

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 36 - Board of Nursing - Requests for Changes November 2024 RRC

From: Angela Ellis <angela@ncbon.com>
Sent: Tuesday, October 29, 2024 2:29 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Meredith Parris <mparris@ncbon.com>
Subject: [External] Re: 21 NCAC 36 - Board of Nursing - Requests for Changes November 2024 RRC

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Good afternoon!

On behalf of the NC Board of Nursing, we are withdrawing these rules due to the technical issues related to 150B regarding posting the rulemaking petition with OAH and the potential objection from RRC on lack of statutory authority.

Please confirm receipt of this official notice of withdrawal. Thank you!

Angela Ellis

Chief Administrative Officer

Office: (984)-238-7644

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Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 36 - Board of Nursing - Requests for Changes November 2024 RRC

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

Sent: Tuesday, October 29, 2024 3:34 PM

To: Angela Ellis <angela@ncbon.com>

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

Subject: Re: [External] Re: 21 NCAC 36 - Board of Nursing - Requests for Changes November 2024 RRC

Hi Angela,

Thank you for the notice. It has been received and I will let the Commission know at the November meeting that these have been withdrawn.

Best,
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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Burgos, Alexander N

From: Liebman, Brian R
Sent: Monday, October 21, 2024 4:36 PM
To: Angela Ellis
Cc: Burgos, Alexander N
Subject: 21 NCAC 36 - Board of Nursing - Requests for Changes November 2024 RRC
Attachments: 11.2024 - Board of Nursing Request for Changes.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Board for the November 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Tuesday, November 26, 2024, at 10:00 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 Monday, November 4, 2024.

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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Burgos, Alexander N

From: Liebman, Brian R
Sent: Friday, October 25, 2024 4:58 PM
To: Meredith Parris
Cc: Marcus Jimison; Burgos, Alexander N
Subject: RE: [External] Request for Technical Changes - quick call?

Hey all,

Just to recap our conversation earlier today:

1. I cannot say at this time whether failure to comply with G.S. 150B-20 is something that would be remedied by the substantial compliance doctrine. I will continue to look into the issue and let you know, including possible remedies if the Commission objects.
2. The Medical Board's Submission for Permanent Rule Form needs to be amended to show that these rules were also adopted in response to a petition.
3. With respect to the 150B-19.1(c) issue on the Med Board's form, I think screenshots from your website, or really any documentary proof indicating you complied with the statute is all the Commission needs to see.
4. I am open to any further materials the Med Board or the Board of Nursing would like to submit, and will review anything you send before determining whether to recommend objection.
5. An agency can withdraw a rule at any time before a staff opinion is issued, and under 26 NCAC 05 .0107, an agency can withdraw a rule to which staff has recommended objection as long as the objectionable language is not part of the existing rule (i.e. if the proposed objection is only to new language).

Thanks for your time, and I look forward to reviewing the additional materials you send.

Have a great weekend,
Brian

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From: Meredith Parris <mparris@ncbon.com>
Sent: Friday, October 25, 2024 2:53 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Marcus Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Request for Technical Changes - quick call?

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Thank you, Brian.

I think Marcus and I can jump on a call at 3. If we can't connect, then we will look for times early next week. We appreciate it!

Best,
Meredith

Meredith Parris JD

Chief Legal Officer

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

Sent: Friday, October 25, 2024 2:36 PM

To: Meredith Parris <mparris@ncbon.com>

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

Subject: RE: [External] Request for Technical Changes - quick call?

Hi Meredith,

I'd be happy to talk with you and Marcus next week, or if your schedule allows, this afternoon. Please be aware that any substantive discussion will need to be memorialized in an email and posted on our agenda.

Thanks,
Brian

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Counsel to the North Carolina Rules Review Commission
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From: Meredith Parris <mparris@ncbon.com>
Sent: Thursday, October 24, 2024 11:21 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Marcus Jimison <Marcus.Jimison@NCMEDBOARD.ORG>
Subject: [External] Request for Technical Changes - quick call?

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Hi, Brian.

Marcus Jimison with the NCMB and I received the RTC regarding recent rules filed regarding DNR, MOST and pronouncement of death (21 NCAC 36 .0810 and .0229 and 21 NCAC 32M .0110). We are considering the next steps moving forward and hope to speak with you about the concerns you've raised.

Would you have time to speak with us briefly? If so, please let us know what would be a good time to set this up. Marcus and I will work with your schedule.

Thank you!
Meredith

Meredith Parris JD

Chief Legal Officer

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