

REQUEST FOR TECHNICAL CHANGE

AGENCY: Well Contractors Certification Commission

RULE CITATION: All rules

DEADLINE FOR RECEIPT: Thursday, April 2, 2015

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:

When you published these Rules in the NC Register (Volume 29, Issue 12), the agency stated the amendments would not become effective until July 1, 2015. You are now asking for an effective date of May 1, 2015. Generally, adherence to the APA does not allow an agency to have the rule become effective prior to the published effective date. Why are you seeking to do this? Are you relying upon other authority to move the effective date to have the rule changes become effective earlier?

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: March 26, 2015

REQUEST FOR TECHNICAL CHANGE

AGENCY: Well Contractors Certification Commission

RULE CITATION: 15A NCAC 27 .0801

DEADLINE FOR RECEIPT: Friday, April 10, 2015

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:

In Paragraph (a), line 5, I believe it should read "CEUs"

On line 6, you mean July 1 through June 30 of every year?

In (b), you are relying upon the statute, G.S. 87-98.12(b), to set the standard. The way I read the statute is that you are supposed to implement the standards via rule. Is it your interpretation that the Commission is allowed to implement the requirements on a case-by-case basis?

§ 87-98.12. Education requirements.

(a) In order to be certified under this Article, a well contractor shall satisfactorily complete two hours of approved continuing education each year for the first three years of the contractor's certification. The Commission shall not require a well contractor properly certified in accordance with the provisions of this Article and rules adopted under this Article to obtain continuing education credits for annual renewal of certification after the contractor's third year of certification, except as provided in subsection (b) of this section. The Commission shall specify the scope of required continuing education courses for this purpose and shall approve continuing education courses.

(b) Notwithstanding subsection (a) of this section, in order to continue to be certified under this Article, a well contractor against whom disciplinary action is taken pursuant to the provisions of this Article and rules adopted under this Article shall satisfactorily complete the number of hours of approved educational courses required by the Commission for remedial purposes. **The Commission shall specify the scope of required continuing education courses for this purpose and shall approve continuing education courses.**

(c) The Commission shall adopt or amend its rules in accordance with this section. (1997-358, s. 2; 1998-129, s. 1; 2001-440, s. 1.3; 2007-495, s. 5; 2014-2, s. 1.)

Amanda J. Reeder
Commission Counsel

Date submitted to agency: March 26, 2015

In (d)(2), I suggest removing the parentheses and “but not limited to” so it states, “courses, including correspondence, televised...”

On line 16, please place a comma after “webinars”

In (d)(4), I suggest removing the parentheses and stating, “events, including seminars...”

At the end of (d)(4), line 20, insert an “or” at the end of the line.

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: March 26, 2015

1 15A NCAC 27 .0801 is amended as published in 29:12 NCR 1485-1486 as follows:

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3 **15A NCAC 27 .0801 REQUIREMENTS**

4 (a) Every certified well contractor is ~~required to~~ shall obtain ~~six~~ two Continuing Education Units (CEU) ~~during the~~
5 ~~renewal period.~~ each year for the first three years of the contractor's certification. CEU shall be earned during the
6 renewal period. The renewal period is July 1 through June 30.

7 (b) ~~If a certified well contractor exceeds the annual requirement in any renewal period, a maximum of six CEU may be~~
8 ~~carried forward into the subsequent renewal period.~~

9 (b) If subject to disciplinary action, the certified well contractor shall complete continuing education as required by the
10 Commission per G.S. 87-98.12.

11 (c) Selection of courses and activities ~~which~~ that meet the requirements of Rule .0820 of this Chapter is the
12 responsibility of the certified well contractor.

13 (d) CEU may be earned as follows:

14 (1) ~~Completion~~ completion of college courses or community college courses;

15 (2) ~~Completion~~ completion of continuing education courses (including, but not limited to correspondence,
16 televised, videotaped, audiotapes, webinars and other courses/tutorials) that provide a completion
17 certificate;

18 (3) ~~Teaching~~ teaching or instructing a course described in Subparagraph (1) or (2) of this Paragraph;

19 (4) ~~Attending~~ attending or making presentations at professional or technical events (including ~~but not~~
20 ~~limited to~~ seminars, in-house courses, workshops, meetings, conventions, or conferences);

21 (5) ~~Authoring~~ authoring published papers, articles, or ~~books; and books.~~

22 ~~(6) Active participation in professional or technical societies as defined in Rule .0820 of this Chapter.~~

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24 *History Note: Authority G.S. 87-98.12; 143B-301.11;*
25 *Temporary Adoption Eff. December 15, 1998;*
26 *Eff. August 1, 2000;*
27 *Amended Eff. May 1, 2015; May 1, 2011.*
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REQUEST FOR TECHNICAL CHANGE

AGENCY: Well Contractors Certification Commission

RULE CITATION: 15A NCAC 27 .0810

DEADLINE FOR RECEIPT: Friday, April 10, 2015

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:

In this Rule, I see that the Commission is required to pre-approve courses, and that the criteria for approval are set out in Paragraph (d). However, how does the course provider apply for this? I do not see this addressed in other Rules; is it in statute?

In Paragraph (c), I believe it should be "advance" notice on line 8.

In Paragraph (d), line 12, please delete or define "clear"

In (d)(5), please begin with an article. I believe it should read, "a sample..."

In Paragraph (e), please delete or define "direct" sales.

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: March 26, 2015

1 15A NCAC 27 .0810 is amended as published in 29:12 NCR 1485-1486 as follows:

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15A NCAC 27 .0810 APPROVAL OF CONTINUING EDUCATION COURSES

(a) Courses ~~must~~ shall be preapproved by a representative(s) of the Commission no less than 30 days prior to the course date.

(b) Course approvals shall expire June 30 of each certification period for which they have been approved.

(c) Representatives of the Commission ~~must~~ shall be allowed to attend any approved course for the purpose of auditing without fee or advanced notice.

~~(d) First Aid, CPR, OSHA Mine Safety, and HAZWOPER Refresher classes may only be approved for CEU credit every odd numbered certification period.~~

~~(d)~~ (d) The Commission shall approve courses that instruct on well contractor activities and the use of well contractor equipment, products, and materials. To be approved, courses and activities ~~must~~ shall contain a clear purpose and objective and result in the maintenance, improvement, or expansion of skills and knowledge related to the practice of well contractor activities. Additionally, ~~to be approved,~~ requests for approval of courses or activities shall include the following information:

- (1) course or activity content;
- (2) timed agenda for the course;
- (3) all course or activity dates and locations;
- (4) qualifications of instructors (including both education and experience); and
- (5) sample of completion certificate or other forms provided by or to be preapproved by the Commission for use in documenting attendance.

~~(e)~~ (e) CEU credit shall not be awarded for courses involving direct sales of products to course attendees.

*History Note: Authority G.S. 87-98.12; 143B-301.11;
Temporary Adoption Eff. December 15, 1998;
Eff. August 1, 2000;
Amended Eff. May 1, 2015; May 1, 2011.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Well Contractors Certification Commission

RULE CITATION: 15A NCAC .0820

DEADLINE FOR RECEIPT: Friday, April 10, 2015

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:

In (a), what is the purpose of the first sentence?

On line 7, why does it say "stated hours of credit (CEU)" rather than "stated CEU" or "stated hours of CEU"?

Also on line 7, I assume you mean "approved" pursuant to Rule .0810 of the Section?

Please note, I am not questioning the content of the rule, but I note that fulfilling Subparagraphs (a)(1), (3), or (4) as it relates to (a)(1) will give more than the total hours required by the statute for the duration of certification. I take it this was the intent of the Commission?

In (a)(1), line 9, should it read "45 CEUs" to be consistent with line 14?

In (a)(2), I suggest deleting the parentheses and "but not limited to" and stating, "education courses, including correspondence, televised..."

On line 12, please insert a comma after "webinars"

On line 13, what is "contact time"?

In (a)(3) on line 14, please insert a comma after "articles"

In (b), I am curious – how you will know if the person is awake? Are they self-reporting?

On line 25, what do you mean by "personally participate"?

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: March 26, 2015

1 15A NCAC 27 .0820 is amended as published in 29:12 NCR 1485-1486 as follows:

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3 **15A NCAC 27 .0820 DETERMINATION OF CREDIT**

4 (a) The Commission has final authority with respect to approval of courses or activities, CEU values, and methods of
5 earning credit. Courses or activities ~~must shall~~ maintain, ~~improve improve~~, or expand the skills and knowledge related to
6 the practice of well contractor activities in order for a well contractor to receive credit. The Commission shall award the
7 stated hours of credit (CEU) for any ~~acceptable approved~~ and ~~successfully~~ completed course or activity in each of the
8 following categories:

- 9 (1) ~~Credit credit~~ for college or community college courses shall be 45 CEU for receipt of a passing grade
10 in the course, regardless of the number of credits awarded by the college or community college;
- 11 (2) ~~Credit credit~~ for continuing education courses (including, but not limited to, correspondence, televised,
12 videotaped, audiotapes, webinars and other courses/tutorials) that provide a completion certificate
13 shall be one CEU for each hour of attendance or contact time;
- 14 (3) ~~Credit credit~~ for published papers, articles and books is 10 CEUs; ~~or~~
- 15 ~~(4) Credit for active participation in professional and technical societies is limited to two CEU per~~
16 ~~organization. "Active participation" requires that the well contractor attend at least 75 percent of the~~
17 ~~regularly scheduled meetings. CEU credits for this type of activity are not earned until the end of each~~
18 ~~calendar year of membership in the organization. A minimum of three (3) meetings held in a year is~~
19 ~~required to qualify for CEU credit; and~~
- 20 ~~(5) (4)~~ ~~Credit credit~~ for teaching or presenting in ~~Items Subparagraphs~~ (1) and (2) of this Rule are double the
21 stated credits. Credit for teaching or presenting is available only for the first time that a well
22 contractor teaches such a course or makes such a presentation.

23 (b) CEU credit shall not be awarded to an individual certified well contractor for scheduled portions of a program where
24 the individual did not ~~actually~~ attend, was not ~~awake awake~~, or in which the individual certified well contractor did not
25 personally participate.

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27 *History Note: Authority G.S. 87-98.12; 143B-301.11;*
28 *Temporary Adoption Eff. December 15, 1998;*
29 *Eff. August 1, 2000;*
30 *Amended Eff. May 1, 2015; May 1, 2011.*
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1 15A NCAC 27 .0840 is repealed as published in 29:12 NCR 1485-1486 as follows:

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3 **15A NCAC 27 .0840 SPECIAL PROVISIONS FOR CONTINUING EDUCATION**

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5 *History Note: Authority G.S. 87-98.12; 143B-301.11;*

6 *Temporary Adoption Eff. December 15, 1998;*

7 *Eff. August 1, 2000;*

8 *Amended Eff. May 1, 2011.*

9 *Repealed Eff. May 1, 2015.*

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