

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Hearing Aid Dealers and Fitters Board

RULE CITATION: 21 NCAC 22A .0503

**DEADLINE FOR RECEIPT: Friday, November 7, 2014**

***NOTE WELL: This request when viewed on computer extends 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 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 7, consider the following rewrite:*

*“if after 14 days of the electronic transmission of the application to the Board the application...”*

*Line 12, replace “does” with “shall”*

*Line 13, replace “is” with “shall be”*

*Lines 13 thru 15, when are these factors applied? Is it based upon the motion of the applicant or merely an action by the Board on their own accord?*

*Line 26, what is “late”? The applications in Paragraphs (d) and (e)? Consider clarifying as follows:*

*“deny a late duly made application pursuant to Paragraphs (d) and (e).”*

*Depending on the answer to the question about the application of factors listed in lines 13 thru 15, the remainder of line 26 may need to be rewritten to clarify that “An applicant may request waiver of the deadline as set forth in Paragraph (c) of this Rule.” This should be a separate sentence.*

*I acknowledge that lines 27 thru 30 are an adoption of language found in the Rules of Civil Procedure. However, this language should be simplified to be a clear statement. Consider the following suggested rewrite:*

*“In computing the time stated in the rules of this Chapter, the day of the act or event shall not be included. The last day of the period shall be included, unless it is a Saturday...”*

Abigail M. Hammond  
Commission Counsel

Date submitted to agency: Thursday, October 23, 2014

*Line 30, replace “which” with “that”*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, October 23, 2014

1 **21 NCAC 22A .0503 is amended as published in 29: 04 NCR 419 as follows:**

2  
3 **21 NCAC 22A .0503 SUBMISSION OF APPLICATIONS AND FEES**

4 (a) The Board shall accept a digital image of a signed affidavit or other document required as part of an application  
5 as the original when submitted electronically in conjunction with the electronic application.

6 (b) If an applicant submits an incomplete application, the application shall be classified as "abandoned by the  
7 applicant" ~~on the 10th business day after 14 days~~ following electronic transmission of the application to the Board if  
8 the application is not a duly made application, as defined in 21 NCAC 22A .0401. The Board shall not apply any  
9 fee paid or document submitted for the abandoned application to any other application. It is the responsibility of the  
10 applicant and the sponsor, if any, to ensure that all supplemental documents requested in the application are  
11 submitted within ~~40 business~~ 14 days if all documents are not electronically submitted with the application. This  
12 Rule does not extend an application deadline set forth in any other rule of this Chapter.

13 (c) The exam registration deadline is 45 days prior to the examination date. Late registration is grounds for denying  
14 an applicant admission to an examination, based on proximity to examination date, availability of space in the  
15 examination, and the applicant or the applicant's sponsor's past history of compliance with the Board's rules. An  
16 applicant denied admission to an examination due to late registration shall be registered for the next scheduled  
17 examination, if otherwise eligible.

18 (d) No later than ~~40 business~~ 14 days after an apprentice has held a valid apprentice registration certificate for 365  
19 days, the apprentice shall make application to take the next scheduled licensing examination. All apprentices shall  
20 reapply for a license by examination within the time prescribed in Paragraph (c) of this Rule each time they take and  
21 fail to pass the licensing examination.

22 (e) No later than 20 days after the date printed on the Official Notice of Examination Results, a registered  
23 apprentice who failed to pass the qualifying examination shall make application to renew the apprentice certificate  
24 or the sponsor shall submit written notice to the Board that the apprenticeship is being terminated by the current  
25 expiration date of the certificate.

26 (f) The Board shall deny a late duly made application, except as set forth in Paragraph (c) of this Rule.

27 (g) In computing any period of time prescribed or allowed by these Rules, or by any applicable statute, the day of  
28 the act or event after which the designated period of time begins to run is not to be included. The last day of the  
29 period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period  
30 runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday.

31  
32 *History Note: Authority G.S. 25-3-506; 93D-3(c); 93D-5; 93D-9;*  
33 *Eff. April 23, 1976;*  
34 *Amended Eff. August 1, 2012; February 1, 1996; January 1, 1992; May 1, 1988;*  
35 *Recodified from 21 NCAC 22F .0103 Eff. May 1, 2013;*  
36 *Amended Eff. December 1, 2014; September 1, 2013.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Hearing Aid Dealers and Fitters Board

RULE CITATION: 21 NCAC 22F .0107

**DEADLINE FOR RECEIPT: Friday, November 7, 2014**

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Lines 4 thru 5, consider moving "concerning the applicant's performance on the qualifying examination" between "notification to"*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, October 23, 2014

1 **21 NCAC 22F .0107 is amended as published in 29: 04 NCR 420 as follows:**

2

3 **21 NCAC 22F .0107 COMMUNICATION OF RESULTS OF EXAMINATIONS**

4 (a) The office of the Board shall issue written notification to each registered applicant by mailing exam results to  
5 the mailing address provided by the applicant concerning the applicant's performance on the qualifying ~~examination~~  
6 ~~no later than 30 working days after the date of the examination.~~

7 (b) A copy of the applicant's exam results shall be mailed to the applicant's Registered Sponsor at the mailing  
8 address on file with the Board at the same time the results are mailed to the applicant.

9 (c) The deadline for the Board to mail exam results shall be 30 days after the examination.

10

11 *History Note: Authority G.S. 93B-8; 93D-3(c);*

12 *Eff. April 23, 1976;*

13 *Amended Eff. December 1, 2014; September 1, 2013; June 1, 2012; February 1, 1996; May 1,*

14 *1988.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Hearing Aid Dealers and Fitters Board

RULE CITATION: 21 NCAC 22F .0108

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 4, delete the space between "8 (c)"*

*Line 5, delete "that portion of"*

*Line 7, where is this form located? What information does the form request?*

*Line 10, how is the date known and how is this information found by an applicant? How will an applicant know when the 20 days is beginning to run?*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, October 23, 2014

1 **21 NCAC 22F .0108 is amended as published in 29: 04 NCR 420 as follows:**

2

3 **21 NCAC 22F .0108 REVIEW OF EXAMINATION**

4 (a) As set forth in G.S. 93B-8 (c), each registered applicant who takes and does not pass the qualifying  
5 examination shall be granted an opportunity to review that portion of the examination that is in the custody and  
6 control of the Board in the presence of a representative of the Board, upon written request from the applicant.

7 (b) An applicant shall make a written request by completing the electronic form available on the Board  
8 website.

9 (c) ~~The deadline to request a exam review shall be 20 days request shall be submitted by the registered~~  
10 ~~applicant no later than 30 days~~ after the date of the Official Notice of Examination Results.

11 (d) The Board shall conduct exam reviews at the Board's office by appointment.

12

13 *History Note: Authority G.S. 93B-8; 93D-3(c);*

14 *Eff. April 23, 1976;*

15 *Amended Eff. December 1, 2014; October 1, 2013; February 1, 1996; January 1, 1992; May 1,*  
16 *1988.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Hearing Aid Dealers and Fitters Board

RULE CITATION: 21 NCAC 22F .0206

**DEADLINE FOR RECEIPT: Friday, November 7, 2014**

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 4, what is the purpose of the words "Only" and "initial"? Would "The applicant shall possess..." be an incorrect statement?*

*Line 5 thru 6, replace "the applicant determines will support the request for Board consideration." with "to support the appeal."*

*Line 7, is there a reason why the compliance is only limited to the rules? Should G.S. 93B also be referenced?*

*Lines 10 thru 11, consider the following rewrite:*

*"The program sponsor shall submit documentation to the Board within 30 days after the CE completion date regarding any modifications to a program approved by the Board, and shall notify..."*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, October 23, 2014



1 **21 NCAC 22F .0206 is amended as published in 29: 04 NCR 420 as follows:**

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3 **21 NCAC 22F .0206 APPEALS AND CE PROGRAM MODIFICATION**

4 (a) Only the initial applicant shall possess the right to appeal the decision of the Board. The applicant's appeal shall  
5 include a written statement and any supplemental documentation the applicant determines will support the request for  
6 Board reconsideration. The appeal shall be submitted prior to the end of the CEU Accrual Period for the program. The  
7 Board shall review the appeal to determine compliance with the rules in this Section. The Board shall respond in writing  
8 to the applicant within 30 days. An applicant who is not satisfied with the Board decision after the appeal may request an  
9 administrative hearing in accordance with 21 NCAC 22L .0103.

10 (b) The program sponsor shall submit documentation regarding any modifications to an approved program to the Board  
11 within 30 ~~calendar~~ days after the CE Program completion date and shall notify program participants that approved CEU  
12 credit is subject to change due to modifications in the agenda.

13 (c) The program sponsor shall write all program modifications in the appropriate section on the Report of Attendance  
14 and sign the form in the area designated for CE Program modifications if any session of an approved CE program is  
15 modified after publication of the program announcement or after submission of the program application to the Board.

16 (d) The Board may modify its approval of sessions and the CEU credit allowed when a program is changed after  
17 receiving Board approval. The Board shall update the program status on the website to reflect CEU credit changes.

18 (e) The program applicant shall submit a new program application if:

19 (1) the Board approved a CE Program for multiple dates and the content or duration of the CE Program  
20 changes after one or more of the approved program dates have occurred. The remaining program  
21 dates shall constitute a new CE Program; or

22 (2) the program sponsor offers a pre-approved CE Program on additional dates. The additional date(s)  
23 shall constitute a new CE Program, unless the program sponsor notifies the Board within 20 days of  
24 the canceled CE Program's date that a different date has been substituted.

25  
26 *History Note: Authority G.S. 93D-3(c); 93D-11;*  
27 *Eff. September 1, ~~2013~~-2013;*  
28 *Amended Eff. December 1, 2014.*  
29

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Hearing Aid Dealers and Fitters Board

RULE CITATION: 21 NCAC 22I .0114

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 7, add "business's" before "street"*

*Line 7 thru 8, consider moving "their place of business" before "within the State of North Carolina". Alternatively, consider the following rewrite:*

*"mailing address, or name and street address of any business within the State of North Carolina."*

*Line 11, add G.S. 93D-13 to the statutory authority.*

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

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, October 23, 2014

1 **21 NCAC 22I .0114 is amended as published in 29: 04 NCR 420-21 as follows:**

2

3 **21 NCAC 22I .0114 CHANGE OF ADDRESS**

4 ~~It is the duty of all licensees, registered applicants, and registered apprentices to~~ All individuals regulated by the Board  
5 shall provide the Board with current address information by completing the online address change form available on the  
6 Board's website ([www.nchalb.org](http://www.nchalb.org)) within 14 days of any change in mailing address or ~~notify the Board, within ten~~  
7 working days, of any change in the business name(s) or the street address(es), within the State of North Carolina, of their  
8 place(s) of business or proposed place(s) of business. Failure to do so may result in disciplinary action after proper  
9 notice and hearing.

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11 *History Note: Authority G.S. 93D-3(c); 93D-10;*

12 *Eff. April 23, 1976;*

13 *Amended Eff. February 1, 1996; May 1, 1988;*

14 *Recodified from 21 NCAC 22F .0118 Eff. May 1, 2013.*

15 *Amended Eff. December 1, 2014.*