

Burgos, Alexander N

Subject: FW: [External] Rule 21 NCAC 61 .0206
Attachments: Reinstatement Rule (21 NCAC 61 .0206).docx

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, December 16, 2025 4:30 PM
To: Bill Croft <BCroft@ncrcb.org>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Rule 21 NCAC 61 .0206

Thank you, Dr. Croft.

Alex, please replace this Rule on the agenda with the attached final revised version.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Bill Croft <BCroft@ncrcb.org>
Sent: Tuesday, December 16, 2025 4:23 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Rule 21 NCAC 61 .0206

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Please see the revised rule as requested.

Dr. William L. Croft, Ed.D., Ph.D., RRT, RCP, FAARC

Executive Director

North Carolina Respiratory Care Board

125 Edinburgh South Drive, Suite 100

Cary, NC 27511

Phone: (919) 878-5595

1 21 NCAC 61 .0206 is adopted with changes as published in 40:05 NCR 468-470 as follows:

2

3 **SECTION .0200 – APPLICATION FOR LICENSE**

4

5 **21 NCAC 61 .0206 REINSTATEMENT OF A RESPIRATORY CARE LICENSE**

6 (a) This Rule establishes the requirements and procedures for reinstatement of a license that was held by a
7 respiratory care practitioner and which was revoked or summarily suspended as a result of disciplinary action
8 taken by the Board, or which was surrendered voluntarily by the respiratory care practitioner prior to charges
9 being filed by the Board under circumstances which while being investigated by the Board for a violation of the
10 Respiratory Care Practice Act indicated that there had been a violation of the Respiratory Care Practice Act, of
11 the Board's Rules or its Code of Ethics, or other alleged misconduct by the respiratory care practitioner.

12 (b) For purposes of this Rule, a "petitioner" is a person seeking reinstatement of a license that was previously
13 revoked, suspended, or surrendered under circumstances involving alleged or proven misconduct. The Board
14 will not consider a petition for reinstatement unless at least a full calendar year has elapsed since the license was
15 revoked, summarily suspended, or surrendered. The Board will take no action on any untimely petition for
16 reinstatement and will not begin processing an application until the petitioner seeking reinstatement of a license
17 has met all of the requirements stated in subsections (d) and (e) of this Rule.

18 (c) Each petitioner for reinstatement shall:

19 (1) submit a complete notarized petition on a form provided by the Board, attesting under oath or
20 affirmation that information on the petition is true and complete, and authorizing the release to the
21 Board of all information pertaining to the petition;

22 (2) submit a digital copy of an unexpired state issued driver's license, state identification card, military
23 identification card, or US United States passport;

24 (3) submit documentation of any legal name change, if applicable;

25 (4) submit a credential verification letter from the NBRC National Board for Respiratory Care meeting
26 the requirement of 21 NCAC 61 .0201(5);

27 (5) submit documentation of continuing education activities completed since the license was revoked,
28 summarily suspended, or surrendered, in accordance with 21 NCAC 61 .0401; 21 NCAC 61 .0401
29 (f);

30 (6) submit a fingerprint card or proof of Livescan fingerprints on a form approved by the Board;

31 (7) submit a signed consent allowing a search of local, state, and national files to disclose any criminal
32 record; the disclosure of all local, state, and national criminal records for the petitioner;

33 (8) arrange for submission of three original references from persons with no family or marital
34 relationship to the petitioner. Each of these references shall:

35 (A) be submitted from a respiratory care practitioner who has observed the petitioner's work in
36 a clinical environment;

- (B) be submitted on forms supplied by the Board, with all required and pertinent fields completed;
- (C) be dated no more than three months prior to the date of submission of the petition for reinstatement; and
- (D) be submitted directly to the Board from the source and bear an original notarized signature of the author;

(9) pay to the Board a non-refundable fee pursuant to G.S. 90-660 (b) (1) and (3), and 21 NCAC 61 .0204 (a) (1) and (2), and pay the cost of a criminal background check pursuant to G.S. 90-652(1); and

(10) upon request, provide any additional information the Board deems necessary to evaluate the petitioner's qualifications.

(d) The petitioner shall appear in person for an interview with the Board or its designee to evaluate the petitioner's competence and character in person.

(e) Upon the petitioner's completion of all the requirements stated in subsections (d) and (e) of this Rule, the Board will reinstate a license only after finding that reinstatement of the license is appropriate under the Respiratory Care Practice Act, the Board's Rules, and the Board's Code of Ethics. In deciding on whether to reinstate a license, and in deciding whether any conditions or limitations should be imposed on a reinstated license, the Board will consider the following factors: decide whether to reinstate a license, and whether any conditions or limitations should be imposed on a reinstated license, by considering the following factors:

- 1) The gravity of the misconduct that caused the summary suspension or revocation, or which preceded the surrender of the license, including any related criminal history, consistent with the principles factors set forth in G.S. 93B-8.1, G.S. 93B-8.1 (b1) (1), (2), (3) (4), (5), (6), (7), and (8);
- 2) Other aspects of the petitioner's conduct prior to the summary suspension or revocation including the petitioner's compliance with the Respiratory Care Practice Act, with the Board's Rules and Code of Ethics, the petitioner's prior compliance with any Consent Orders or other requirements issued by the Board, and the petitioner's compliance with professional standards adopted by other regulatory boards or organizations which are pertinent to the petitioner's conduct prior to the summary suspension, revocation, or surrender of the license;
- 3) the petitioner's current ability to practice respiratory care with reasonable the necessary skill, competence, and safety to the public, based upon the petitioner's conduct, work experience, and recent continuing education;
- 4) Any pertinent aspects of the petitioner's conduct since the summary suspension, revocation, or surrender of the license, including any criminal history, consistent with principles the factors set forth in G.S. 93B-8.1, G.S. 93B-8.1 (b1) (1), (2), (3) (4), (5), (6), (7), and (8);

(f) If the Board determines decides to reinstate a license under this Rule, it also may determine: the Board may:

1 (1) ~~to~~ require the petitioner to complete additional continuing education before the reinstatement is
2 effective, and to complete additional continuing education within a defined time period after
3 reinstatement as a condition of maintaining the reinstated license;
4 (2) ~~to~~ attach scope of practice limitations, or supervisory requirements to the reinstated license; and
5 (3) ~~to~~ attach other probationary conditions to the reinstated license, including substance abuse testing.

6 (g) If the Board grants reinstatement, the petitioner must then complete and submit a licensure application in
7 accordance with 21 NCAC 61 .0201.

8 (h) If the petitioner fails to ~~submit a completed~~ ~~complete a submitted~~ application pursuant to G.S. 90-653 and 21
9 NCAC 61 .0201 within one year of submission, the petitioner also shall be charged for the cost of an additional
10 criminal background check.

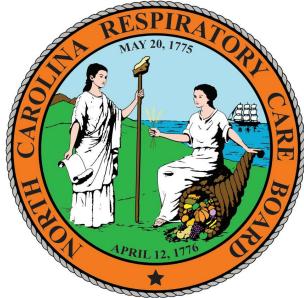
12 *History Note: Authority G.S. 90-652 (1), G.S. 90-652 (2) and G.S. 90-652 (13); 90-653(a); 90-659(a) 90-659 (b).*

13 Adopted Eff. January 1, 2026. Eff. January 1, 2026.

Fax: (919) 878-5565

E-mail: bcroft@ncrcb.org

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, December 16, 2025 3:46 PM
To: Bill Croft <BCroft@ncrcb.org>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Rule 21 NCAC 61 .0206

Just reply all to this email when you send it.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Bill Croft <BCroft@ncrcb.org>
Sent: Tuesday, December 16, 2025 3:41 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Rule 21 NCAC 61 .0206

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Send it to you and Alex directly?

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, December 16, 2025 3:17:57 PM
To: Bill Croft <BCroft@ncrcb.org>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Rule 21 NCAC 61 .0206

Yes, but please send tomorrow morning.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Bill Croft <BCroft@ncrcb.org>
Sent: Tuesday, December 16, 2025 3:07 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Rule 21 NCAC 61 .0206

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Sure. I have left for the day. Is tomorrow ok?

Bill

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, December 16, 2025 3:02:12 PM
To: Bill Croft <BCroft@ncrcb.org>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Rule 21 NCAC 61 .0206

Dr. Croft,

I'm meeting with RRC Chair Parker this afternoon in preparation for the meeting on Thursday. On line 10, "indicated" through "Act" seems redundant. For clarity, we're requesting that your agency strike through "indicated" through "Act" on line 10. Will you strike through that language and send us the final revised Rule?

Please reply to this email at your earliest convenience. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

From: Rules, Oah
Subject: FW: [External] 21 NCAC 61 .0206 Technical Change Response

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, November 25, 2025 3:45 PM
To: Bill Croft <BCroft@ncrcb.org>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] 21 NCAC 61 .0206 Technical Change Response

I'm satisfied with the changes to these rules. Please email the submitted Rule, with revisions, to oah.rules@oah.nc.gov by December 12, 2025 at 5pm. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Bill Croft <BCroft@ncrcb.org>
Sent: Tuesday, November 25, 2025 10:53 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: [External] 21 NCAC 61 .0206 Technical Change Response

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Please see the requested technical changes requested on November 24, 2025.

Dr. William L. Croft, Ed.D., Ph.D., RRT, RCP, FAARC
Executive Director
North Carolina Respiratory Care Board
125 Edinburgh South Drive, Suite 100
Cary, NC 27511
Phone: (919) 878-5595
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1 21 NCAC 61 .0206 is adopted with changes as published in 40:05 NCR 468-470 as follows:

2

3 **SECTION .0200 – APPLICATION FOR LICENSE**

4

5 **21 NCAC 61 .0206 REINSTATEMENT OF A RESPIRATORY CARE LICENSE**

6 (a) This Rule establishes the requirements and procedures for reinstatement of a license that was held by a
7 respiratory care practitioner and which was revoked or summarily suspended as a result of disciplinary action
8 taken by the Board, or which was surrendered voluntarily by the respiratory care practitioner prior to charges
9 being filed by the Board under circumstances which while being investigated by the Board for a violation of the
10 Respiratory Care Practice Act indicated that there had been a violation of the Respiratory Care Practice Act, of
11 the Board's Rules or its Code of Ethics, or other alleged misconduct by the respiratory care practitioner.

12 (b) For purposes of this Rule, a "petitioner" is a person seeking reinstatement of a license that was previously
13 revoked, suspended, or surrendered under circumstances involving alleged or proven misconduct. The Board
14 will not consider a petition for reinstatement unless at least a full calendar year has elapsed since the license was
15 revoked, summarily suspended, or surrendered. The Board will take no action on any untimely petition for
16 reinstatement and will not begin processing an application until the petitioner seeking reinstatement of a license
17 has met all of the requirements stated in subsections (d) and (e) of this Rule.

18 (c) Each petitioner for reinstatement shall:

19 (1) submit a complete notarized petition on a form provided by the Board, attesting under oath or
20 affirmation that information on the petition is true and complete, and authorizing the release to the
21 Board of all information pertaining to the petition;

22 (2) submit a digital copy of an unexpired state issued driver's license, state identification card, military
23 identification card, or US United States passport;

24 (3) submit documentation of any legal name change, if applicable;

25 (4) submit a credential verification letter from the NBRC National Board for Respiratory Care meeting
26 the requirement of 21 NCAC 61 .0201(5);

27 (5) submit documentation of continuing education activities completed since the license was revoked,
28 summarily suspended, or surrendered, in accordance with 21 NCAC 61 .0401; 21 NCAC 61 .0401
29 (f);

30 (6) submit a fingerprint card or proof of Livescan fingerprints on a form approved by the Board;

31 (7) submit a signed consent allowing a search of local, state, and national files to disclose any criminal
32 record; the disclosure of all local, state, and national criminal records for the petitioner;

33 (8) arrange for submission of three original references from persons with no family or marital
34 relationship to the petitioner. Each of these references shall:

35 (A) be submitted from a respiratory care practitioner who has observed the petitioner's work in
36 a clinical environment;

- (B) be submitted on forms supplied by the Board, with all required and pertinent fields completed;
- (C) be dated no more than three months prior to the date of submission of the petition for reinstatement; and
- (D) be submitted directly to the Board from the source and bear an original notarized signature of the author;

(9) pay to the Board a non-refundable fee pursuant to G.S. 90-660 (b) (1) and (3), and 21 NCAC 61 .0204 (a) (1) and (2), and pay the cost of a criminal background check pursuant to G.S. 90-652(1); and

(10) upon request, provide any additional information the Board deems necessary to evaluate the petitioner's qualifications.

(d) The petitioner shall appear in person for an interview with the Board or its designee to evaluate the petitioner's competence and character in person.

(e) Upon the petitioner's completion of all the requirements stated in subsections (d) and (e) of this Rule, the Board will reinstate a license only after finding that reinstatement of the license is appropriate under the Respiratory Care Practice Act, the Board's Rules, and the Board's Code of Ethics. In deciding on whether to reinstate a license, and in deciding whether any conditions or limitations should be imposed on a reinstated license, the Board will consider the following factors: decide whether to reinstate a license, and whether any conditions or limitations should be imposed on a reinstated license, by considering the following factors:

- 1) The gravity of the misconduct that caused the summary suspension or revocation, or which preceded the surrender of the license, including any related criminal history, consistent with the principles factors set forth in G.S. 93B-8.1, G.S. 93B-8.1 (b1) (1), (2), (3) (4), (5), (6), (7), and (8);
- 2) Other aspects of the petitioner's conduct prior to the summary suspension or revocation including the petitioner's compliance with the Respiratory Care Practice Act, with the Board's Rules and Code of Ethics, the petitioner's prior compliance with any Consent Orders or other requirements issued by the Board, and the petitioner's compliance with professional standards adopted by other regulatory boards or organizations which are pertinent to the petitioner's conduct prior to the summary suspension, revocation, or surrender of the license;
- 3) the petitioner's current ability to practice respiratory care with reasonable the necessary skill, competence, and safety to the public, based upon the petitioner's conduct, work experience, and recent continuing education;
- 4) Any pertinent aspects of the petitioner's conduct since the summary suspension, revocation, or surrender of the license, including any criminal history, consistent with principles the factors set forth in G.S. 93B-8.1, G.S. 93B-8.1 (b1) (1), (2), (3) (4), (5), (6), (7), and (8);

(f) If the Board determines decides to reinstate a license under this Rule, it also may determine: the Board may:

1 (1) ~~to~~ require the petitioner to complete additional continuing education before the reinstatement is
2 effective, and to complete additional continuing education within a defined time period after
3 reinstatement as a condition of maintaining the reinstated license;
4 (2) ~~to~~ attach scope of practice limitations, or supervisory requirements to the reinstated license; and
5 (3) ~~to~~ attach other probationary conditions to the reinstated license, including substance abuse testing.

6 (g) If the Board grants reinstatement, the petitioner must then complete and submit a licensure application in
7 accordance with 21 NCAC 61 .0201.

8 (h) If the petitioner fails to ~~submit a completed~~ ~~complete a submitted~~ application pursuant to G.S. 90-653 and 21
9 NCAC 61 .0201 within one year of submission, the petitioner also shall be charged for the cost of an additional
10 criminal background check.

12 *History Note: Authority G.S. 90-652 (1), G.S. 90-652 (2) and G.S. 90-652 (13); 90-653(a); 90-659(a) 90-659 (b).*

13 Adopted Eff. January 1, 2026. Eff. January 1, 2026.

Burgos, Alexander N

From: Bill Croft <BCroft@ncrcb.org>
Sent: Tuesday, November 25, 2025 10:56 AM
To: Wiggs, Travis C
Cc: Burgos, Alexander N
Subject: RE: [External] RE: RRC Meeting December 2025-Request for Technical Changes

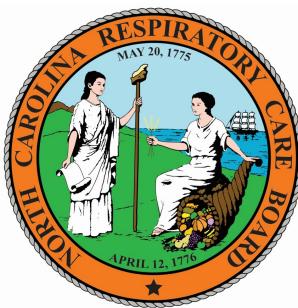
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We have our investigative committee meeting from 9:00 AM-1:00 PM. I can meet after 1:00 PM. I just submitted the changes.

Bill

Dr. William L. Croft, Ed.D., Ph.D., RRT, RCP, FAARC
Executive Director
North Carolina Respiratory Care Board
125 Edinburgh South Drive, Suite 100
Cary, NC 27511
Phone: (919) 878-5595
Fax: (919) 878-5565
E-mail: bcroft@ncrcb.org

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, November 25, 2025 9:46 AM
To: Bill Croft <BCroft@ncrcb.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: RRC Meeting December 2025-Request for Technical Changes

I'll be on the lookout for them. I'm working on rules for other agencies today and will be out of the office tomorrow. I will plan to review your responses on December 1. It would be better for me if we can plan to discuss these Rules on December 2.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

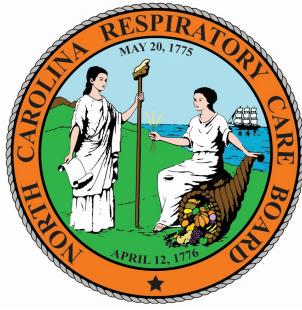
From: Bill Croft <BCroft@ncrcb.org>
Sent: Tuesday, November 25, 2025 9:34 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: RRC Meeting December 2025-Request for Technical Changes

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I should finish these today and submit by the end of the day.

Dr. William L. Croft, Ed.D., Ph.D., RRT, RCP, FAARC
Executive Director
North Carolina Respiratory Care Board
125 Edinburgh South Drive, Suite 100
Cary, NC 27511
Phone: (919) 878-5595
Fax: (919) 878-5565
E-mail: bcroft@ncrcb.org

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, November 25, 2025 9:31 AM
To: Bill Croft <BCroft@ncrcb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: RRC Meeting December 2025-Request for Technical Changes

When do you anticipate replying to request for changes? I will need some to review before having a substantive conversation.

The afternoon (after 130pm) is better for me on December 3rd. I have a Dr's appointment that morning in preparation for surgery the following week.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Bill Croft <BCroft@ncrcb.org>
Sent: Tuesday, November 25, 2025 9:27 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: RRC Meeting December 2025-Request for Technical Changes

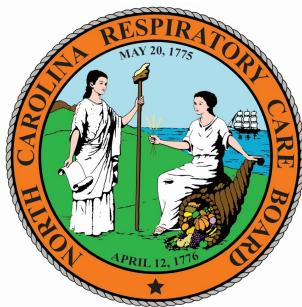
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How is 9:00 AM?

Dr. William L. Croft, Ed.D., Ph.D., RRT, RCP, FAARC
Executive Director
North Carolina Respiratory Care Board
125 Edinburgh South Drive, Suite 100
Cary, NC 27511
Phone: (919) 878-5595
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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, November 25, 2025 9:03 AM
To: Bill Croft <BCroft@ncrcb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: RRC Meeting December 2025-Request for Technical Changes

Yes, what time?

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Bill Croft <BCroft@ncrcb.org>
Sent: Tuesday, November 25, 2025 8:58 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: RRC Meeting December 2025-Request for Technical Changes

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Travis,

In the first line of the technical change request, two questions are asked. I assume you need a memo supporting our view on the need for paragraph (a). Let me know if this memo is sufficient. I have begun working on the other technical changes for resubmission. I must complete this no later than December 4, 2025, since I am leaving for a week-long conference. Is there any time next Wednesday for me to speak to you before I submit these changes?

Bill

Dr. William L. Croft, Ed.D., Ph.D., RRT, RCP, FAARC
Executive Director
North Carolina Respiratory Care Board
125 Edinburgh South Drive, Suite 100

Cary, NC 27511
Phone: (919) 878-5595
Fax: (919) 878-5565
E-mail: bcroft@ncrcb.org

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, November 24, 2025 3:38 PM
To: Bill Croft <BCroft@ncrcb.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Meeting December 2025-Request for Technical Changes

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Respiratory Care Board for the December 2025 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, December 18, 2025, 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 close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on December 10, 2025. Let me know if you have any questions.

Thanks,

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