

Burgos, Alexander N

Subject: FW: [External] 21 NCAC 32M .0107 - Technical Changes

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Friday, May 12, 2023 10:32 AM

To: Meredith Parris <mparris@ncbon.com>; Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Angela Ellis <angela@ncbon.com>

Subject: RE: [External] 21 NCAC 32M .0107 - Technical Changes

Your points are well taken. It is my intention to recommend approval of the rules as revised to the RRC.

Thank you and have a great weekend.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

Bill.Peaslee@oah.nc.gov

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From: Meredith Parris <mparris@ncbon.com>

Sent: Friday, May 12, 2023 10:16 AM

To: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Peaslee, William W <bill.peaslee@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Angela Ellis <angela@ncbon.com>

Subject: RE: [External] 21 NCAC 32M .0107 - Technical Changes

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Good morning, Bill.

Marcus summed it up for me! Our preference would be to only reference our BON subchapter, but we will do as you advise. I appreciate you working through these with both Boards.

Best,
Meredith

Meredith Parris JD

Director, Legal

Office: (984) 238-7627

Fax: (919) 781-9461

4516 Lake Boone Trail Raleigh, NC 27607

P.O. Box 2129 Raleigh, NC 27602

Pronouns: She/Her/Hers



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From: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>

Sent: Friday, May 12, 2023 10:03 AM

To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Meredith Parris <mparris@ncbon.com>

Subject: RE: [External] 21 NCAC 32M .0107 - Technical Changes

Bill,

Hi. Historically, each Board cross-referenced within its own subchapter of the NP rules so that the licensee, if reading the rules in one subchapter, wouldn't have to flip to another subchapter in order to read the cross-reference. Essentially, it's for the ease of the reader. Also, since RRC is the gatekeeper, neither Board can change its rule without the other Board changing their rule. Just as the example is here, the NCMB cannot change 21 NCAC 32M .0107 without the BoN changing 21 NCAC 36 .0807 at the same time.

I think each subchapter cross-referencing within its own subchapter is much easier on the reader.

That said, we will be happy to cross reference 21 NCAC 36 .0809(b)(2) in our rule if you like. Just let me know.

Thanks,

Marcus

Marcus Jimison

Senior Board Attorney

P 919.277.1844 E marcus.jimison@ncmedboard.org

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Friday, May 12, 2023 9:40 AM

To: Leigh Anne Satterwhite <leigh.satterwhite@ncmedboard.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; mparris@ncbon.com

Subject: RE: [External] 21 NCAC 32M .0107 - Technical Changes

Thank you for your email.

The Board of Nursing (BON) and the Medical Board (MB) have submitted revisions to rules which are identical, nearly. Their respective definitions of "controlled substances" each refer to different rules. While those definitions are currently the same, they may not always be. That is the problem.

It appears to me that the BON and the MB can cure this problem either by picking one rule or placing "Controlled Substances (Schedules II, IIN, III, IIIN, IV, V) defined by the State and Federal Controlled Substances Acts" within the Rule. Then they would be identical.

Please let me know your intentions to revise by COB today.

Thank you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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1711 New Hope Church Road
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(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807
Attachments: 04.2023 Board of Nursing Request for Changes 21 NCAC 36 .0807.docx; 21 NCAC 36 .0807 Continuing Education (CE).docx

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Angela Ellis <angela@ncbon.com>
Sent: Tuesday, May 2, 2023 11:58 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Meredith Parris <mparris@ncbon.com>
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

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Hi William,

Attached is the response to the Request for Technical Change for 21 NCAC 36 .0807 along with the formatted Rule. Meredith is working with the Medical Board to be sure both Rules mirror one another. Please let us know next steps.

Angela Ellis

Angela Ellis

Chief Administrative Officer

Office: (984) 238-7644

Fax: (919) 781-9461

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P.O. Box 2129 Raleigh, NC 27602

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

AGENCY: North Carolina Board of Nursing

RULE CITATION: 21 NCAC 36 .0807

DEADLINE FOR RECEIPT: April 10, 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:

In general, please explain the Board of Nursing's authority to amend the Rule in the absence of the approval of the North Carolina Medical Board pursuant to G.S. 90-8.2(a). North Carolina Medical Board filed mirror rule after the deadline. North Carolina Board of Nursing requested an extension to line up with the Medical Board's filing

Page 1, Line 6: Is "continuing education" the same as "Continuing Education Activity" pursuant to 21 NCAC 36 .0120? If so, please use "continuing education activity" throughout the rule. If not, define "continuing education". Used continuing education activity throughout.

Page 1, Line 7-8: What is "advance practice nursing population focus on the NP role"? This is unclear. This refers to the NP specialty area of practice and is known to our regulated public. Please note that on Line 7-8 it stated "advance practice nursing population of the NP role".

Page 1, Line 8: As the ANCC is a national credentialing body as defined in 21 NCAC 36 .0801, consider removing its specific mention as it is redundant. Edited to change national credentialing body; however, practice-relevant courses are distinguishable.

Page 1, Lines 9-10: Define "relevant courses". How do "relevant courses" "approve" "hours"? The 20 hours may be approved by: ANCC, ACCME or another national credentialing provider. Or the 20 hours may be satisfied by nurse practice-relevant courses provided by an institute of higher learning.

Page 1, Line 11: Either define "controlled substances" or make reference to another rule. Eg. "Every nurse practitioner who prescribes controlled substances pursuant to Rule 21 NCAC 36 ___ shall..." Changed to reference our rule.

Page 1, (b), Lines 11-15: Is (b) notwithstanding (c)? In other words, if a NP has a national certification, do they still need the one hour of CE required in (b) to prescribe

William W. Peaslee
Commission Counsel
Date submitted to agency:

controlled substances? *Changed to Continuing education activity hours. One hour is still required to prescribe.*

Page 1, (b), Lines 11-15: If it meets the Boards' intentions, consider:

“(b) Prior to prescribing controlled substances as the same are defined in _____, nurse practitioners shall have completed a minimum of one CE hour within the preceding 12 months on one or more of the following topics:

- (1) Controlled substances prescription practices;
- (2) Prescribing controlled substances for chronic pain management;
- (3) Recognizing signs of controlled substance abuse or misuse; or
- (4) Non-opioid treatment options as an alternative to controlled substances.

The one hour of CE required by this paragraph supplants and is not in addition to, the CE required by Paragraph (a).” *Reformatted and included reference to our Rule – 21 NCAC 36 .0809(2).*

Page 1, (c), Lines 16-17: What is the Boards' authority to replace CE hours with a national certification. Please see G.S. 90-14(a)(15)? This doesn't replace CE hours. If an NP is nationally certified, they have completed the required CE hours.

Page 1, (c), Lines 16-17: Consider whether paragraph (c) should just be a part of (a). Changed and added the sentence from (c) to the end of (a). Since (a) references both, it seems to flow with this edit.

Page 1, (d), Lines 18-19: Consider: “Documentation of all CE completed within the previous five years shall be maintained by the NP and made available upon request.” Removed “calendar” and changed.

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

William W. Peaslee
Commission Counsel
Date submitted to agency:

1 21 NCAC 36 .0807 is amended, with changes, as published in NCR 37:12, pages 903-904 as follows:

2
3 **21 NCAC 36 .0807 CONTINUING EDUCATION (CE)**

4 (a) In order to maintain nurse practitioner approval to practice, the nurse practitioner shall ~~maintain certification as a~~
5 ~~nurse practitioner by a national credentialing body identified in Rule .0801(8) of this Section and~~ earn 50 contact hours
6 of continuing education ~~activity each year, every two years,~~ beginning with the first renewal after initial approval to
7 practice has been granted. A minimum of 20 hours of the required 50 hours must be in the advanced practice nursing
8 population focus of the NP ~~role role. The 20 hours must have for which~~ approval ~~has been~~ granted by the American
9 Nurses Credentialing Center (ANCC) or Accreditation Council on Continuing Medical Education (ACCME), ~~or other~~
10 ~~by a national credentialing bodies, accredited provider of nursing continuing professional development, or nurse~~
11 ~~practice-relevant courses in an institution of higher learning. A nurse practitioner who possesses a current national~~
12 ~~certification by a national credentialing body shall be deemed in compliance with the requirement of Paragraph (a) of~~
13 ~~this Rule.~~

14 (b) ~~Prior to prescribing controlled substances as the same are defined in 21 NCAC 36 .0809(2), Every~~ nurse
15 ~~practitioner practitioners who prescribes controlled substances shall have complete completed at least a minimum of~~
16 ~~one CE hour of the total required continuing education (CE) hours annually consisting of CE designed specifically to~~
17 ~~address within the preceding 12 months on one or more of the following topics:~~

18 (1) ~~controlled substance~~ Controlled substances prescription practices;

19 (2) ~~prescribing practices and Prescribing~~ prescribing controlled substance substances prescribing for chronic pain
20 ~~management. management;~~

21 (3) ~~CE that includes recognizing~~ Recognizing signs of ~~the controlled substance~~ abuse or misuse of
22 ~~controlled substances, misuse;~~ or

23 (4) ~~non-opioid~~ Non-opioid treatment options ~~shall qualify for the purposes of this Rule. as an~~
24 ~~alternative to controlled substances.~~

25 ~~(c) A nurse practitioner who possesses a current national certification by a national credentialing body shall be~~
26 ~~deemed in compliance with the requirement of Paragraph (a) of this Rule.~~

27 ~~(e)(d)~~ Documentation of all ~~[continuing education]~~ CE completed within the previous five years shall be maintained
28 by the nurse practitioner ~~for the previous five calendar years~~ and made available upon request to either Board.

29
30 *History Note: Authority G.S. 90-8.2; 90-14(a)(15); 90-18(c)(14); 90-171.23(b)(14); 90-171.42; S.L. 2015-241, s*
31 *12F;*

32 *Recodified from 21 NCAC 36 .0227(f) Eff. August 1, 2004;*

33 *Amended Eff. March 1, 2017; December 1, 2009; April 1, 2008; August 1, 2004;*

34 *Readopted Eff. January 1, 2019;*

35 *Amended Eff. June 1, 2021, 2021; April 1, 2023.*

Burgos, Alexander N

Subject: FW: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

From: Meredith Parris <mparris@ncbon.com>

Sent: Friday, May 5, 2023 11:44 AM

To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Angela Ellis <angela@ncbon.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

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Thank you, Bill.

We have reached out to the Medical Board and hope we can come together on this Monday.

Have a great weekend!

Meredith

Meredith Parris JD

Director, Legal

Office: (984) 238-7627

Fax: (919) 781-9461

4516 Lake Boone Trail Raleigh, NC 27607

P.O. Box 2129 Raleigh, NC 27602

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Burgos, Alexander N

Subject: FW: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Wednesday, May 3, 2023 12:54 PM
To: Angela Ellis <angela@ncbon.com>
Cc: Meredith Parris <mparris@ncbon.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

Thank you for your email and the revisions to the Rule.

First and foremost, as you know the Board of Nursing and the Medical Board have concurrent jurisdiction over the rule. As the Medical Board has now filed a rule which is different from the revised rule submitted by the BON, the BON does not have authority to adopt the revised rule unilaterally.

It appears to me that the Boards must file the revisions jointly.

As always, if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Angela Ellis <angela@ncbon.com>
Sent: Tuesday, May 2, 2023 11:58 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Meredith Parris <mparris@ncbon.com>
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

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Hi William,

Attached is the response to the Request for Technical Change for 21 NCAC 36 .0807 along with the formatted Rule. Meredith is working with the Medical Board to be sure both Rules mirror one another. Please let us know next steps.

Angela Ellis

Angela Ellis

Chief Administrative Officer

Office: (984) 238-7644

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Burgos, Alexander N

Subject: FW: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

From: Meredith Parris <mparris@ncbon.com>
Sent: Friday, April 21, 2023 8:00 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Angela Ellis <angela@ncbon.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

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Thank you very much, Bill.
We will be responding to the technical changes very soon.

Best,
Meredith

Meredith Parris JD

Director, Legal

Office: (984) 238-7627

Fax: (919) 781-9461

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, April 20, 2023 2:41 PM
To: Meredith Parris <mparris@ncbon.com>

Cc: Angela Ellis <angela@ncbon.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

Good afternoon

Please see the attached letter of extension regarding the above captioned rule before the Rules Review Commission.

As always, if you have any questions or concerns please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

Bill.Peaslee@oah.nc.gov

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

April 20, 2023

Meredith Parris, Esq.
N.C. Board of Nursing
Sent via email only to: mparris@ncbon.com

Re: Extension of the Period of Review for 21 NCAC 36 .0807

Dear Ms. Parris:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rule in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period of review in order to allow the Board additional time to address technical change requests.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

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

/s/ William W. Peaslee
William W. Peaslee
Staff Counsel

CC Angela Ellis angela@ncbon.com

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

Fred G. Morrison, Jr.
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

From: Meredith Parris <mparris@ncbon.com>
Sent: Thursday, April 20, 2023 9:06 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Angela Ellis <angela@ncbon.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

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Thanks, Bill! I appreciate the quick response – especially since you’re prepping, too!

Meredith Parris JD

Director, Legal

Office: (984) 238-7627
Fax: (919) 781-9461

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, April 20, 2023 9:05 AM
To: Meredith Parris <mparris@ncbon.com>
Cc: Angela Ellis <angela@ncbon.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

I do not anticipate any issues with regard to the extension.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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1711 New Hope Church Road
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(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Meredith Parris <mparris@ncbon.com>
Sent: Thursday, April 20, 2023 9:02 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Angela Ellis <angela@ncbon.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

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Good morning, Bill!

My apologies for not emailing you sooner about the meeting calendar today. I had not planned on being at the meeting today with the expectation the matter would be continued to run with the NCMB's rule. We also have a mandatory, in office meeting this morning.

IF you get this email (or my rambling voicemail) and need me to be there or on the meeting call, please let me know!

We are working towards the May 1 deadline to respond to the request for technical changes and in the phase of coordinating with the NCMB on the rule.

Thanks so much!
Meredith

Meredith Parris JD

Director, Legal

Office: (984) 238-7627

Fax: (919) 781-9461

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Burgos, Alexander N

Subject: FW: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Wednesday, April 12, 2023 4:00 PM
To: Meredith Parris <mparris@ncbon.com>
Cc: Angela Ellis <angela@ncbon.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

Thank you for your email. The sooner that the Commissions can come to agreement the better, but how does May 1 sound?

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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Raleigh NC, 27609
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Bill.Peaslee@oah.nc.gov

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From: Meredith Parris <mparris@ncbon.com>
Sent: Wednesday, April 12, 2023 3:37 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Angela Ellis <angela@ncbon.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

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Thank you, Bill. We appreciate it and noted that the NCMB reached out to you as well. What date do you need the changes back to you? I'll coordinate with the NCMB with our response as well.

Best,
Meredith

Meredith Parris JD
Director, Legal

Office: (984) 238-7627

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From: Peaslee, William W

<bill.peaslee@oah.nc.gov>



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Burgos, Alexander N

From: Peaslee, William W
Sent: Monday, April 10, 2023 10:09 AM
To: Meredith Parris
Cc: Angela Ellis; Burgos, Alexander N
Subject: RE: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

Thank you for your email.

I will make the Commission aware of your request for an extension. I expect the members to grant the request.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Meredith Parris <mparris@ncbon.com>
Sent: Thursday, April 6, 2023 3:46 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Angela Ellis <angela@ncbon.com>
Subject: [External] Request for Extension to Respond to technical changes - 21 NCAC 36 .0807

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Good afternoon, Bill.

Thank you again for speaking with me this afternoon. The Board of Nursing would request an extension to respond to the Request for Technical Changes on 21 NCAC 36 .0807. The response is due by April 10th; however, as I explained over the phone, our agency tries to coordinate the rulemaking timeline for Nurse Practitioners with the NC Medical Board based on joint regulation. We were recently informed that the NC Medical Board filed recently and expects to be on the RRC May calendar. Our request would be to be moved to the May calendar in hopes of aligning with the NCMB's submission timeline. We appreciate the consideration, and I'm happy to provide any additional information if needed.

I hope you have a nice holiday weekend.

Best regards,
Meredith

Meredith Parris JD

Director, Legal

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Pronouns: She/Her/Hers



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Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, March 24, 2023 4:19 PM
To: angela@ncbon.com
Cc: Burgos, Alexander N
Subject: 21 NCAC 36 .0807
Attachments: 04.2023 Board of Nursing Request for Changes 21 NCAC 36 .0807.docx

Good afternoon,

I am the attorney assigned to review the above captioned rule prior to the April 2023 Rules Review Commission. Attached please find a Request for Changes. Please note the deadline for reply.

As always, if you have any questions or concerns, please do not hesitate to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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