

1 21 NCAC 22F .0202 is amended with changes as published in 30:22 NCR 2394 as follows:

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3 **21 NCAC 22F .0202 ANNUAL CONTINUING EDUCATION REQUIREMENTS**

4 (a) A licensee shall complete and record with the Board **at least** ten hours (1.00 CEU credit) of Board-approved  
5 continuing education annually, including at least five hours (0.50 CEU credit) classified as Category 1 in accordance  
6 with Rule .0203 of this Section.

7 (b) The CEU Accrual Period for each license renewal shall be the calendar year preceding license renewal. CEU credit  
8 cannot be carried over from one CEU Accrual Period to the next, even if the CEU credit earned exceeds the license  
9 renewal requirement.

10 ~~(c) A licensee may receive CEU credit for only one of the sessions when sessions with essentially identical content are  
11 presented at the same or different CE Programs during any two consecutive Board CEU Accrual Periods. The Board shall  
12 determine whether sessions have essentially identical content by reviewing the presenters, educational objectives, and  
13 content for each session as provided on the program application.~~

14 ~~(d) A licensee completing the same self study during any two consecutive CEU Accrual Periods shall be granted CEU  
15 credit only once.~~

16 ~~(c)~~ (c) An individual **passing who passes** the licensing exam during a CEU Accrual Period **satisfies shall have satisfied**  
17 the continuing education requirement for the corresponding license renewal.

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19 *History Note: Authority G.S. 93D-3(c); 93D-11;*  
20 *Eff. September 1, 2013;*  
21 *Amended Eff. ~~September~~ **October** 1, 2016.*

1 21 NCAC 22F .0208 is amended with changes as published in 30:22 NCR 2394-95 as follows:

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3 **21 NCAC 22F .0208 SELF-STUDY**

4 (a) Self-study may be completed to satisfy up to ~~all 10~~ five hours of the continuing education requirement during each  
5 CEU Accrual Period.

6 (b) Each self-study event shall be one session and up to ~~10~~ five sessions completed in the same CEU Accrual Period may  
7 be reported on one self-study Report of Attendance as a self-study ~~Program.~~ program.

8 (c) A licensee shall record self-study CEU credit with the Board by submitting all of the following:

9 (1) an electronic CEU Verification Report;

10 (2) a completed self-study Report of Attendance;

11 (3) an official transcript listing the licensee's score of 80 percent or greater on an Internet-presented  
12 ~~internet-presented~~ examination pertaining to the content of the self-study activity; and

13 (4) the recording fee as set forth in Rule 21 NCAC 22A .0501 for each self-study program.

14 (d) The Board shall accept electronic images of the self-study Report of Attendance and official transcripts when  
15 submitted electronically in conjunction with the CEU Verification Report.

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

18 *Eff. September 1, 2013;*

19 *Amended Eff. January 1, 2017.*

1 21 NCAC 22L .0101 is amended with changes as published in 30:22 NCR 2395-96 as follows:

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3 **21 NCAC 22L .0101 COMMITTEE ON INVESTIGATIONS**

4 (a) ~~The Committee on Investigations shall review all complaints submitted to the Board. The Committee on~~  
5 ~~Investigations may:~~ The Board President shall appoint two Board members for a standing Committee on  
6 Investigations. The Committee on Investigations shall investigate complaints submitted to the Board, unless  
7 administratively closed as described below in Paragraph (d).

- 8 (1) ~~hire an investigator or such persons as it deems necessary to determine whether it believes that~~  
9 ~~probable cause exists to support formal disciplinary action against a licensee, apprentice, or~~  
10 ~~registered sponsor;~~  
11 (2) ~~subpoena persons to provide the Committee with sworn testimony or documents, provided that the~~  
12 ~~subpoena is signed by the President or Secretary Treasurer of the Board;~~  
13 (3) ~~make inquiries designed to assist the Committee in its review of matters under investigation; or~~  
14 (4) ~~initiate charges against a licensee, apprentice or registered sponsor if violations are suggested by~~  
15 ~~the evidence considered by the Committee during an investigation of a complaint.~~

16 (b) The complainant shall submit a signed ~~complaint on the Board provided Board-approved complaint form~~ form.  
17 form set forth in this Rule. The complaint form which is available on the Board website (www.nchalb.org) or by  
18 contacting the Board office. The complaint form requires the following:

- 19 (1) the complainant first and last name;  
20 (2) the complainant address;  
21 (3) the complainant phone number;  
22 (4) the licensee, apprentice, or registered sponsor first and last name;  
23 (5) the licensee, apprentice, or registered sponsor business address;  
24 (6) the nature of the complaint; and  
25 (7) the complainant signature and attestation of truthfulness.

26 (c) The Board shall not respond to or investigate anonymous complaints or inquiries. ~~The Board shall return~~  
27 ~~incomplete forms to the complainant, if a complainant is listed on the incomplete form.~~

28 (d) The ~~Committee on Investigations~~ Board staff shall administratively close:

- 29 (1) any complaint anonymously submitted;  
30 (2) a complaint that alleges an advertising violation of Rule 21 NCAC 22J .0103 which that occurred  
31 more than one year prior to notifying the Board of the alleged violation;  
32 (3) a complaint withdrawn by the complainant at any stage of the ~~investigation.~~ investigation; or  
33 (4) ~~incomplete forms.~~ The Board staff shall return incomplete forms to the complainant, if a  
34 complainant is listed on the incomplete form.

35 (e) After a preliminary review of a complaint, the Committee on Investigations shall:

- 36 (1) recommend to the Board a finding that there is no probable cause to believe a violation of the law  
37 or rules ~~exists; or exists~~ and close the complaint when the Board finds that there is no probable

1 ~~cause to believe a violation of the law or rules exists. The Committee shall send a letter to the~~  
2 ~~complainant stating the same. This letter is not a public record pursuant to G.S. 93D-13(c);~~

3 (2) ~~serve the respondent with a written explanation of the charges being investigated by the~~  
4 ~~Committee.~~ ~~serve the licensee, apprentice, or registered sponsor with a written explanation of the~~  
5 ~~charges if there is evidence that probable cause of a violation exists;~~

6 (3) ~~hire an investigator or such persons as it deems necessary to determine whether there is probable~~  
7 ~~cause to believe a violation exists in order to support formal disciplinary action against a licensee,~~  
8 ~~apprentice, or registered sponsor;~~

9 (4) ~~subpoena persons to provide the Committee with sworn testimony or documents, provided that the~~  
10 ~~subpoena is signed by the President or Secretary-Treasurer of the Board; or~~

11 (5) ~~make inquiries designed to assist the Committee in its review of matters under investigation.~~

12 (f) The respondent shall ~~answer~~ ~~respond~~ in writing within 20 days of receipt of the notification of charges.

13 (g) The Committee ~~shall~~ ~~may~~ offer the complainant a summary of the ~~respondent's answer~~ ~~response~~. ~~The~~  
14 ~~Committee shall make this decision on a case-by-case basis, considering the nature of the complaint and the~~  
15 ~~response.~~

16 (h) The Committee ~~shall~~ ~~may~~ offer the parties an opportunity to present oral statements to the Committee after the  
17 ~~written answer~~ ~~response~~ is received from the ~~respondent~~ ~~respondent, if the Committee determines that further~~  
18 ~~information is required from the complainant or respondent.~~ Neither party ~~is~~ ~~shall be~~ compelled to attend.

19 (i) With assistance from the Board's legal counsel, the Committee shall determine the validity and merit of the  
20 charges, and whether the accused party has violated any standard of conduct ~~which~~ ~~that~~ would justify a disciplinary  
21 action based upon the grounds as specified in G.S. 93D-13 or this Chapter.

22 (j) The Committee on Investigations shall present its findings and recommendation to the Board, including proposed  
23 discipline, if any, but shall not identify the parties to the complaint to the full Board except by descriptive titles, such  
24 as licensee, apprentice, sponsor, and consumer.

25 (k) The Board may find no probable cause for disciplinary action and dismiss the charges. The Committee on  
26 Investigations shall notify the parties of the Board action. ~~The Board shall not release the letter of notification to any~~  
27 ~~member of the public pursuant to G.S. 93D-13(e).~~

28 (l) The Board may find no probable cause for disciplinary action but issue a letter of caution to the respondent. ~~The~~  
29 ~~Board does not consider this letter a public record and shall not release the letter of caution to any member of the~~  
30 ~~public pursuant to G.S. 93D-13(e).~~

31 (m) The Board may find probable cause for disciplinary action and serve the respondent with a private reprimand.  
32 ~~The Board does not consider the content of the private reprimand a public record pursuant to G.S. 93D-13(e).~~ ~~The~~  
33 ~~private reprimand letter is not a public record pursuant to G.S. 93D-13(c).~~ The Board shall deem the private  
34 reprimand accepted as formal discipline in the matter unless the respondent submits a refusal to accept the private  
35 ~~reprimand~~ ~~reprimand~~, which shall:

36 (1) be in writing, addressed to the Committee on Investigations;

1 (2) be filed with the ~~executive secretary for the~~ Board ~~staff~~ within 20 days after service of the private  
2 reprimand; and

3 (3) include a request for a contested case hearing in accordance with 21 NCAC 22L .0103.

4 (n) The Board may find probable cause ~~of a violation of the Board's statute or rules~~ for disciplinary action and  
5 authorize the Committee on Investigations, by and through the Board's legal counsel, to undertake negotiations with  
6 the respondent to settle the matter without a hearing when such settlement accomplishes the Board's duty to protect  
7 the consuming public.

8 (o) ~~The Board may find probable cause for disciplinary action beyond a private reprimand due to the circumstances~~  
9 ~~and nature of the violation. In such cases, the Board shall:~~ If the Board and respondent fail to settle the matter  
10 under Paragraph (n) of this Rule, the Board shall:

11 (1) serve a notice of hearing on the accused party as required by G.S. 150B, Article 3A., which may  
12 also be released to any requesting member of the public pursuant to G.S. 93D-13(c);

13 (2) designate a presiding officer for the contested case; and

14 (3) conduct a hearing in accordance with the rules of this Subchapter.  
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16 *History Note:* Authority G.S. 93D-3; 93D-13; 150B-38;

17 Eff. January 1, 1992;

18 Amended Eff. ~~September~~ October 1, 2016; December 1, 2013; February 1, 2010; April 1, 1996.