

**RULES REVIEW COMMISSION MEETING**  
**MINUTES**  
**July 15, 2021**

The Rules Review Commission met on Thursday, July 15, 2021, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The Commissioners held a WebEx meeting in accordance with the provisions of G.S. 143-318.13.

Commissioner Bob Rucho was present in the Commission Room. Commissioners present via WebEx were Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Jeff Hyde, Barbara Jackson, Randy Overton, and Paul Powell.

Staff members present were Alexander Burgos and Commission Counsel Amanda Reeder. Commission Counsel Amber May and Codifier of Rules Ashley Snyder were present via WebEx.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair 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 appearance of conflicts of interest.

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes of the June 17, 2021 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho – 6. Voting in the negative: None.

**FOLLOW UP MATTERS**

Commissioners Margaret Currin and Barbara Jackson joined the meeting.

**Coastal Resources Commission**

15A NCAC 07J .0403, .0404, .0405, .0407, .0410; and 07K .0207 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**LOG OF FILINGS (PERMANENT RULES)**

**Social Services Commission 10A NCAC 70M**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Social Services Commission 10A NCAC 71, 72**

Upon the call of the Chair, the period of review was extended as requested by the agency to address technical changes by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Department of Insurance**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Industrial Commission**

Upon the call of the Chair, 11 NCAC 23E .0302 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Criminal Justice Education and Training Standards Commission**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

The Commission received over 10 letters of objection to 12 NCAC 09B .0101 and 09G .0205. Pursuant to G.S. 150B-21.3, the rules are subject to legislative review and a delayed effective date.

**Sheriffs' Education and Training Standards Commission**

Upon the call of the Chair, 12 NCAC 10B .0510 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Coastal Resources Commission**

Upon the call of the Chair, 15A NCAC 07K .0208 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the period of review was extended for 15A NCAC 07H .0304 and .0312; 07J .1201, .1202, .1203, .1204, .1205, .1206, .1301, .1302, and .1303 as requested by the agency to address technical changes by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Board of Dental Examiners**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Medical Board**

Prior to the review of the rules from the Medical Board, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the rules because of a conflict.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

**Board of Nursing**

Prior to the review of the rule from Board of Nursing, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides a varied scope of legal services to the Board, some of which includes advice on rulemaking.

Upon the call of the Chair, 21 NCAC 36 .0809 was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

**Board of Pharmacy**

Upon the call of the Chair, 21 NCAC 46 .2801 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Board of Physical Therapy Examiners**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Commissioner Bobby Bryan Joined the meeting.

**Social Work Certification and Licensure Board**

Prior to the review of the rule from the Social Work Certification and Licensure Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides a varied scope of legal services to the Board, some of which includes advice on rulemaking.

Upon the call of the Chair, 21 NCAC 63 .0211 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Veterinary Medical Board**

Upon the call of the Chair, the period of review was extended for 21 NCAC 66 .0211 as requested by the agency to address public interest in the revised rule by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

**Office of Administrative Hearings**

Commissioner Bryan presented the rules to the Commission.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

**Building Code Council**

The 2020 NC Electrical Code was withdrawn at the request of the agency.

Upon the call of the Chair, the remaining rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

**EXISTING RULES REVIEW****Department of Environmental Quality**

15A NCAC 01E - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than November 30, 2022 pursuant to G.S. 150B-21.3A(d)(2).

Upon the call of the Chair, the readoption date was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.



### **COMMISSION BUSINESS**


Upon the call of the Chair, the Commission amended Rule 26 NCAC 05 .0211 to schedule review of the report for 16 NCAC 06 in March 2022. The amendment was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Staff updated the Commission on the status of the remaining outstanding rules in this cycle of the existing rules review, as set forth in Rule 26 NCAC 05 .0211. The rules in 15A NCAC 05A, 05B, 05C, 05F, and 05G are under the authority of the Mining and Energy Commission. Staff of the Mining and Energy Commission informed RRC staff that it is not yet fully formed. Therefore, the RRC cannot schedule the review at this time. Once the Mining and Energy Commission is fully formed, these rules will be added to the review schedule.

The Chair informed all of the Commissioners beginning in August, the meetings would resume being held in-person with the option to participate remotely via WebEx. She added that OAH has a new Chief Administrative Law Judge, Donald van der Vaart, and he plans to be present at the August meeting to meet all Commissioners present.

The meeting adjourned at 9:39 a.m.

The next regularly scheduled meeting of the Commission is Thursday, August 19, 2021, at 9:00 a.m.

  
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Alexander Burgos, Paralegal  
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Minutes approved by the Rules Review Commission:  
Jeanette Doran, Chair

**Rules Review Commission Meeting July 15, 2021  
Held Via WebEx**

<b>Name</b>	<b>Agency</b>
Crystal Tillman	Nursing
Jon Carr	Jordan Price
Loretta Bunch	DOI
Kathy Arney	PT Board
Robert Glass	Good Manning MFG
Bill Lane	DEQ
Thomas Campbell	DOJ
Carl Martin	DOI
Amy Fitzhugh	Nursing
Brandon Walker	DPI
Helen Landi	DOT
Dauna Bartley	Brocker Law
Melanie Mabrey	Nursing
Leann Mckoy	DHHS
Paris Penny	DHHS
Clint Pinyan	Pharmacy
Beth Riley	DHHS
Jennifer Everett	DEQ
Sara Griffith	Nursing
Angela Ellis	Nursing
Carla Mcneill	DHHS
Diane Konopka	DOJ
David Gadd	PT Board
Deborah Ragan	PT Board
Raj Premakumar	DOJ
Charminique Williams	CJETS
Gina Cammarano	IC



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

July 15, 2021

Jennifer Everett, Rulemaking Coordinator  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 01E**

Dear Ms. Everett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, the scheduling of readoption for this set of rules was discussed at the July 15, 2021 Rules Review Commission meeting. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached document shall be readopted no later than November 30, 2022.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Amber May  
Commission Counsel

**Donald R. van der Vaart**, Director  
Chief Administrative Law Judge

**Fred G. Morrison, Jr.**  
Senior Administrative Law Judge

**Linda T. Worth**  
Deputy Director

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**RRC DETERMINATION  
PERIODIC RULE REVIEW  
February 16, 2017  
APO Review: April 23, 2017  
Environmental Quality, Department of  
Total: 14**

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

<b>Rule</b>	<b>Determination</b>
<u>15A NCAC 01E .0101</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0102</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0103</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0104</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0105</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0106</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0107</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0108</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0109</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0110</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0111</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0112</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0113</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0114</u>	Necessary with substantive public interest