority G.S. 90-171.20(4); 90-171.20(7); 90-171.21(d)(4); 90-171.23(b); 90-171.27(b); 90-171.42(b).

SECTION .0800 - APPROVAL AND PRACTICE PARAMETERS FOR NURSE PRACTITIONERS

21 NCAC 36 .0817 COVID-19 DRUG PRESERVATION RULE

Authority G.S. 90-8.2; 90-171.23(b)(14).

This Section contains information for the meeting of the Rules Review Commission October 20, 2022 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
Jeanette Doran (Chair)
Robert A. Bryan, Jr. (2nd Vice Chair)
Jay R. Hemphill
Jeff Hyde
Robert A. Rucho

Appointed by House
Andrew P. Atkins (1st Vice Chair)
Wayne R. Boyles, III
Barbara A. Jackson
Randy Overton
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
Lawrence Duke	984-236-1938
William W. Peaslee	984-236-1939

RULES REVIEW COMMISSION MEETING DATES

November 17, 2022	January 19, 2023
December 15, 2022	February 16, 2023

RULES REVIEW COMMISSION MEETING
MINUTES
October 20, 2022

The Rules Review Commission met on Thursday, October 20, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Jeff Hyde, Randy Overton, and Bob Rucho were present in the Commission Room. Commissioners Jay Hemphill and Barbara Jackson were present via WebEx.

Staff members Alexander Burgos, Commission Counsel Lawrence Duke, Brian Liebman, and Bill Peaslee were present in the room.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES
The Chair asked for any discussion, comments, or corrections concerning the minutes of the September 15, 2022 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

FOLLOW UP MATTERS
Board of Agriculture
02 NCAC 52B .0212, .0214; 61 .0101, .0102, .0104, .0106, .0109, and .0111 - The agency is addressing the request for changes from the September meeting. No action was required by the Commission.

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Board of Agriculture
02 NCAC 52J .0208, and .0704 - The agency is addressing the objection from the September meeting. No action was required by the Commission.

State Board of Elections
08 NCAC 04 .0308, and .0309 - The agency is addressing the request for changes from the September meeting. No action was required by the Commission.

Medical Care Commission
10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, and .5411 - The agency is addressing the objection from the August meeting. No action was required by the Commission.

Sheriffs' Education and Training Standards Commission
12 NCAC 10B .0704 - The rule was returned at the request of the agency. No action was required by the Commission.

Environmental Management Commission
15A NCAC 02B .0208, .0212, .0214, .0215, .0216, and .0218 - The agency is addressing the objection from the May meeting. No action was required by the Commission.

Environmental Management Commission
15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 - The agency is addressing the objection from the May meeting. No action was required by the Commission.

Coastal Resources Commission
15A NCAC 07H .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, .0509, .0510, .0601, .0603, .0604; 07I .0406, .0504, .0506, .0508, .0510, .0511, .0602, .0702; 07J .0203, .0204, .0206, .0207, .0208, .0210, and .0312 – The agency is addressing the objection from the September meeting. No action was required by the Commission.

Coastal Resources Commission
15A NCAC 07H .2305 – The agency is addressing the objection from the September meeting. No action was required by the Commission.

Coastal Resources Commission
15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0503, .0601, .0603, .0701, .0703, .0704, .0801, .0802, .1001, .1002, .1101, .1102, .1201, and .1202 - The agency is addressing the objection from the September meeting. No action was required by the Commission.

Commission for Public Health
15A NCAC 18A .1301, .1302, .1304, .1305, .1306, .1307, .1308, .1309, .1310, .1311, .1312, .1313, .1314, .1315, .1316, .1317, .1318, .1319, .1320, .1321, .1323, .1324, and .1327 - The agency is addressing the request for changes from the September meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Commission for Mental Health/DD/SAS
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Sheriffs' Education and Training Standards Commission
Upon the call of the Chair, the Commission extended the period of review for 12 NCAC 10B .0205, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0408, and .0410 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Alarm Systems Licensing Board
Upon the call of the Chair, 14B NCAC 17 .0204 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

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Board of Dietetics/Nutrition
Upon the call of the Chair, 21 NCAC 17 .0113 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Board of Electrolysis Examiners
Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

COMMISSION BUSINESS
The Chair announced that the NCBA Administrative Law Section will be presenting to the RRC an updated pre-review draft checklist for discussion at the November meeting.
The meeting adjourned at 9:13 a.m.
The next regularly scheduled meeting of the Commission is Thursday, November 17, 2022, at 9:00 a.m.

_____
Alexander Burgos, Paralegal

_____
Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

DRAFT

October 20, 2022

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Dennis Seavers	Board of Electrolysis Examiners
Philip [illegible]	[illegible]
Denise [illegible]	Commission for MH/DD/SAS
Ann Wall	Sec of State
Cameron Enin	Cranfill Sumner
Robert El-Jaouhari	Cranfill Sumner

Rules Review Commission Meeting October 20, 2022
Via WebEx

Name	Agency
Chris Ventaloro	EMC
Brooks Pearson	SELNC
Peter Daniel	ncchamber.com
Julie Ventaloro	OSBM
Jessica Montie	EMV
Anne Coan	NCFB
Christine Ryan	DOJ
Charla Burill	NCBDN
Laura Lansford	NCDOR
Robin Sulfridge	DHHS
Nadine Pfeiffer	DHHS
Jessica Macari	DHHS-DMH
Hannah Jernigan	DOT
Robert Pickett	DOJ
Helen Landa	DOT
Chris Millis	NCHBA
Margaret Wingate	beautyskindeep.net

STATE OF NORTH CAROLINA
OFFICE OF THE ADMINISTRATIVE HEARINGS

OATH OF OFFICE

I, John Hemphill, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, John Hemphill do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, John Hemphill, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

SIGNATURE

John R. Hemphill

Wake County, North Carolina

Sworn and subscribed before me this the 19 day of Oct 2022.

Janet B Witchger

Janet B. Witchger, Notary Public

My Commission Expires: 11-7-26

Janet B Witchger
NOTARY PUBLIC
Durham County
North Carolina
My Commission Expires November 7, 2026

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LIST OF APPROVED PERMANENT RULES
October 20, 2022 Meeting

MENTAL HEALTH/DD/SAS, COMMISSION FOR			
Definitions	10A NCAC	26E	.0602
Reporting Requirements	10A NCAC	26E	.0604
Penalties	10A NCAC	26E	.0605
Emergency Plans and Supplies	10A NCAC	27G	.0207
Staff	10A NCAC	27G	.2202
ALARM SYSTEMS LICENSING BOARD			
Renewal or Reinstatement of License	14B NCAC	17	.0204
DIETETICS/NUTRITION, BOARD OF			
Fees	21 NCAC	17	.0113
ELECTROLYSIS EXAMINERS, BOARD OF			
Definitions	21 NCAC	19	.0103
Definitions and Overview	21 NCAC	19	.0404
Continuing Education Requirements, License Renewal, Reins...	21 NCAC	19	.0701
Board Approval of Courses	21 NCAC	19	.0702
Computation of Continuing Education Units	21 NCAC	19	.0703
Time Limits on Credit	21 NCAC	19	.0704
Application for Approval of Continuing Education	21 NCAC	19	.0705
Waiver	21 NCAC	19	.0706