

**RULES REVIEW COMMISSION MEETING
MINUTES
July 17, 2014**

The Rules Review Commission met on Thursday, July 17, 2014, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Anna Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Jay Hemphill, Stephanie Simpson, Ralph Walker, and Faylene Whitaker.

Staff members present were: Commission counsels Abigail Hammond, Amber Cronk May, and Amanda Reeder; and Julie Brincefield, Tammara Chalmers, and Dana Vojtko.

The meeting was called to order at 10:02 a.m. with Chairman Currin presiding.

Chairman Currin read the notice required by NCGS 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts.

Chairman Currin introduced OAH Externs Elizabeth Larner and Andrew Johnstone.

APPROVAL OF MINUTES

Chairman Currin asked for any discussion, comments, or corrections concerning the minutes of the June 18, 2014 meeting. There were none and the minutes were approved as distributed.

FOLLOW-UP MATTERS

Medical Care Commission

10A NCAC 13D .3201 was unanimously approved.

Commission for Public Health

10A NCAC 43K .0101, .0102, .0103 - The Commission granted a waiver of the 210-day submission requirement upon the request of the agency. Commissioner Hyde objected to the waiver. All rules were unanimously approved.

Dr. Gerri Mattison with the Commission for Public Health addressed the Commission.

Bob Martin with the Commission for Public Health addressed the Commission.

Peg O'Connell with the March of Dimes addressed the Commission.

Home Inspector Licensure Board

11 NCAC 08 .1103 was unanimously approved.

Commissioner Walker was not present during the vote.

Department of Public Safety

14B NCAC 07A .0116 - The agency did not respond in accordance with G.S. 150B-21.12. The Office of State Budget and Management did not respond to the Commission's request made pursuant to G.S. 150B-21.9. There was no action for the Commission to take at the meeting.

Engineers and Surveyors, Board of Examiners for

Prior to the review of these rules Commissioner Whitaker recused herself and did not participate in any discussion or vote concerning these rules.

21 NCAC 56 .0501, .0502, .0503, .0601, .0602, .0603, .0802, .0901, .1402, .1602, .1603, .1604, .1606, .1608, .1703, .1704, .1705 - All rules were unanimously approved.

Real Estate Commission

Prior to the review of the rule Chairman Currin recused herself and did not participate in any discussion or vote concerning the rule because she has an inactive real estate broker's license.

Prior to the review of the rule Vice-Chairman Dunklin recused himself and did not participate in any discussion or vote concerning the rule because he practices before the Commission.

21 NCAC 58A .1709 was unanimously approved.

LOG OF FILINGS**Department of Agriculture**

The Commission extended the period of review for all rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period in order to allow the agency to receive final approval from the Board of Agriculture and submit the rewritten rules at a later meeting.

Commission for Public Health

10A NCAC 41A .0101 was unanimously approved.

Dr. Zack Moore with the agency addressed the Commission.

Department of Justice – Division of Criminal Information

All rules were unanimously approved.

Criminal Justice Education and Training Standards Commission

All rules were unanimously approved.

Coastal Resources Commission

All rules were unanimously approved.

Board of Cosmetic Art Examiners

All rules were unanimously approved. Rules 21 NCAC 14H .0401 and .0505 were approved contingent upon receiving technical corrections. The rewritten rules were subsequently received.

Board of Dental Examiners

The Commission objected to the following rules in accordance with G.S. 150B-21.10: 21 NCAC 16B .0101, .0201, .0202, .0301, .0303, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0601, .0701, .0801, .0901, .1002, .1101, and 16C .0601.

The Commission objected to all of the rules in Subchapter 16B because the agency failed to comply with the Administrative Procedure Act, as it adopted the rules before the close of the comment period.

The Commission also objected to Rule 21 NCAC 16B .1101, finding the rule as written was ambiguous, as it stated that applicants may be required to take refresher courses at the discretion of the Board, but the rule does not state when that may occur or what may be required.

The Commission objected to Rule 21 NCAC 16C .0601, finding it was ambiguous as written. The rule stated that applicants may be required to take refresher courses at the discretion of the Board, but the rule does not state when that may occur or what may be required.

In addition to the objections, the Commission extended the period of review pursuant to G.S. 150B-21.10 for Rules 16C .0101, .0202, .0301, .0303, .0311, .0401, .0402, .0403, .0404, .0405, .0501 and 16Q .0303. The Commission did this in response to a request by the agency to extend the period of review.

Board of Pharmacy

All rules were approved unanimously.

TEMPORARY RULES

Wildlife Resources Commission

Both rules were unanimously approved.

G.S. 150B-19.1(h) RRC CERTIFICATION

Sheriffs Education and Training Standards Commission

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 12 NCAC 10B .2005 and .2006.

EXISTING RULES REVIEW

Office of State Auditor

The agency did not conduct the review. The Commission asked for a letter to be sent to the Joint Legislative Administrative Procedure Oversight Committee to clarify what information the Committee is seeking from the Commission when an agency does not conduct the review.

NC Irrigation Contractors' Licensing Board

All agency final determinations were unanimously approved.

Tina Simpson with the Department of Justice, the agency's attorney, addressed the Commission.

Board of Examiners for Nursing Home Administrators

All agency final determinations were unanimously approved.

Jack Nichols, the agency's attorney, addressed the Commission.

Prior to the review of the report Commissioner Choi recused herself and did not participate in any discussion or vote concerning the report because her firm provides legal representation to the board.

COMMISSION BUSINESS

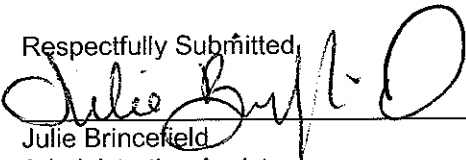
Staff gave the Commission a brief legislative update.

The meeting adjourned at 1:05 p.m.

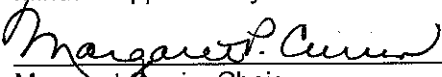
The next regularly scheduled meeting of the Commission is Thursday, August 21st at 10:00 a.m.

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

Respectfully Submitted,


Julie Brincfield
Administrative Assistant

Minutes approved by the Rules Review Commission:


Margaret Currin, Chair

Rules Review Commission
Meeting
Please Print Legibly

July 2014

Name	Agency
Lynda Elliott	NC Bd of Cosmetology Arts
Karen Waddell	NC DOT
David Tuttle	NC Bd of Engineers & Surveyors
Steven Lewis	NC DNHS/DHJR
Jay Campbell	BoP
Curtis Aldenderfer	NC REC
Melissa Voth	NC REC
Mike Haglund	NC DOI
Bob Martin	NC BPH
Gemma Mattson	NC DPN
Peg O'Connell	March of Dimes
Ann Wark	Sec of State
Denise Stanford	HILB
Janice Davidson	NC BOR
Zack Pascoe	NC DHHS & DPH
Anita Valian	NC DHHS/DPH
Katie Kate	NC DOS
Morgan Albright	NC DOT Intern
Betsy Vetter	American Heart Assoc
Rose Vetter	American Heart Ass.
Kim Chidester	American Heart Assoc

Trevor Allen
Jill Uehls
Megan Lamphere

GETS
Allen, Pinnix & Nichols
DHHS