



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Interpreter & Transliterator Licensing Board	
2. Rule citation & name: 21 NCAC 25 .0501(e), "Continuing Education Requirements"	
3. Action:	<input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Effective date: July 1, 2020
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: April 9, 2020. b. Proposed Temporary Rule published on the OAH website: April 14, 2020. c. Public Hearing date: April 29, 2020, 10:00 a.m. d. Comment Period: April 13, 2020 through and including May 11, 2020. e. Notice pursuant to G.S. 150B-21.1(a3)(2): April 13, 2020. f. Adoption by agency on: May 28, 2020. g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: July 1, 2020 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: Explain: COVID-19. On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. COVID-19 is a respiratory disease that can result in serious illness or death. COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. Through several additional Executive Orders, the Governor of North Carolina has prohibited mass gatherings, closed schools, urged social distancing, ordered North Carolinians to stay at home, with exceptions, and placed limitations on travel because of the COVID-19 public health threat and emergency. These Orders and declarations prohibit or discourage in-person continuing education offerings. In compliance with the Governor's Executive Orders, the NCITLB, through a temporary Rule, seeks to lift the in-person continuing education requirements solely for the 2019-20 licensure year and allow licensees to take all of their continuing education requirements electronically.	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Immediate adoption of the proposed temporary rule is required because permanent rulemaking would take months longer and would likely create anxiety among many of the NCITLB's licensees, who would not know whether they could meet license-renewal requirements by the required September 30, 2020, deadline. Also, because of the value of face-to-face, in-person interpreting training, the NCITLB has not yet decided to waive the in-person continuing education course requirement permanently, so a temporary rule fits the exigent needs of the situation, as explained herein.

For background, most, if not all, of the in-person continuing education courses for the NCITLB's licensees have been canceled since March of 2020, due to the Covid-19 pandemic and the concomitant restrictions on public gatherings. Since licensees must complete their continuing education requirements by September 30, 2020, those who have not yet completed their 10-hour in-person continuing education requirement for the year will not likely be able to complete such requirement in time, even with the additional lifting of Executive Order restrictions.

Regarding notice, the NCITLB has provided notice to the public, including those who have specifically requested inclusion on the NCITLB's mailing list to receive notices. In addition to publication on the OAH website, the NCITLB has posted notice of this proposed action on its webpage (www.ncitlb.org), along with information regarding how to comment on the proposed temporary rule.

The public comment period ran from April 13 through and including May 11, 2020. Also, the NCITLB conducted a public hearing on April 29, 2020, during which it received comments, which it has considered. The NCITLB believes that it has adhered to the notice and hearing requirements of law, and it has exceeded the minimum length of time required for receiving public comment for temporary rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

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Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator: Ms. Caitlin Schwab-Falzone

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10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: James K. Sewell

Title: Board Chair

E-Mail: jimncitlb@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Interpreter and Transliterator Licensing Board

RULE CITATION: 21 NCAC 25 .0501

DEADLINE FOR RECEIPT: Friday, June 12, 2020

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 call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Temporary Rulemaking Findings of Need Form:

In Box 4, since this was not an Emergency Rule, you will not insert a date. Please remove that.

In Box 5(g), if the Rule is approved by the RRC at the June 18 meeting, the effective date will be June 26. Do you want a delayed effective date of July 1? If so, why? If not, please update the form, and you can leave that blank if you want June 26, 2020.

In the Rule:

Please change the Introductory Statement to read, "21 NCAC 25 .0501 is amended under temporary procedures as follows:"

And in the Rule, please add at the bottom of the History Note a line "Temporary Amendment Eff." and insert a date. Again, the default date would be June 26, 2020.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 1, 2020

21 NCAC 25 .0501(e) is proposed for adoption as a Temporary Rule due to the COVID-19 Threat to Public Health:

21 NCAC 25 .0501 CONTINUING EDUCATION REQUIREMENTS

(a) A licensee shall earn at least two continuing education units ("CEUs") each licensure year. At least 1.0 of those CEUs shall be earned in professional studies and at least 1.0 of those CEUs shall be earned in a setting in which three or more persons come together at the same location at the same time as a group to listen to a lecture, to view a demonstration, to participate in group discussions, or to learn through any combination of these or similar activities.

(b) A licensee may carry over up to two surplus CEUs earned in one licensure year to the next licensure year to meet the requirements of Paragraph (a) of this Rule. The licensee shall demonstrate that he or she earned the CEU credits sought to be carried over in the licensee's license renewal application packet submitted for the carry over year in order to receive credit therefore. Except as specifically provided hereby, surplus CEUs shall only be carried forward from the licensure year in which they were earned to the next subsequent licensure year and not beyond.

(c) A licensee may not earn CEUs while interpreting, whether or not the licensee is compensated for his or her services.

(d) The Board shall waive the continuing education requirements in this Section for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The waiver shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

(e) For the 2019-20 licensure year only, the Board waives the in-person course requirements of Paragraph (a) and licensees may take all of their CEUs for the 2019-20 licensure year electronically. However, this waiver shall not apply to any surplus CEUs earned during the 2019-20 licensure year and sought by the licensee to be carried over to the 2020-21 licensure year.

History Note: Authority G.S. 90D-6; 90D-8; 90D-11; 93B-15;
Eff. March 21, 2005;
Amended Eff. May 1, 2011; August 1, 2007;
Readopted Eff. June 1, 2018.