REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

RULE CITATION: 21 NCAC 64 .0101

**DEADLINE FOR RECEIPT: WEDNESDAY, NOVEMBER 13, 2013**

***NOTE WELL: This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met 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 one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*It seems to me that you should also have some address where service of process can be delivered in the event the board was to be sued. Or do you have that in another rule?*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

RULE CITATION: 21 NCAC 64 .0103

**DEADLINE FOR RECEIPT: WEDNESDAY, NOVEMBER 13, 2013**

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*In line 4 please insert a comma after “audiology” and before “which.”*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

RULE CITATION: 21 NCAC 64 .0502

**DEADLINE FOR RECEIPT: WEDNESDAY, NOVEMBER 13, 2013**

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*In line 7 change “should” to “shall” or “may.” But I would suggest that it would be easier not to require board staff to decide whenever it does a mailing whether or not this person is to receive this mailing and make it discretionary.*

*In line 8 please change “require reasonable” to “charge actual.”*

*In the history note please change repealed 150B-16 to 150B-21.2(b).*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

RULE CITATION: 21 NCAC 64 .0503

**DEADLINE FOR RECEIPT: WEDNESDAY, NOVEMBER 13, 2013**

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*In line 6 change “should” to “must” or “shall.” In that same line delete or define “clearly.”*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

RULE CITATION: 21 NCAC 64 .0604

**DEADLINE FOR RECEIPT: WEDNESDAY, NOVEMBER 13, 2013**

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (a) lines 5 and 6 the rule gives persons “within 10 days after the hearing” to file written comments “unless a different period has been prescribed in the notice [of text] ....” Since the codifier specifies the date in the notice there will always be “a different period [for comment]” and the supplemental 10 days would never apply. I would suggest you delete “and within 10 days after the hearing.”*

*Later in that same sentence (in line 6) the rule provides that the comment period could also be enlarged based on its being “granted by request.” There are no standards specified or referred to for granting or denying the request. You either need to specify the standards – and any required procedures for making the request – or delete that provision as well.*

*In (b) line 9 delete or define “clearly.”*

*In (b) lines 10 and 11 you require that the person must give you “a brief description of the interest of the person making the submission in the outcome of the ... proceeding. I do not believe you have the authority to require this. If you change it to make it discretionary on the part of the commentator by making it a separate sentence, something like: “The commentator may include a description of the interest ...,” then I could recommend approving it. If you continued to use “brief” I would ask you to define it. Also I’m not sure what you mean by “interest of the person,” but if it’s discretionary that does not matter as much. If it is not discretionary then I shall recommend that my commission object to it.*

*In (c) lines 13 and 14 change “will” to “shall.”*

*In line 14 change “considered fully” to “fully considered.”*

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Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

RULE CITATION: 21 NCAC 64 .0702

**DEADLINE FOR RECEIPT: WEDNESDAY, NOVEMBER 13, 2013**

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (3) delete or define “concise.”*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

RULE CITATION: 21 NCAC 64 .0802

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*In (b)(2) and (3) delete or define “concise.”*

*In (b)(4) delete or define “clear” and “specific.”*

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Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: N.C. BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

RULE CITATION: 21 NCAC 64 .1003

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*In (a) line 5 change “may” to “shall.”*

*In (d)(1) line 11 change “a job title” to “the job title.”*

*In (d)(2) it seems to me that for the notification form to be useful to prove that it was given to a patient or family it should be signed and dated by the patient or family.*

*In (e) line 19 it seems to me that the comma after “quality of care,” should be deleted and a colon inserted after “considering.” If that is not correct then I am not sure of the standards in this paragraph.*

*In (e) line 20 change “and other relevant” to “and any other relevant.”*

*In (e)(1) lines 23 and 24 change “protocol specifying ... for patient behaviors” to “protocol specifying the following for patient behaviors:” and change the remainder of that sentence to a sub-sub-paragraph format:*

*(e) ...*

*(1) ... specifying the following for patient behaviors:*

 *(A) eliciting conditions;*

 *(B) target behavior; and*

 *(C) contingent response.*

*In (e)(2) line 28 make “Effectively” lowercase.*

*In (e)(3) line 30 delete or define “clearly” and “legible.”*

*In (f) page 2 line 38 either change “approved” to “provided,” refer to where the approval standards are found, set out the standards here, or delete “approved by the Board.”*

*In (g) line 42 delete “as such” and the surrounding commas.*

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Joseph J. DeLuca, Jr.

Commission Counsel