

**RULES REVIEW COMMISSION MEETING
MINUTES
April 16, 2015**

The Rules Review Commission met on Thursday, April 16, 2015, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Margaret Currin, Jeanette Doran, Garth Dunklin, Jay Hemphill, Jeff Hyde, Stephanie Simpson, Ralph Walker, and Faylene Whitaker.

Staff members present were Commission Counsels Abigail Hammond, Amber Cronk May, and Amanda Reeder; and Julie Brincefield, Alex Burgos, and Dana Vojtko.

The meeting was called to order at 10:05 a.m. with Chairman Dunklin presiding.

Chairman Dunklin 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 appearances of conflicts.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the March 19, 2015 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

Acupuncture Licensing Board

21 NCAC 01 .0108, .0109, .0110, .0111, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, and .0609 - No action was required by the Commission. The review of the rules will occur at the May meeting.

Irrigation Contractors Licensing Board

21 NCAC 23 .0105 - No action was required by the Commission. The review of this Rule will occur at the June meeting.

Board of Physical Therapy Examiners

21 NCAC 48C .0104 - No action was required by the Commission. The review of this Rule will occur at the May meeting.

State Human Resources Commission

25 NCAC 01B .0350, .0413; 01C .0311, .0402, .1004, .1007; 01D .0201, .0207; 01E .0204, .0901, .1601, .1602, .1603, .1605, .1606; 01H .0633, .0634, .0636, .0641, .0901, .0902, .0904, .0905, .1103; 01J .0603, .0610, .0615, .0616, .0617, .0618, .1101, .1201, .1202, .1203, .1204, .1205, .1206, .1207, .1208, .1301, .1302, .1303, .1304, .1305, .1306, .1307, .1308, .1309, .1310, .1311, .1312, .1313, .1314, .1315, .1316, .1317, .1318, .1319, .1320, .1401, .1402, .1403, .1404, .1405, .1406, .1407, .1408, .1409, .1410, .1411, and .1412 - The Commission approved these Rules with Commissioners Dunklin, Hemphill, Hyde, Simpson, Walker, and Whitaker voting in favor of the motion to approve the rules and Commissioner Currin voting against.

Prior to the review of the rules from the State Human Resources Commission, Commissioner Doran recused herself and did not participate in any discussion or vote concerning these Rules because she is a state employee in a supervisory position over state employees.

Attorney Michael Byrne addressed the Commission.

Building Code Council

The Commission approved the following rules in the NC Residential Code: AM106 and AM111 Tables; N1 and N2 Tables; and N1 and N2 Tables – Wood and Flitch Plate Examples.

The Commission approved these Rules with Commissioner Doran voting against. The Commission found that the Council setting an earlier effective date for these Rules was not a substantial change and therefore, the agency complied with the APA.

No action was taken on the 2012 NC Residential Code, Sections R101.2, R202, and R324, Screen Enclosure, the 2012 Building Code, Chapter 36, and the 2012 Fire Code, 4504.1. The review of these Rules will occur at the June meeting.

Barry Gupton from the agency addressed the Commission.

LOG OF FILINGS (PERMANENT RULES)

Child Care Commission

The Commission extended the period of review on 10A NCAC 09 .0302, .0604, .0607, .0707, .1701, .1705, .1720, .1721, .2318 and .2829 in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review to allow the Child Care Commission additional time to revise the rules in response to technical change requests.

Environmental Management Commission

All rules were unanimously approved.

Marine Fisheries Commission

All rules were unanimously approved.

The Commission received more than 10 letters of objection to Rule 15A NCAC 03M .0513. Pursuant to G.S. 150B-21.3, the rule is now subject to legislative review and a delayed effective date.

Coastal Resources Commission

15A NCAC 07K .0208 was unanimously approved.

Wildlife Resources Commission

All rules were unanimously approved.

The Commission received more than 10 letters of objection to 15A NCAC 10B .0106 and .0219 and 15A NCAC 10I .0102 and .0104. Pursuant to G.S. 150B-21.3, these Rules are now subject to legislative review and a delayed effective date.

Well Contractors Certification Commission

All rules were unanimously approved.

Medical Board

All rules were unanimously approved.

Prior to the review of the rules from the Medical Board, Commissioner Walker recused himself and did not participate in any discussion or vote concerning the rules because he is a member of the board.

Real Estate Commission

Chairman Dunklin stepped away and Vice Chairman Hyde presided over the discussion and vote on the Real Estate Commission rules.

All rules were unanimously approved.

Prior to the review of the rules from the Real Estate Commission, Commissioner Dunklin recused himself and did not participate in any discussion or vote concerning the rules because he practices before the Commission.

Prior to the review of the rules from the Real Estate Commission, Commissioner Currin recused herself and did not participate in any discussion or vote concerning the rules because she possesses an inactive real estate broker's license.

LOG OF RULES (TEMPORARY RULES)

Wildlife Resources Commission

15A NCAC 10F .0333 was unanimously approved.

EXISTING RULES REVIEW

Medical Care Commission

10A NCAC 13L - The Commission unanimously approved the report as submitted by the agency.

Medical Care Commission

10A NCAC 13M – The Commission unanimously approved the report as submitted by the agency.

Medical Care Commission

10A NCAC 13O - The Commission unanimously approved the report as submitted by the agency.

Commission for Mental Health

10A NCAC 26A - The Commission unanimously approved the report as submitted by the agency.

Commission for Mental Health

10A NCAC 26B – The Commission unanimously approved the report as submitted by the agency.

Commission for Mental Health

10A NCAC 26D – The Commission unanimously approved the report as submitted by the agency.

Environmental Management Commission

15A NCAC 02R – The Commission unanimously approved the report as submitted by the agency.

Medical Board

21 NCAC 32 – The Commission voted to not approve the staff recommendation to approve the report as submitted by the agency, with Commissioners Currin, Doran, Dunklin, Hemphill, Simpson, and Whitaker voting against and Commissioner Hyde voting in favor.

The Commission objected to the report after receiving public comments that the Board did not post all information required by Rule 26 NCAC 05 .0207 during the public comment period. The Commission determined that the Board will need to repost the report for another 60 day comment period. The Commission rescheduled the review of the report for February 2016.

Prior to the review of the report from the Medical Board, Commissioner Walker recused himself and did not participate in any discussion or vote concerning the report because he is a member of the board.

Jeanne M. McIntosh addressed the Commission.

Marcus Jimison, attorney for the Board, addressed the Commission.

Board of Massage and Bodywork Therapy

21 NCAC 30 - The Commission voted for readoption of these Rules pursuant to G.S. 150B-21.3A(d)(2) no later than October 31, 2015.

COMMISSION BUSINESS

Staff provided an analysis to the Commission on fiscal notes and review of rules.

Staff gave the Commission a brief legislative update.

At 11:49 a.m., Chairman Dunklin ended the public meeting of the Rules Review Commission and called the meeting into closed session pursuant to G.S. 143-318.11(a)(3) to discuss the lawsuit filed by the State Board of Education against the Rules Review Commission.

The Commission came out of closed session and reconvened at 12:17 p.m.

The meeting adjourned at 12:17 p.m.

The next regularly scheduled meeting of the Commission is Thursday, May 21st at 10:00 a.m.

There is a digital recording of the entire meeting available from the Office of Administrative Hearings /Rules Division.

Respectfully Submitted,

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

Garth Dunklin, Chair

April 2015

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
CATHERINE BLUM	NCDMF
Terry Pratt	ALBEMARLE FISHERMEN'S ASSN
Wanda Long	NCMB
Jenny Schill	NC Fisheries Association
Jeanne McIntosh	Charlotte, NC Resident Anti-corruption activist
Valerie Bateman	OSHR
Shari Howard	OSHR
Mary L. Spaul	OSHR
BARRY GUTOM	NCDOI/NCBCC
Nadia Lahr	SELC
Jennifer Everett	DENR
Jeanne Ruffolo	NW WCC
Andrew Morgan	NC WCC
Melissa Vuotto	NCREC
Curtis Aldenholfer	NCREC
Marius C. H.	PIA
Marius Timmer	NCMIS
Joelle Burleson	NCDENR-DAQ

April 2015

Rules Review Commission
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Name	Agency
Nadine Pfeiffer	DHHS - DHR
Azzia Conley	DHHS - DHR
Kathy Turner	DHHS - DHR
Kate Pipkin	NCWRC
Kathy Arney	NCBATE
Kelly Williams	DMS
Lenny Park	DMH / ODHHS
Anee Grozav	NC OSBM