

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Tuesday, January 10, 2023 3:30 PM  
**To:** NCITLB <ncitlb@caphill.com>; Bradshaw, Juliane <jbradshaw@NCDOJ.GOV>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC

Thanks, Caitlin, and thanks for all your hard work on these as well.

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**From:** NCITLB <[ncitlb@caphill.com](mailto:ncitlb@caphill.com)>  
**Sent:** Tuesday, January 10, 2023 3:28 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>; Bradshaw, Juliane <[jbradshaw@NCDOJ.GOV](mailto:jbradshaw@NCDOJ.GOV)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC

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Hello Brian,

Thank you for letting us know, and this final version of the rule has been submitted to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov), with Alex Burgos copied, as requested.

Again, we appreciate all of your assistance!

Caitlin  
Caitlin Schwab-Falzone  
Board Administrator  
North Carolina Interpreters & Transliterators Licensing Board  
PO Box 98328  
Raleigh, NC 27624  
Phone: 919-779-5709  
fax: 919-779-5642

[NCITLB@caphill.com](mailto:NCITLB@caphill.com)

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sed to third parties by an authorized state official.

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC  
**Attachments:** Final Rule 21 NCAC 25 0205 (V3).doc

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**From:** Bradshaw, Juliane <jbradshaw@ncdoj.gov>  
**Sent:** Tuesday, January 10, 2023 11:27 AM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>; NCITLB <ncitlb@caphill.com>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC

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Brian,  
Attached is the latest revision of the rule that Caitlin prepared. I think that 90D-12 should remain in the history note for this rule because the rule does allow the Board to not renew a provisional license and therefore, the language of 90D-12 applies here.

Please let me know if you have any other questions.

Thanks.

Juliane



**Juliane L. Bradshaw**  
Assistant Attorney General  
Health Service Section  
N.C. Department of Justice  
P.O. Box 629  
Raleigh, N.C. 27690  
Telephone: 919-716-6652  
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1 21 NCAC 25 .0205 is amended with changes as published in 36:17 NCR 1437 as follows:

2  
3 **21 NCAC 25 .0205 RENEWAL OF A PROVISIONAL LICENSE**

4 (a) An application for the renewal of a provisional license is not timely filed unless it is received by the Board on or  
5 before the expiration date of the license being renewed.

6 (b) If a licensee does not timely file an application for the renewal of a provisional license, the licensee shall not  
7 practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or  
8 herself as a licensed interpreter or transliterator, ~~or~~ use the title "Licensed Interpreter for the Deaf," "Licensed  
9 Transliterator for the Deaf," or use any other title or abbreviation to indicate that the person is a licensed interpreter  
10 or transliterator until he or she receives either a renewed provisional license, as described in Paragraph (c) of this  
11 Rule, or an initial full license as described in 21 NCAC 25 .0204.

12 (c) An application to renew an expired provisional license shall be approved by the Board if it is received by the  
13 Board within one year after the provisional license expired and if the application demonstrates that the applicant  
14 continues to qualify for a provisional ~~license~~ license, by meeting the requirements of G.S. 90D-8. A provisional  
15 license shall not be renewed after it has expired a second time.

16 (d) If the provisional license being renewed has been suspended by the Board, any ~~renewal~~ renewed provisional  
17 license issued to the applicant shall also be suspended until the term of the suspension has expired.

18 (e) The Board shall renew a provisional license no more than three times upon receipt of timely applications that  
19 demonstrate that the applicant continues to qualify for a provisional license. The Board may extend a provisional  
20 license on an annual basis after the third renewal if the applicant timely files an application prior to the expiration of  
21 the third renewal, and on an annual basis thereafter if further extension is sought by the applicant, that demonstrates  
22 that the applicant's progress toward full licensure was delayed by:

23 (1) a life-altering event, such as the birth or adoption of a child to the applicant or the applicant's spouse or  
24 an acute or chronic illness suffered by either the applicant or a member of the applicant's immediate family;

25 (2) active military service;

26 (3) a catastrophic natural event, such as a pandemic, flood, hurricane, or tornado; or

27 (4) the certifying organizations identified in G.S. 90D-7 having imposed a moratorium on testing or  
28 certification that has prevented the applicant from sitting for the qualifying examination and  
29 obtaining the results thereof prior to the expiration of the provisional license or any annual ~~extension~~  
30 extension. ~~thereof; provided, however, that a provisional license that has been extended because of~~  
31 ~~a moratorium may be extended one additional time following the end of the moratorium to allow~~  
32 ~~sufficient time for the applicant to take the qualifying examination and to receive the results~~  
33 ~~thereof, but it shall not be extended thereafter on the basis of the moratorium.~~

34 (f) The Board shall not for any reason renew or extend a provisional license for a fifth time, with the exception of  
35 servicemembers who qualify for an extension under Paragraph (h) of this Rule.

36 ~~(f)~~ (g) The Board shall not issue an initial provisional license to anyone who has previously held a provisional  
37 license.

1 ~~(e)~~ (h) The Board shall extend the deadline for filing a license renewal application for any individual who currently holds  
2 a provisional license and is in good standing with the ~~Board~~, Board if the individual is serving in the armed forces of the  
3 United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be  
4 in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the  
5 taxpayer's liability for a federal tax.

6

7 *Authority G.S. 90D-6; 90D-8; 90D-11; 90D-12; 93B-15;*

8 *Eff. March 21, 2005;*

9 *Amended Eff. February 1, 2023; July 1, 2016; May 1, 2011; August 1, 2007.*

## Burgos, Alexander N

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**Subject:** FW: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Sent:** Monday, January 9, 2023 6:11 PM

**To:** NCITLB <ncitlb@caphill.com>

**Cc:** Bradshaw, Juliane <jbradshaw@NCDOJ.GOV>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC

Hi Caitlin,

Thanks for making the changes. The rule looks good, I just have a few things that I think need to be resolved. See below.

*Paragraph (c), line 13, and (e), line 19, how does the applicant demonstrate that he or she continues to qualify for a provisional license? Is it just that they must meet the criteria in G.S. 90D-8? Please clarify.*

**Yes, the applicant just has to meet the requirements listed in G.S. 90D-8 when requesting an extension of the provisional license.**

Thanks for the clarification. I would add a reference here, something along the lines of "...the applicant continues to qualify for a provisional ~~license.~~ license, by meeting the requirements of G.S. 90D-8."

*In (d), line 16, is "the license being renewed" only applicable to "provisional licenses" or does this apply to all licenses?*

**This is only applicable to provisional licenses.**

As you use "provisional license" everywhere else in the rule, I would change (d) to say "provisional license" in both instances as well.

*How does (f) affect the Board's ability to extend a deadline for filing a license renewal under (h)? If (h) is indeed is intended as an exception, you may want to add to (f) language like "With the exception of servicemembers who qualify for an extension under Paragraph (h) of this Rule..." or something similar.*

**This language was added to (f) as suggested.**

Great, thanks for taking my suggestion. I would put "With" into lowercase, though.

*In your History Note, is G.S. 90D-12 necessary as authority for this Rule? What disciplinary action is being taken here?*

**The history note was not altered for the submission. If the history note for 90D-12 should be removed we can make that change.**

It's your rule, I do not know if it needs to be removed or not. It just appears to me that 90D-12 refers to disciplinary action, and this Rule does not. I think you should consult with your counsel and determine if there's a reason for the reference to 90D-12 being here. If so, let me know. If not, take it out.

Also, I think the deletion from line 29 to line 33 was in the original published text, so it shouldn't be highlighted. Just FYI.

If these changes are made, I will be able to recommend approval of the rule at this month's meeting.

Thanks!

Brian

Brian Liebman  
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Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**Sent:** Monday, January 9, 2023 3:55 PM  
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**Cc:** Bradshaw, Juliane <[jbradshaw@NCDOJ.GOV](mailto:jbradshaw@NCDOJ.GOV)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC

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Hello Brian,

My apologies for failing to attach the other document. I have attached both items to this email for easy review and access to this additional information.

Caitlin  
Caitlin Schwab-Falzone  
Board Administrator  
North Carolina Interpreters & Transliterators Licensing Board  
PO Box 98328  
Raleigh, NC 27624  
Phone: 919-779-5709  
fax: 919-779-5642  
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**Request for Changes Pursuant to  
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

**Note the following general instructions:**

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;; and”
  - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**



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

AGENCY: Interpreter & Transliterator Licensing Board

RULE CITATION: 21 NCAC 25 .0205

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***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:

*Generally speaking, for all rules, stating a rule is proposed “with changes” means there exists language in the rule which was not published in the Register but was added later. Only this added language should be highlighted. After reviewing the Register, it appears all the highlighted language was published. Have there been any post publication changes, or were all the changes made published in the Register?*

**There were no post publication changes made except for the small changes you suggested in this document that have been incorporated**

*In (b), line 11, I'd suggest adding a cross reference to the rule on the initial full license at the end of the sentence.*

*Paragraph (c), line 13, and (e), line 19, how does the applicant demonstrate that he or she continues to qualify for a provisional license? Is it just that they must meet the criteria in G.S. 90D-8? Please clarify.*

**Yes, the applicant just has to meet the requirements listed in G.S. 90D-8 when requesting an extension of the provisional license.**

*In (d), line 16, is “the license being renewed” only applicable to “provisional licenses” or does this apply to all licenses?*

**This is only applicable to provisional licenses.**

*Also, in (d), what is a “renewal license”? Perhaps you meant “renewed license”?*

*In (e), line 21, delete the comma following “applicant”.*

*In (e)(4), because you changed the punctuation following “extension” you need to reflect that change like this: “~~extension~~ extension.”*

*In (g), what is an “initial provisional license”?*

**The initial provisional license is the first provisional license that is issued after successful application for the provisional license.**

Brian Liebman  
Commission Counsel  
Submitted to agency 1/5/23

*How does (f) affect the Board's ability to extend a deadline for filing a license renewal under (h)? If (h) is indeed is intended as an exception, you may want to add to (f) language like "With the exception of servicemembers who qualify for an extension under Paragraph (h) of this Rule..." or something similar.*

**This language was added to (f) as suggested.**

*In (h), page 2, line 2, remove the comma after "Board".*

*In your History Note, is G.S. 90D-12 necessary as authority for this Rule? What disciplinary action is being taken here?*

**The history note was not altered for the submission. If the history note for 90D-12 should be removed we can make that change.**

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

1 21 NCAC 25 .0205 is amended with changes as published in 36:17 NCR 1437 as follows:

2  
3 **21 NCAC 25 .0205 RENEWAL OF A PROVISIONAL LICENSE**

4 (a) An application for the renewal of a provisional license is not timely filed unless it is received by the Board on or  
5 before the expiration date of the license being renewed.

6 (b) If a licensee does not timely file an application for the renewal of a provisional license, the licensee shall not  
7 practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or  
8 herself as a licensed interpreter or transliterator, ~~or~~ use the title "Licensed Interpreter for the Deaf," "Licensed  
9 Transliterator for the Deaf," or use any other title or abbreviation to indicate that the person is a licensed interpreter  
10 or transliterator until he or she receives either a renewed provisional license, as described in Paragraph (c) of this  
11 Rule, or an initial full license as described in 21 NCAC 25 .0204.

12 (c) An application to renew an expired provisional license shall be approved by the Board if it is received by the  
13 Board within one year after the provisional license expired and if the application demonstrates that the applicant  
14 continues to qualify for a provisional license. A provisional license shall not be renewed after it has expired a second  
15 time.

16 (d) If the license being renewed has been suspended by the Board, any ~~renewal~~ renewed license issued to the  
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18 (e) The Board shall renew a provisional license no more than three times upon receipt of timely applications that  
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22 that the applicant's progress toward full licensure was delayed by:

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24 an acute or chronic illness suffered by either the applicant or a member of the applicant's immediate family;

25 (2) active military service;

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28 certification that has prevented the applicant from sitting for the qualifying examination and  
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31 a moratorium may be extended one additional time following the end of the moratorium to allow  
32 sufficient time for the applicant to take the qualifying examination and to receive the results  
33 thereof, but it shall not be extended thereafter on the basis of the moratorium.

34 (f) The Board shall not for any reason renew or extend a provisional license for a fifth time. With the exception of  
35 servicemembers who qualify for an extension under Paragraph (h) of this Rule.

36 ~~(f)~~ (g) The Board shall not issue an initial provisional license to anyone who has previously held a provisional  
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2 a provisional license and is in good standing with the ~~Board~~, Board if the individual is serving in the armed forces of the  
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4 in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the  
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7 *Authority G.S. 90D-6; 90D-8; 90D-11; 90D-12; 93B-15;*

8 *Eff. March 21, 2005;*

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC

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**Sent:** Monday, January 9, 2023 3:05 PM  
**To:** NCITLB <ncitlb@caphill.com>  
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**Subject:** RE: [External] RE: 21 NCAC 25 .0205 - Request for Changes January 2023 RRC

Hi Caitlin,

Thanks for sending this back so soon, and for making some of the changes from the request for changes document. However, I'd note that I asked several questions in the request for changes document to which you've submitted no answer. Did I miss an attachment?

We find the most convenient way for both the rulemaking coordinator and for the counsel to interact on requests for changes is for the coordinator to put answers to each question underneath the question in the actual request for changes document, usually in another color. That way, we both know you've responded to everything, and you have a place to answer the questions that have been asked that may not be readily addressed with a change to the text.

Thanks,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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**Sent:** Monday, January 9, 2023 2:58 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** Bradshaw, Juliane <[jbradshaw@NCDOJ.GOV](mailto:jbradshaw@NCDOJ.GOV)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
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Hello Brian,

We have made the requested edits to the rule, please let us know if anything additional is needed.

Thank you for your assistance,

Caitlin  
Caitlin Schwab-Falzone  
Board Administrator  
North Carolina Interpreters & Transliterators Licensing Board  
PO Box 98328  
Raleigh, NC 27624  
Phone: 919-779-5709  
fax: 919-779-5642  
[NCITLB@caphill.com](mailto:NCITLB@caphill.com)  
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8 herself as a licensed interpreter or transliterator, ~~or~~ use the title "Licensed Interpreter for the Deaf," "Licensed  
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## Burgos, Alexander N

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**From:** Liebman, Brian R  
**Sent:** Thursday, January 5, 2023 5:12 PM  
**To:** ncitlb@caphill.com  
**Cc:** Bradshaw, Juliane; Burgos, Alexander N  
**Subject:** 21 NCAC 25 .0205 - Request for Changes January 2023 RRC  
**Attachments:** 01.2023 21 NCAC 25 .0205.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Board for the January 2023 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, January 19, 2023, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, January 13, 2023.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

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