**RULES REVIEW COMMISSION MEETING**

**MINUTES**

***October 17, 2013***

The Rules Review Commission met on Thursday, October 17, 2013, 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, Ralph Walker and Faylene Whitaker.

Staff members present were: Joe DeLuca and Amanda Reeder, Commission Counsel; Molly Masich, Dana Vojtko, Julie Brincefield and Tammara Chalmers.

The meeting was called to order at 10:04 a.m. with Vice-Chairman Currin presiding. She reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts as required by NCGS 138A-15(e).

**APPROVAL OF MINUTES**

Vice-Chairman Currin asked for any discussion, comments, or corrections concerning the minutes of the September 19, 2013 meeting. There were none and the minutes were approved as distributed.

**LOG OF FILINGS**

Vice-Chairman Currin presided over the review of the log of permanent rules.

**Office of the Commissioner of Banks**

All rules were unanimously approved.

**Sheriffs' Education and Training Standards Commission**

12 NCAC 10B .0702 was unanimously approved.

**Wildlife Resources Commission**

Kate Pipkin from the agency addressed the Commission**.**

All rules were unanimously approved.

**Board of Dental Examiners**

Carolin Bakewell from the Board addressed the Commission.

21 NCAC 16Q .0202, .0302 and .0501 were approved.

Rule .0304 was approved contingent upon receiving technical change by Monday, October 21. The technical change was subsequently received.

Commissioner Hyde voted against the motion to approve.

**Hearing Aid Dealers and Fitters Board**

21 NCAC 22I .0103 was unanimously approved.

The Commission objected to 21 NCAC 22L .0101, .0103, .0104, .0105, .0106, .0109, .0110, .0111, .0113, .0115 and .0116 based on failure to comply with the Administrative Procedure Act. Specifically the agency failed to wait the full 60 days for the end of the comment period prior to adopting the rules. The agency may adopt the rules any time after the conclusion of the 60 day period and return them to the RRC by the Friday prior to the meeting to satisfy the objection.

**Medical Board**

All rules were unanimously approved with the following exception:

The Commission objected to 21 NCAC 32B .1303 based on ambiguity. In sub-paragraph (a)(5) line 15 it is unclear what constitutes acceptable “proof” that the applicant has completed 130 weeks of medical education.

21 NCAC 32B .1350 and .2001 were approved contingent upon receiving technical changes by Tuesday, October 29. The changes were subsequently received.

The Commission discussed recommended technical changes to 21 NCAC 32M .0104 and .0108. Following discussion with David Kalbacker from the Board of Nursing, the Commission determined that these technical changes were not necessary after all and unanimously approved these two rules.

**Board of Funeral Service**

21 NCAC 34A .0201 was unanimously approved.

The Commission received more than 10 letters of objection to 21 NCAC 34A .0201. Pursuant to G.S. 150B-21.3, this rule is now subject to legislative review and a delayed effective date.

**Board of Nursing**

David Kalbacker addressed the Commission on behalf of the Board.

All rules were unanimously approved.

**Board of Pharmacy**

The Commission extended the period of review on 21 NCAC 46 .3401, .3402, .3403, .3404, .3405, .3406, .3407 and .3408 in order to obtain more information and answer Commissioners questions about how the system worked, the safeguards in the system, and whether the rules are clear on those points.

**TEMPORARY RULES**

Vice-Chairman Currin presided over the review of the log of temporary rules.

**Alcoholic Beverage Control Commission**

Bob Hamilton from the agency addressed the Commission.

All rules were unanimously approved.

**State Board of Elections**

George McCue from the Board addressed the Commission.

All rules were unanimously approved.

08 NCAC 13 .0202 was approved contingent upon receiving technical change by Friday, October 18. The technical change was subsequently received.

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

**Department of Justice – Division of Criminal Information**

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 12 NCAC 04H .0101, .0102, .0103, .0201, .0202, .0203, .0301, .0302, .0303, .0304, .0401, .0402, .0404; 04I .0101, .0102, .0103, .0104, .0201, .0202, .0203, .0204, .0301, .0302, .0303, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0408, .0409, .0410, .0501, .0601, 0602 .0603, .0701 and .0801 and 04J .0101, .0102, .0103, .0201 and .0301.

12 NCAC 04H .0403 was withdrawn by the agency.

**Private Protective Services Board**

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 12 NCAC 07D .0106, .0501, .0502, .0503, .0504 and .1302.

**Alarm Systems Licensing Board**

Jeff Gray addressed the Commission on behalf of the board.

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rule 12 NCAC 11 .0105.

**COMMISSION BUSINESS**

Amanda Reeder discussed the draft of the proposed rules to be adopted by the Commission concerning the implementation of the existing Rules review process. Ms. Reeder also discussed feedback received on the draft report sent to agencies and gave an update on the information discussed at the information sessions held on October 9, 2013.

The meeting adjourned at 12:57 p.m.

The next scheduled meeting of the Commission is Thursday, November 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,

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Julie Brincefield

Editorial Assistant

Minutes approved by the Rules Review Commission:

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Margaret Currin, Vice-Chair

