

Burgos, Alexander N

Subject: FW: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, March 14, 2023 11:14 AM
To: Angela Ellis <angela@ncbon.com>; Meredith Parris <mparris@ncbon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

Hi Angela,

You can definitely appear by Webex if you'd like. Let us know who you want to attend, and Alex will get them e-vites.

Thanks,
Brian

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

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From: Angela Ellis <angela@ncbon.com>
Sent: Tuesday, March 14, 2023 11:06 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>; Meredith Parris <mparris@ncbon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

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Thanks Brian!

We are working on this and will respond today.

Question. . .should we plan to be in person on Thursday or is participation by WebEx acceptable?

Angela Ellis

Angela Ellis

Chief Administrative Officer

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Pronouns: She/Her/Hers



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Burgos, Alexander N

Subject: FW: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, March 13, 2023 6:22 PM
To: Angela Ellis <angela@ncbon.com>; Meredith Parris <mparris@ncbon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: 21 NCAC 36 Requests for Changes March 2023 RRC

Hi Angela and Meredith,

I've reviewed your changes, and I have a few follow ups for Rule .0228. Rule .0817 looks fine, and I'll recommend approval.

I've copied the relevant change requests and added my comments in bold.

Rule .0228

In (b)(4), line 21, the reference to Rule .0120 needs to be corrected. The definition for "national credentialing body" is at (33) not (26).

Corrected.

Actually, it now says (36), when it needs to be (33).

In (c), the sentence is a bit of a run-on. Consider breaking it up or rephrasing in some way to eliminate the sequential "ands".

Removed "and" at the beginning of the sentence.

Looks like it is still there.

In (f), p.2, lines 6-7, what are "nursing principles at an advance practice registered nurse level"? Are these defined elsewhere?

Revised language to refer to the essential core competencies for professional nursing education, which addresses the APRN nursing principles and would be understood by the regulated public.

Fine, but please delete "an" prior to "advanced".

In (g)(1)(A), line 31, strike "either".

Corrected.

No, it's still there.

In (g)(3)(B), when you say "recognized in North Carolina" do you mean recognized by the Board?

Yes. Revised to say "Board."

I think you deleted a verb accidentally. It now says "if by the Board as a clinical nurse specialist..."

In (g)(3)(B) and (C), I'm confused by the reference to "every 5 years" when the approval period is every 2 years. How would someone applying for re-approval after his or her first 2 year period satisfy this?

It only has to be satisfied every 5 years, so it wouldn't apply to first-time applicants.

That really isn't clear from the text of the Rule. If you don't intend first time applicants to meet this requirement, I think you need to say so.

In (g)(4), I think you need to rephrase to let (4) flow as a sentence from the opening clause on p.2, line 28. As currently constructed, it says “A registered nurse seeking approval by the Board as a clinical nurse specialist shall: Documentation shall be maintained...” Consider deleting “and” at the end of (g)(2) on p.2, line 35, adding an “and” at the end of (g)(3)(C), on p.3, line 10, and amending (g)(4) to say something along the lines of “maintain documentation for the previous five years...”

Revised.

Thank you, but please put “maintain” in lowercase.

I am confused by (h). The Rule states that the Board shall approve a national credentialing body, which I assume is not a person, but an organization. Yet, (1) and (2) speak of licensure, certification, and education requirements that appear to be aimed at an individual. Are you asking for the body to have staff that comply with these requirements? Please clarify and revise the Rule accordingly.

(h) sets the minimum requirements for the Board to approve a national credentialing body. It reinforces that the national credentialing body must verify these two requirements in order for them to be approved by the Board.

I hate to say it but I am now even more confused. Who is them? The national credentialing body? Or the applicants to the national credentialing body? I’m assuming it’s the latter, but that is unclear from the language. If that’s it, I would suggest saying “...established the following minimum requirements for applicants:”

**Thanks,
Brian**

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Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 36 Requests for Changes - March 2023 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Thursday, March 2, 2023 9:54 AM
To: Angela Ellis <angela@ncbon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: 21 NCAC 36 Requests for Changes - March 2023 RRC

Same here, thanks!

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From: Angela Ellis <angela@ncbon.com>
Sent: Thursday, March 2, 2023 7:14 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: 21 NCAC 36 Requests for Changes - March 2023 RRC

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Hi Brian,

We will review the Request for Technical Change and respond by the deadline date.

Look forward to working with you.

Get [Outlook for iOS](#)

Angela Ellis

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Wednesday, March 1, 2023 4:27:00 PM
To: Angela Ellis <angela@ncbon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 21 NCAC 36 Requests for Changes - March 2023 RRC

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Board for the March 2023 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, March 16, 2023, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite 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 invites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, March 10, 2023.

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

Thanks,

Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission

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