REQUEST FOR TECHNICAL CHANGE

AGENCY: Social Work Certification and Licensure Board

RULE CITATION: 21 NCAC 63 .0403

DEADLINE FOR RECEIPT: Friday, December 13, 2013

***NOTE WELL: 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:

*Amend your Introductory Statement to read, “21 NCAC 63 .0403 is amended without notice or hearing pursuant to G.S. 150B-21.5(a)(2)” [See Rule 26 NCAC 02C .0404(e)]*

*Insert a comma after the acronyms in parenthesis for (a)(1) through (5).*

*Please note, while your History Note says the effective date is December 1, 2013, the earliest this Rule can become effective is January 1, 2014.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Social Work Certification and Licensure Board

RULE CITATION: 21 NCAC 63 .0405

DEADLINE FOR RECEIPT: Friday, December 13, 2013

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:

*Please fix the indention on line 7.*

*On lines 8, 10 and 12, I do not think you need to say “Each”*

*Remove the “and,” at the end of line 9.*

*Remove the “and” on line 11.*

*The end of (a)(3) should read, “… ~~number.~~ number; and”*

*I think the appropriate citation on line 15 is “90B-11(a)” since that is the part of the law that speaks to conduct.*

*I assume the addition of (a)(4) is to ensure ethical standards. Is that correct? If so, please note that Paragraph (c) states that failing to send the criminal dispositions is a violation of ethical standards and does not say the same for failing to report the information in (a)(4). In (c), you should probably spell out what you mean by “foregoing” on line 19.*

*In (b), line 17, why are you specifically including driving under the influence and no other criminal matter?*

*Please note, while your History Note says the effective date is December 1, 2013, the earliest this Rule can become effective is January 1, 2014.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Social Work Certification and Licensure Board

RULE CITATION: 21 NCAC 63 .0701

DEADLINE FOR RECEIPT: Friday, December 13, 2013

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 (b), does your regulated public know how to contact the executive director? Is that in another rule within the Chapter?*

*I think you should rewrite lines 7 through 10 for clarity, such as:*

*No special form is required. The rule-making petition shall contain the following information:*

1. *the name and address of the person making the request;*
2. *the proposed text of any requested rule change; and*
3. *a statement of the effect on the requested change.*

*On line 13, insert an “and” after “rule;”*

*What is the purpose of the first sentence in Paragraph (c)? That seems to be statement of internal management that doesn’t affect the procedural rights of people outside of the agency, and thus wouldn’t need to be in rule per G.S. 150B-2(8a)a.*

*Please note, while your History Note says the effective date is December 1, 2013, the earliest this Rule can become effective is January 1, 2014.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Social Work Certification and Licensure Board

RULE CITATION: 21 NCAC 63 .0704

DEADLINE FOR RECEIPT: Friday, December 13, 2013

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:

*Please change the language on line 7 to read, “Contents of a Request for Declaratory Ruling.”*

*The language in (b)(3) does not accurately reflect the scope a declaratory ruling as set in the statute. G.S. 150B-4(a) states that the agency shall issue declaratory rulings “as to the validity of a rule or as to applicability to a given state of facts of a statute administered by the agency or a rule or order of the agency.” I think the language in the rule needs to remove the reference to “aggrieved” and instead state “a concise statement of the need for a declaratory ruling as set forth in G.S. 150B-4(a).”*

*In Paragraph (c), line 13, if the Board “ordinarily” issue rulings in these instances, then circumstances will it issue the ruling if the request does fall under one of those categories? To that end, either delete “ordinarily” or give examples or reasons that the Board will issue the ruling.*

*In (c)(2), line 18, capitalize Rule and end the sentence with an “or”*

*In (c)(3), is it any pending litigation or only litigation where the Board is a party?*

*Please note, while your History Note says the effective date is December 1, 2013, the earliest this Rule can become effective is January 1, 2014.*

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Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.