



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

July 17, 2015

Chrissy Waggett
Department of Agriculture
Sent via email to Christina.Waggett@ncagr.gov

Re: Extension of the Period of Review for Rules 02 NCAC 09L .0504, .0505, .0507, .0522, .1102, .1104, and .1108.

Dear Ms. Waggett:

At its meeting yesterday, the Rules Review Commission continued to extend the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Pesticide Board to extend the period in order to allow the agency to make technical changes and submit the rewritten rules at the Commission's August meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days. This 70 day deadline began when the Commission initially extended the period of review on June 16, 2015.

Please note, the Commission approved the rewritten rules for 02 NCAC 09L .0529, .1103, and .1109 at yesterday's meeting.

Should you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103



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July 17, 2015

Susan Magas
Board of Electrolysis Examiners
Sent via email to ncbeexam@att.net

Re: Objection to Rule 21 NCAC 19 .0409
Extension of the Period of Review for Rules 21 NCAC 19 .0201, .0202, .0203,
.0204, .0407, .0501, .0602, .0608, .0622, .0701, and .0702.

Dear Ms. Magas:

At its meeting yesterday, the Rules Review Commission voted to object to Rule 21 NCAC 19 .0409. The Commission found that the agency did not cite to any authority for the Rule. Specifically, the Commission found that while the Rule purports to govern client evaluations by electrologists and laser hair practitioners, the Board cites to only G.S. 88A-16 as the authority for this Rule. That statute applies only to electrologists and governs the practice in permanent establishments. G.S. 88A-16 only allows the Board to write rules governing sanitation standards, equipment, and supplies in those establishments. It also allows the Board to create rules for the use of equipment and instruments outside the office. The cited statute does not contain any language to give the Board authority to govern client evaluations and require records for them.

Please respond regarding the action taken on this Rule in accordance with the provisions of G.S. 150B-21.12.

In addition, the Commission voted to extend the period of review for Rules 21 NCAC 19 .0201, .0202, .0203, .0204, .0407, .0501, .0602, .0608, .0622, .0701, and .0702 in accordance with G.S. 150B-21.10. They did so in response to a request from the Board to extend the period in order to allow the agency to make technical changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

Administration 919/431-3000 fax: 919/431-3100	Rules Division 919/431-3000 fax: 919/431-3104	Judges and Assistants 919/431-3000 fax: 919/431-3100	Clerk's Office 919/431-3000 fax: 919/431-3100	Rules Review Commission 919/431-3000 fax: 919/431-3104	Civil Rights Division 919/431-3036 fax: 919/431-3103
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Should you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel



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July 17, 2015

Charles Wilkins
North Carolina Board of Massage and Bodywork Therapy
Sent via email to cwilkins@bws-law.com

Re: Extension of the Period of Review for Rules 21 NCAC .0201, .0701 - .0702, and
.1001 - .1015

Dear Mr. Wilkins:

At its meeting yesterday, the Rules Review Commission (RRC) voted to extend the period of review for the above referenced rules in accordance with G.S. 150B-21.10 until their September 2015 meeting. They did so in response to a request from the Board of Massage and Bodywork Therapy to extend the period of review to provide the Board additional time due to the extent and nature of issued Staff Opinions and summer conflicts.

Should you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amber Cronk May
Commission Counsel

Cc: Elizabeth Kirk

Administration
919/431-3000
fax: 919/431-3100

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fax: 919/431-3104

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919/431-3000
fax: 919/431-3100

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