

**RULES REVIEW COMMISSION MEETING  
MINUTES  
November 19, 2015**

The Rules Review Commission met on Thursday, November 19, 2015, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Danny Earl Britt, Jr., Bobby Bryan, Anna Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jay Hemphill, Jeff Hyde, Jeff Poley, and Stephanie Simpson.

Staff members present were Commission Counsels Abigail Hammond, Amber Cronk May, Amanda Reeder, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana Vojtko.

The meeting was called to order at 10:03 a.m. with Chairman Dunklin presiding.

Chairman Dunklin introduced Campbell Law School student Ann Heath.

OAH Chief Administrative Law Judge, the Honorable Julian Mann, III, addressed the Commission, and introduced Court of Appeals Judge, the Honorable Robert N. Hunter, Jr.

Judge Hunter addressed the Commission, and administered the oath of office to new Commissioner Danny Earl Britt, Jr.

Chairman Dunklin read into the record the following statement of economic interest for:

Danny Earl Britt, Jr., which stated there was no actual conflict of interest. However, there is the potential for a conflict of interest because he is the owner and Managing Partner of The Britt Law Firm, PC. Should any employees or partners of the aforesaid firm, or any of the firm's current or former clients, come before the Commission for official action, Mr. Britt should exercise appropriate caution in the performance of his public duties. This could include recusing himself to the extent that those interests would influence or could reasonably appear to influence his actions.

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

**APPROVAL OF MINUTES**

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the October 15, 2015 meeting. There were none and the minutes were approved as distributed.

**FOLLOW UP MATTERS**

**Environmental Management Commission**

15A NCAC 02B .0227 and .0311 – The rules were withdrawn at the request of the agency. No action was required by the Commission.

**Property Tax Commission**

17 NCAC 11 .0216 and .0217 – The agency responded by letter, and will address the objections by publishing a Notice of Text in the North Carolina Register. No action was required by the Commission.

**Board of Massage and Bodywork Therapy**

21 NCAC 30 .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014, and .1015 - There has been no response by the agency on these Rules pursuant to G.S. 150B-21.12, therefore no action was required by the Commission.

Prior to the discussion of the rules from the Board of Agriculture, Commissioner Hemphill recused himself and did not participate in any discussion or vote concerning the readoption date for rules because of the potential appearance of a conflict of interest.

#### **Soil and Water Conservation**

02 NCAC 59C – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than March 31, 2017.

02 NCAC 59E – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than March 31, 2017.

02 NCAC 59F – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than March 31, 2017.

02 NCAC 59G – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than March 31, 2017.

Prior to the discussion of the rules from the Soil and Water Conservation, Commissioner Hemphill recused himself and did not participate in any discussion or vote concerning the readoption date for rules because of the potential appearance of a conflict of interest.

#### **Board of Agriculture**

02 NCAC 60 – As reflected in the attached letter, the Commission voted to schedule readoption of these rules pursuant to G.S. 150B-21.3A(c)(2) no later than March 31, 2017.

Prior to the discussion of the rules from the Board of Agriculture, Commissioner Hemphill recused himself and did not participate in any discussion or vote concerning the readoption date for rules because of the potential appearance of a conflict of interest.

#### **Environmental Management Commission**

15A NCAC 02B – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than October 31, 2019.

15A NCAC 02H – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than October 31, 2019.

15A NCAC 02T – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than October 31, 2019.

15A NCAC 02U – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than October 31, 2019.

Prior to the discussion of the rules from the Environmental Management Commission, Commissioner Hemphill recused himself and did not participate in any discussion or vote concerning the readoption date for rules because of the potential appearance of a conflict of interest.

#### **Water Pollution Control System Operator Certification Commission**

15A NCAC 08 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than November 30, 2018.

#### **Water Treatment Facility Operators Certification Board**

15A NCAC 18D – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than November 30, 2018.



Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:



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Garth Dunklin, Chair

November 2015

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Josh Davis	DNCR
Misty Buchanan	DNCR
Chris Walker	SPS
Helen Lendi	DOT
Sean Sullivan	Troutman Sandeys

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# RRC DETERMINATION PERIODIC RULE REVIEW July 01, 2015 through June 30, 2016

**Agriculture, Board of**  
**Total: 58**

## RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
<a href="#">02 NCAC 37 .0201</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 37 .0203</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0101</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0201</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0202</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0205</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0302</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0401</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0402</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0603</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0604</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0605</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0701</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0702</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0804</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0805</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .0901</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1003</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1004</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1005</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1006</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1007</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1008</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1009</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1010</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1011</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1012</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1013</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1014</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1015</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1016</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1017</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1018</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1019</a>	Necessary with substantive public interest	September 19, 2015
<a href="#">02 NCAC 60B .1020</a>	Necessary with substantive public interest	September 19, 2015

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 01, 2015 through June 30, 2016  
Soil and Water Conservation Commission  
Total: 12**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<u>02 NCAC 59C .0303</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59E .0101</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59E .0102</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59E .0103</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59E .0104</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59E .0105</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59F .0106</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59G .0101</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59G .0102</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59G .0103</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59G .0104</u>	Necessary with substantive public interest	September 19, 2015
<u>02 NCAC 59G .0105</u>	Necessary with substantive public interest	September 19, 2015

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 01, 2014 through January 30, 2015  
Environmental Management Commission  
Total: 373**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<a href="#">15A NCAC 02B .0101</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0103</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0104</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0106</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0108</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0110</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0201</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0202</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0203</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0204</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0205</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0206</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0208</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0211</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0212</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0214</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0215</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0216</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0218</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0219</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0220</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0221</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0222</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0223</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0224</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0225</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0226</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0227</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0228</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0229</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0230</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0231</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0232</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0233</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02B .0234</a>	Necessary with substantive public interest	December 20, 2014



RRC Determination - Periodic Rule Review

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<a href="#">15A NCAC 02U .0901</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02U .1101</a>	Necessary with substantive public interest	December 20, 2014
<a href="#">15A NCAC 02U .1401</a>	Necessary with substantive public interest	December 20, 2014

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## RRC DETERMINATION PERIODIC RULE REVIEW July 01, 2014 through June 30, 2016

### Water Pollution Control System Operator Certification Commission

Total: 23

#### RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
<a href="#"><u>15A NCAC 08F .0203</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0401</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0405</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0406</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0407</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0501</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0502</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0503</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0504</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0505</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08F .0506</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0102</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0201</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0204</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0301</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0302</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0304</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0306</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0307</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0505</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0701</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0801</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 08G .0803</u></a>	Necessary with substantive public interest	July 26, 2015

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 01, 2014 through June 30, 2016**

**Water Treatment Facility Operators Certification Board  
Total: 9**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<a href="#"><u>15A NCAC 18D .0105</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 18D .0201</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 18D .0203</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 18D .0205</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 18D .0206</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 18D .0307</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 18D .0308</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 18D .0309</u></a>	Necessary with substantive public interest	July 26, 2015
<a href="#"><u>15A NCAC 18D .0701</u></a>	Necessary with substantive public interest	July 26, 2015

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
January 01, 2014 through April 30, 2016  
Transportation, Department of  
Total: 31**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<u>19A NCAC 06B .0402</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06B .0405</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06B .0406</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06B .0410</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06B .0411</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06B .0413</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0107</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0108</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0109</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0110</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0111</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0112</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0123</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0124</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0125</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0126</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0127</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0129</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0134</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0301</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0304</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0401</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0403</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0408</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0502</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0503</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0703</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0704</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0705</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06C .0706</u>	Necessary with substantive public interest	October 24, 2015
<u>19A NCAC 06D .0203</u>	Necessary with substantive public interest	October 24, 2015

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 01, 2015 through June 30, 2016  
Employee Assistance Professionals, Board of  
Total: 4**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<u>21 NCAC 11 .0104</u>	Necessary with substantive public interest	September 19, 2015
<u>21 NCAC 11 .0108</u>	Necessary with substantive public interest	September 19, 2015
<u>21 NCAC 11 .0111</u>	Necessary with substantive public interest	September 19, 2015
<u>21 NCAC 11 .0112</u>	Necessary with substantive public interest	September 19, 2015



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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 01, 2014 through June 30, 2016  
Respiratory Care Board  
Total: 1**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<u>21 NCAC 61 .0202</u>	Necessary with substantive public interest	August 22, 2015

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 01, 2014 through June 30, 2016  
Social Work Certification and Licensure Board  
Total: 5**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>	<b>APO Review Date</b>
<u>21 NCAC 63 .0102</u>	Necessary with substantive public interest	September 19, 2015
<u>21 NCAC 63 .0204</u>	Necessary with substantive public interest	September 19, 2015
<u>21 NCAC 63 .0211</u>	Necessary with substantive public interest	September 19, 2015
<u>21 NCAC 63 .0401</u>	Necessary with substantive public interest	September 19, 2015
<u>21 NCAC 63 .0505</u>	Necessary with substantive public interest	September 19, 2015