

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0205

**DEADLINE FOR RECEIPT: Thursday, August 11, 2022.**

***PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a), line 5, the way the Rule currently reads, it appears you're requiring the officer to be examined by a physician licensed in NC, or a PA or NP from any state. Is this the agency's intent?*

*In (a), line 6, is the "essential job functions" a formal part of an officer's job description?*

*Please fix the formatting of your History Note, specifically, the spacing. Also, delete the last period after "May 25, 2019", replace it with a semicolon, and add: "Temp. Amendment Eff. February 15, 2022."*

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

1 **12 NCAC 09G .0205 PHYSICAL AND MENTAL STANDARDS**

2 (a) Every person employed as a correctional officer or probation/parole officer by the North Carolina Department of  
3 Public Safety, Division of Adult Correction and Juvenile Justice shall have been examined and certified within one  
4 year prior to employment with the North Carolina Department of Public Safety, Division of Adult Correction and  
5 Juvenile Justice by a physician licensed in North Carolina, physician's assistant, or nurse practitioner to meet the  
6 physical requirements to fulfill the officer's particular responsibilities as stated in the essential job functions.

7 (b) Every person employed as a correctional officer or probation/parole officer by the North Carolina Department of  
8 Public Safety, Division of Adult Correction and Juvenile Justice shall have been administered ~~within one year prior~~  
9 ~~to employment with the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice~~  
10 ~~a psychological screening examination by a clinical psychologist or psychiatrist licensed to practice in North Carolina~~  
11 ~~to determine the officer's mental and emotional suitability to fulfill the officer's particular responsibilities as stated in~~  
12 ~~the essential job functions~~ a psychological screening examination in accordance with G.S. 17C-10(c). The  
13 psychological screening shall be valid for a period of one year prior to the criminal justice officer's initial appointment  
14 and applies to any criminal justice officer seeking initial or probationary certification] from the date on which it was  
15 administered.

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17 *History Note:* Authority G.S. 17C-6; 17C-10;  
18 Temporary Adoption Eff. January 1, 2001;  
19 Eff. August 1, 2002;  
20 Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004;  
21 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
22 2019.  
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