



North Carolina State Hearing Aid Dealers and Fitters Board

Post Office Box 97833
Raleigh, North Carolina 27624-7833
Phone: 919.834.3661 - Facsimile: 919.834.3665
Email: info@nchalb.org

July 1, 2016

North Carolina Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

**RE: NC State Hearing Aide Dealers and Fitters Board
Periodic Review of Rules in 21 NCAC 22
RRC Review of Report and Comments per G.S. 150B-21.3A(c)(2)
Request for Waiver pursuant to 26 NCAC 05 .0112**

Dear Commissioners:

I am the rulemaking coordinator for the NC State Hearing Aid Dealers and Fitters Board ("Board"). The Board is requesting a waiver of the Board's periodic review of rules schedule date set out in 26 NCAC 05 .0211 in order to allow the Commission to review the Board's report before its September 2016 meeting.

Please note that the Board is not seeking to waive any part of the periodic rule review process as set out in G.S. 150B-21.3A, as the Board has fully complied with this statute. The Board would like the Commission to review the Board's rules prior to the scheduled September 2016 review and the only way it can do so is if the Commission waives the September 2016 date set out in rule .0211.

In support of this waiver request, the Board shows as follows:

1. The Board completed its review and classification of its rules and submitted its report to the Commission on April 25, 2016. Because the Board had allowed time for repsonding to public comments and then received none, the Board was able to take action at the April Board meeting to approve the final classification for each rule. The report has been sitting at OAH for over 90 days.
2. The Board received no public comments to any of its rules and the Board did not change the classification of any of its rules after the public comment period. The Board asserts that there will be no harm to the Board or any member of the public if this waiver is granted. The Board also believes the review of the Board's report will take a minimal amount of the Commission's time, as 21 NCAC 22 is a small section with fewer than 70 active rules.
3. The Board requests that if the waiver is granted, the review of its rules be scheduled at the August 2016 Commission meeting, when the Board representative will already be attending for other rule-making activity on rules proposed for amendment.

The Board appreciates your willingness to consider its request in order to achieve a timely and efficient review of its rules.

With kind regards,

NC State Hearing Aid Dealers and Fitters Board



Catherine Jorgensen
Rule-Making Coordinator

cc: Caitlin Schwab, Executive Secretary
NC State Hearing Aid Dealers and Fitters Board

| G.S. 150B-21.3A Report for 21 NCAC 22, HEARING AID DEALERS AND FITTERS BOARD | | | | | | | | | |
|--|---|-------------------|--|--|---|--|-----------------------------|--|--|
| Agency - Hearing Aid Dealers and Fitters Board | | | | | | | | | |
| Comment Period - February 1, 2016 to April 4, 2016 | | | | | | | | | |
| Date Submitted to APO - Filled in by RRC staff | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
| SUBCHAPTER 22A - BOARD RULES | SECTION .0400 – DEFINITIONS | 21 NCAC 22A .0401 | DEFINITIONS AND INTERPRETATIONS | Eff. September 1, 2013 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 21 CFR 801.420 | No | Necessary without substantive public interest |
| | SECTION .0500 – FEES AND APPLICATIONS | 21 NCAC 22A .0501 | FEE SCHEDULE | Amended Eff. September 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22A .0502 | REFUNDS | Recodified from 21 NCAC 22F .0110 Eff. May 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22A .0503 | SUBMISSION OF APPLICATIONS AND FEES | Amended Eff. December 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| SUBCHAPTER 22B - RULE MAKING PROCEDURES | SECTION .0100 - PETITIONS FOR RULE MAKING | 21 NCAC 22B .0101 | PETITIONS | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | SECTION .0300 - HEARINGS | 21 NCAC 22B .0302 | COMMENTS | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22B .0307 | CONTROL OF HEARINGS | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | SECTION .0500 - DECLARATORY RULINGS | 21 NCAC 22B .0501 | REQUEST FOR DECLARATORY RULING | Amended Eff. April 1, 1989 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22B .0503 | REFUSAL TO ISSUE DECLARATORY RULING | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| SUBCHAPTER 22F - LICENSING PROVISIONS | SECTION .0100 - EXAMINATION | 21 NCAC 22F .0101 | TIME AND PLACE OF EXAMINATIONS | Amended Eff. March 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0104 | QUALIFICATIONS TO REGISTER FOR EXAM | Amended Eff. April 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0105 | PASSING EXAMINATION | Amended Eff. February 1, 2015 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0107 | COMMUNICATION OF RESULTS OF EXAMINATIONS | Amended Eff. December 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0108 | REVIEW OF EXAMINATION | Amended Eff. December 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |

| G.S. 150B-21.3A Report for 21 NCAC 22, HEARING AID DEALERS AND FITTERS BOARD | | | | | | | | | |
|--|--------------------------------------|-------------------|--|---|---|--|-------------------------------|--|--|
| Agency - Hearing Aid Dealers and Fitters Board | | | | | | | | | |
| Comment Period - February 1, 2016 to April 4, 2016 | | | | | | | | | |
| Date Submitted to APO - Filled in by RRC staff | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
| | | 21 NCAC 22F .0121 | REINSTATEMENT OF AN EXPIRED LICENSE | Eff. February 1, 1996 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0122 | RECIPROCITY | Recodified from 21 NCAC 22F .0104(d) Eff. May 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | SECTION .0200 - CONTINUING EDUCATION | 21 NCAC 22F .0201 | CONTINUING EDUCATION DEFINITIONS | Eff. September 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0202 | ANNUAL CONTINUING EDUCATION REQUIREMENTS | Eff. September 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0203 | CONTENT CATEGORIES | Eff. September 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0204 | CE PROGRAM APPLICATION | Eff. September 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0205 | CONTENT APPROVAL PROCESS | Eff. September 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0206 | APPEALS AND CE PROGRAM MODIFICATION | Amended Eff. December 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0207 | RECORDING CEU CREDIT | Eff. September 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0208 | SELF-STUDY | Eff. September 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0209 | CONTINUING EDUCATION RECORDS | Eff. September 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | SECTION .0300 – APPRENTICESHIPS | 21 NCAC 22F .0301 | APPRENTICESHIP REQUIREMENTS | Eff. April 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0302 | SPONSOR'S DUTIES | Eff. April 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0303 | CERTIFICATE EXPIRATION | Eff. April 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0304 | EARLY TERMINATION OF APPRENTICESHIP | Eff. April 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0305 | REPORT OF APPRENTICESHIP EXPERIENCE | Eff. April 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22F .0306 | APPRENTICE DISCIPLINE | Eff. April 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| SUBCHAPTER 22I - PROFESSIONAL AFFAIRS | | 21 NCAC 22I .0101 | CLIENTS' INTEREST | Amended Eff. May 1, 1988 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 21 CF 801.420; 21 CFR 801.421 | No | Necessary without substantive public interest |

| G.S. 150B-21.3A Report for 21 NCAC 22, HEARING AID DEALERS AND FITTERS BOARD | | | | | | | | | |
|--|--------------|-------------------|--|---|---|--|-----------------------------|--|--|
| Agency - Hearing Aid Dealers and Fitters Board | | | | | | | | | |
| Comment Period - February 1, 2016 to April 4, 2016 | | | | | | | | | |
| Date Submitted to APO - Filled in by RRC staff | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
| | | 21 NCAC 22I .0103 | VISUAL INSPECTION AND HEARING TEST | Amended Eff. January 1, 2015 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 21 CF 801.420 | No | Necessary without substantive public interest |
| | | 21 NCAC 22I .0106 | DISCLOSURE | Amended Eff. January 1, 1992 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22I .0108 | CALIBRATION CHECK FOR AUDIOMETERS | Amended Eff. March 1, 1996 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22I .0109 | APPROVAL OF CALIBRATORS | Amended Eff. March 1, 1996 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22I .0110 | STANDARDS FOR AUDIOMETERS | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22I .0111 | SYMBOLS FOR AUDIOGRAMS | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22I .0112 | DISPLAY OF PRINTED CERTIFICATES | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22I .0113 | LOCATION FOR PROVISION OF SERVICE | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22I .0114 | CHANGE OF ADDRESS | Amended Eff. December 1, 2014 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| SUBCHAPTER 22J - CODE OF ETHICS | | 21 NCAC 22J .0102 | EMPLOYMENT OF UNQUALIFIED PERSONS | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22J .0103 | ADVERTISING | Amended Eff. April 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22J .0105 | DEFAMATION OF COMPETITORS | Amended Eff. May 1, 1989 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22J .0107 | PRICES | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22J .0108 | USE OF TRADEMARKS | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22J .0109 | OBTAINING INFORMATION ABOUT COMPETITORS | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22J .0110 | INDUCEMENTS TO PURCHASE | Amended Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22J .0114 | FALSE OR CONCEALED INFORMATION | Eff. May 1, 1988 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22J .0115 | FAILURE TO GIVE NOTICE/RIGHT TO CANCEL SALE/OFF-PREMISES SALES | Eff. January 1, 1992 | Necessary without substantive public interest | Yes If yes, include the citation to the federal law | 16 C.F.R. 429.1 | No | Necessary without substantive public interest |
| | | 21 NCAC 22J .0116 | SCOPE OF PRACTICE | Eff. January 1, 2015 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| SUBCHAPTER 22L – ADMINISTRATIVE HEARINGS AND DISCIPLINE | | 21 NCAC 22L .0101 | COMMITTEE ON INVESTIGATIONS | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0102 | RIGHT TO HEARING | Eff. January 1, 1992 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0103 | REQUEST FOR HEARING | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |

| G.S. 150B-21.3A Report for 21 NCAC 22, HEARING AID DEALERS AND FITTERS BOARD | | | | | | | | | |
|--|--------------|-------------------|--|---|---|--|-----------------------------|--|--|
| Agency - Hearing Aid Dealers and Fitters Board | | | | | | | | | |
| Comment Period - February 1, 2016 to April 4, 2016 | | | | | | | | | |
| Date Submitted to APO - Filled in by RRC staff | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Implements or Conforms to Federal Regulation [150B-21.3A(e)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] |
| | | 21 NCAC 22L .0104 | GRANTING OR DENYING HEARING REQUESTS | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0105 | NOTICE OF HEARING | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0106 | PRESIDING OFFICER | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0107 | PETITION FOR INTERVENTION | Eff. January 1, 1992 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0108 | TYPES OF INTERVENTION | Eff. January 1, 1992 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0109 | INFORMAL PROCEDURES | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0110 | DISQUALIFICATION OF BOARD MEMBERS | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0111 | FAILURE TO APPEAR | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0112 | WITNESSES | Eff. January 1, 1992 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0113 | SUBPOENAS | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0115 | PROPOSALS FOR DECISIONS AND FINAL DECISION | Amended Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |
| | | 21 NCAC 22L .0116 | PUBLICATION OF DISCIPLINARY ACTIONS | Eff. December 1, 2013 | Necessary without substantive public interest | No | | No | Necessary without substantive public interest |