

**RULES REVIEW COMMISSION MEETING
MINUTES
November 16, 2017**

The Rules Review Commission met on Thursday, November 16, 2017, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Andrew P. Atkins, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jay Hemphill, Jeff Hyde, Jeff Poley, and Paul Powell.

Staff members present were Commission Counsels Amanda Reeder, Abigail Hammond, Amber Cronk May, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana McGhee.

The meeting was called to order at 10:01 a.m. with Chairman Dunklin presiding.

Chairman Dunklin 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 appearances of conflicts of interest.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the October 19, 2017 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

Commission for Mental Health, Developmental Disabilities and Substance Abuse Services

10A NCAC 27H .0205 and .0206 - The agency is addressing the objections from the September meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Pre-Reviewed Rules

Board of Refrigeration Examiners

All rules were unanimously approved with the following exception:

21 NCAC 60 .0106 was withdrawn at the request of the agency.

Non Pre-Reviewed Rules

Code Officials Qualification Board

All rules were unanimously approved.

Department of Insurance

All rules were unanimously approved.

The Commission received over 10 letters of objection in accordance with G.S. 150B-21.3(b2), requesting a delayed effective date and legislative review of Rules 11 NCAC 20 .0301 and .0302.

Alarm Systems Licensing Board

All rules were unanimously approved.

Midwifery Joint Committee

21 NCAC 33 .0110 was unanimously approved.

Prior to the review of the rule from the Midwifery Joint Committee, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm represents the Board of Nursing. The Board of Nursing provides administrative support to the Midwifery Joint Committee.

Board of Nursing

21 NCAC 36 .0815 was withdrawn at the request of the agency. No action was required by the Commission.

Building Code Council

All rules were unanimously approved.

LOG OF RULES (TEMPORARY RULES)*Pre-Reviewed Rules***Medical Care Commission**

All rules were unanimously approved.

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

Prior to the review of the temporary rules from the Medical Care Commission, Commissioner Poley recused himself and did not participate in any discussion or vote concerning the rules because his law firm is legal counsel for the Medical Care Commission.

Alcoholic Beverage Control Commission

All rules were unanimously approved.

Prior to the review of the temporary rules from the Alcoholic Beverage Control Commission, Commissioner Powell recused himself and did not participate in any discussion or vote concerning the report because of a conflict of interest.

Department of Transportation/Division of Motor Vehicles

Both rules were approved contingent upon the agency making technical changes to 19A NCAC 03K .0101, with Commissioner Powell voting against.

The agency submitted the rule with the requested technical changes on November 16, 2017.

Prior to the review of the temporary rules from the Department of Transportation/Division of Motor Vehicles, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the rules because of a conflict.

John Policastro, General Counsel with the North Carolina Automobile Dealers Association, addressed the Commission.

David Ferrell, representing Independent Garage Owners of North Carolina and the Carolina Lubes, Inc., addressed the Commission.

Chris Brooks, with the Attorney General's Office and representing the agency, addressed the Commission.

Helen Landi, the rulemaking coordinator with the agency, addressed the Commission.

EXISTING RULES REVIEW**Department of Health and Human Services**

10A NCAC 14A .0100 – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the report.

Medical Care Commission

10A NCAC 14A .0300 – The Commission unanimously approved the report as submitted by the agency.

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

Commissioner Poley was not present during the vote or discussion concerning the report.

DHHS, Director, Division of Health Service Regulation

10A NCAC 14G – The Commission unanimously approved the report as submitted by the agency.

10A NCAC 14H – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the reports.

Department of Insurance

11 NCAC 08 .0200, .0400 and .1500 - The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the report.

Code Officials Qualification Board

11 NCAC 08 .0500 - .0800 – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the report.

Manufactured Housing Board

11 NCAC 08 .0900 and .1400 – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the report.

Home Inspector Licensure Board

11 NCAC 08 .1000 - .1300 – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the report.

Public Safety/Division of Victim Services

14B NCAC 09 .0100 and .0200 – The Commission unanimously approved the report as submitted by the agency.

Wil Polk, the rulemaking coordinator for the agency, addressed the Commission.

Commissioner Poley was not present during the vote or discussion concerning the report.

Victims Compensation Commission

14B NCAC 09 .0300 – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the report.

Department of Public Safety/Boxing Authority

14B NCAC 10 – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the report.

Department of Public Safety

14B NCAC 11 – The Commission unanimously approved the report as submitted by the agency.

14B NCAC 12 – The Commission unanimously approved the report as submitted by the agency.

14B NCAC 13 – The Commission unanimously approved the report as submitted by the agency.

Commissioner Poley was not present during the vote or discussion concerning the reports.

Board of Dental Examiners

21 NCAC 16 - The Commission unanimously approved the report as submitted by the agency.

Midwifery Joint Committee

21 NCAC 33 – The Commission unanimously approved the report as submitted by the agency.

Prior to the review of the report from the Midwifery Joint Committee, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the report because her law firm represents the Board of Nursing. The Board of Nursing provides administrative support to the Midwifery Joint Committee.

Board of Nursing

21 NCAC 36 – The Commission unanimously approved the report as submitted by the agency.

Prior to the review of the report from the Board of Nursing, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the report because her law firm represents the Board of Nursing.

Prior to the review of the report from the Board of Nursing, Commissioner Hemphill recused himself and did not participate in any discussion or vote concerning the report because of the appearance of a conflict of interest with his employer.

Onsite Wastewater Contractors and Inspectors Certification Board

21 NCAC 39 – The Commission unanimously approved the report as submitted by the agency.

Prior to the review of the report from the Onsite Wastewater Contractors and Inspectors Certification Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the report because her law firm represents the Onsite Wastewater Contractors.

Veterinary Medical Board

21 NCAC 66 – The Commission unanimously approved the report as submitted by the agency.

COMMISSION BUSINESS

The Commission amended Rule 26 NCAC 05 .0211 to reflect changes in the periodic review schedule.

At 11:43 a.m., Chairman Dunklin ended the public meeting of the Rules Review Commission and called the meeting into closed session pursuant to G.S. 143-318.11(a)(3) to discuss the lawsuit filed by the State Board of Education against the Rules Review Commission.

The Commission came out of closed session and reconvened at 12:25 p.m.

The meeting adjourned at 12:25 p.m.

The next regularly scheduled meeting of the Commission is Thursday, December 14th at 10:00 a.m.

A handwritten signature in black ink, appearing to read 'Alexander Burgos', written over a horizontal line.

Alexander Burgos, Paralegal

A handwritten signature in blue ink, appearing to read 'Garth Dunklin', written over a horizontal line.

Minutes approved by the Rules Review Commission:
Garth Dunklin, Chair

November 16, 2017

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Jennifer Hollyfield	NCDOT/OSFM
Mike Hegeloh	NCDOT HILB & COOB
Kathryn Williams	NCDOT / OSFM
Chris Branks	NC DOT / NC DMV
BARBY GUPTON	NCDOT / NC BCC
Loretta Bunch	NCBON NCDOT
Doug Bracker	NC Board of Dental Examiners
Nadine Pfeiffer	NC DHHS / DHSR
Chris Evans	BCBSNC
BOBBY D WHITE	NC DENTAL BOARD
John Policastro	NC Automobile Dealers Association
David Ferrell	IGBC / Carolina Library, Inc.
TJ Shuler	NCUMB
Carey Gunkley	DHSR
Meredith Parris	BON
Ann Hitchcock	NCBON
Angela Ellis	NCBON
Robby Coon	NC DOT
Maxine Freeman	NC DOT
Jamie Keith	DMV
Hope Mozerger	DMV

November 16, 2017

Rules Review Commission
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Name	Agency
Shilda Northcott	Smart Start LLC
Denise Stanford	NC HILB
John Hoaman	NC DOI
Charlotte Byrd-Malhe	NC DMV
Tiffany E. Ford	NC DMV
Maggie Craven	ASLB
W. T. Pulk	NC DPS
Margaret McDonald	NC DPS
Daniel H. Hatcher	NC DPS / Boeing
India Smith-Gray	NC DPS / Boeing Authority

