

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Employee Assistance Professionals

RULE CITATION: All Rules Submitted

DEADLINE FOR RECEIPT: Friday, March 10, 2017

NOTE: 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:

In each Submission for Permanent Rule form, Box 6, the Notice of Text was published on December 15, 2015. Please replace the date you have with 12/15/15.

In Box 9B, please remove the second sentence from each form.

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: February 27, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Employee Assistance Professionals

RULE CITATION: 21 NCAC 11 .0104

DEADLINE FOR RECEIPT: Friday, March 10, 2017

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), line 3, what is on the form? G.S. 150B-2(8a) states that while forms themselves do not have to be in rule or law, the contents do. Do you have another Rule with the contents of the form that you can cross-reference?

On line 3, delete "unless" before "the Board"

On line 4, delete "has"

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: February 27, 2017

1 Rule 21 NCAC 11 .0104 is readopted as published in 30:12 NCR 1285 as follows:

2 **21 NCAC 11 .0104 LICENSE APPLICATION**

3 (a) An application shall not be considered complete unless it is submitted using the Board's form and unless the Board
4 has received the application fee.

5 (b) Both an initial and renewal license are valid for a period of three years.

6
7 *History Note: Authority G.S. 90-503;*
8 *Temporary Adoption Eff. May 5, 1998;*
9 *Eff. August 1, 2000;*
10 *Readopted Eff. April 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Employee Assistance Professionals

RULE CITATION: 21 NCAC 11 .0108

DEADLINE FOR RECEIPT: Friday, March 10, 2017

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:

Why do you have (a)? Isn't this addressed by G.S. 90-507?

§ 90-507. Hearings.

Hearings before the Board on enforcement or disciplinary actions shall be conducted in accordance with Article 3A of Chapter 150B of the General Statutes. (1995 (Reg. Sess., 1996), c. 720, s. 1.)

Assuming you need to retain Paragraph (a), on line 3, delete or define "reasonable"

Also on line 3, delete the comma after 90-509 and "only" It will look like this:

"... it finds in violation of G.S. ~~90-509~~, only 90-509 after conducting...."

In (b)(1) on line 6, define "serious" and "mild"

In (b)(2), if this requires follow-up, is this in the Order? And is the determination made on a case-by-case basis?

In (b)(3), will the time frame specified be within the Order?

Also in (b)(3), line 9, consider stating "temporary withdrawal" to be consistent with (b)(4) and "permanent withdrawal"

In (b)(4), line 13, I suggest replacing "must" with "shall"

Delete (c) or clarify when the Board will make this determination and what terms and conditions the Board will deem appropriate.

Amanda J. Reeder
Commission Counsel
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In (d), I see that the term "Employee Assistance Certification Commission" is in statute. However, "Employee Assistance Professionals Association" is not. I take it your regulated public knows who this is?

In the History Note, why are you citing to G.S. 150B-40 and 150B-41? Is this to give guidance on how the hearings will be conducted?

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: February 27, 2017

Rule 21 NCAC 11 .0108 is readopted as published in 30:12 NCR 1285 as follows:

21 NCAC 11 .0108 DISCIPLINARY ACTION/HEARING

(a) The Board shall impose reasonable discipline for conduct it finds in violation of G.S. 90-509, only after conducting a hearing in accordance with G.S. 150B, Article 3A.

(b) Board disciplinary action may include:

(1) admonishment: a serious warning for mild misconduct;

(2) reprimand: a public rebuke and sanction for misconduct, which may require follow-up actions by the licensee;

(3) suspension: withdrawal of the privilege of using the title of Licensed Employee Assistance Professional during the time frame specified by the Board; and

(4) revocation: permanent withdrawal of the privilege of using the title of Licensed Employee Assistance Professional. A Licensed Employee Assistance Professional whose license is revoked by the Board must surrender the license certificate to the Board;

(c) Any disciplinary action may be suspended for a reasonable period not to exceed one year upon such terms and conditions as the Board deems appropriate, if in the sole discretion of the Board, it is in the best public interest to do so.

(d) Notification of final disciplinary action shall be made to the Employee Assistance Professionals Association and the Employee Assistance Certification Commission, within 30 days of the final action taken by the Board.

*History Note: Authority G.S. 90-509; 150B-40; 150B-41;
Temporary Adoption Eff. May 5, 1998;
Eff. August 1, 2000;
Readopted April 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Employee Assistance Professionals

RULE CITATION: 21 NCAC 11 .0111

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In reviewing these rules, the staff determined that the following technical changes need to be made:

Please insert line numbers in this Rule, pursuant to G.S. 26 NCAC 02C .0108(1)(g).

Why do you need (c)? Doesn't this just repeat Rule .0104(a)?

In the History Note, please add G.S. 90-502.

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: February 27, 2017

Rule 21 NCAC 11 .0111 is readopted as published in 30:12 NCR 1285 as follows:

21 NCAC 11 .0111 FEES

- (a) Upon submission of an application for initial licensure, a fee of one hundred dollars (\$100.00) shall be paid to the Board.
- (b) A fee of seventy-five dollars (\$75.00) shall be paid to the Board for renewal of license.
- (c) Neither an initial or a renewal application shall be considered complete until the required fee is paid.

*History Note: Authority G.S. 90-503;
Temporary Adoption Eff. May 5, 1998;
Eff. August 1, 2000;
Readopted Eff. April 1, 2017.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Employee Assistance Professionals

RULE CITATION: 21 NCAC 11 .0112

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In reviewing these rules, the staff determined that the following technical changes need to be made:

Why do you need this Rule? Doesn't it just repeat G.S. 90-506(c) and 90-507?

§ 90-506. Violations; enforcement; penalties.

(c) Civil penalties assessed by the Board pursuant to subdivision (3) of subsection (a) of this section are final 30 days after the date the assessment is served upon the alleged violation, unless the alleged violator seeks review by the Board within that time.

§ 90-507. Hearings.

Hearings before the Board on enforcement or disciplinary actions shall be conducted in accordance with Article 3A of Chapter 150B of the General Statutes.

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: February 27, 2017

1 Rule 21 NCAC 11 .0112 is readopted as published in 30:12 NCR 1285 as follows:

2 **21 NCAC 11 .0112 PENALTIES**

3 In accordance with G.S. 90-506 when requested, the Board shall review its assessment of a civil penalty against an
4 individual in a contested case hearing as set forth in G.S. 150B, Article 3A.

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6 *History Note: Authority G.S. 90-506; 150B-38; 150B-39;*
7 *Temporary Adoption Eff. May 5, 1998;*
8 *Eff. August 1, 2000;*
9 *Readopted Eff. April 1, 2017.*