

NORTH CAROLINA REGISTER

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July 01, 2013

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Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

Office of Administrative Hearings
Rules Division
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Raleigh, North Carolina 27609 (919) 431-3104 FAX

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Fiscal Notes & Economic Analysis and Governor's Review

Office of State Budget and Management
116 West Jones Street (919) 807-4700
Raleigh, North Carolina 27603-8005 (919) 733-0640 FAX
Contact: Anca Grozav, Economic Analyst osbmruleanalysis@osbm.nc.gov (919) 807-4740

NC Association of County Commissioners
215 North Dawson Street (919) 715-2893
Raleigh, North Carolina 27603
contact: Amy Bason amy.bason@ncacc.org

NC League of Municipalities (919) 715-4000
215 North Dawson Street
Raleigh, North Carolina 27603
contact: Erin L. Wynia ewynia@nclm.org

Legislative Process Concerning Rule-making

Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street (919) 733-2578
Raleigh, North Carolina 27611 (919) 715-5460 FAX

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NORTH CAROLINA REGISTER
 Publication Schedule for January 2013 – December 2013

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment period	Deadline to submit to RRC for review at next meeting	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
27:13	01/02/13	12/06/12	01/17/13	03/04/13	03/20/13	05/01/13	05/2014	09/29/13
27:14	01/15/13	12/19/12	01/30/13	03/18/13	03/20/13	05/01/13	05/2014	10/12/13
27:15	02/01/13	01/10/13	02/16/13	04/02/13	04/22/13	06/01/13	05/2014	10/29/13
27:16	02/15/13	01/25/13	03/02/13	04/16/13	04/22/13	06/01/13	05/2014	11/12/13
27:17	03/01/13	02/08/13	03/16/13	04/30/13	05/20/13	07/01/13	05/2014	11/26/13
27:18	03/15/13	02/22/13	03/30/13	05/14/13	05/20/13	07/01/13	05/2014	12/10/13
27:19	04/01/13	03/08/13	04/16/13	05/31/13	06/20/13	08/01/13	05/2014	12/27/13
27:20	04/15/13	03/22/13	04/30/13	06/14/13	06/20/13	08/01/13	05/2014	01/10/14
27:21	05/01/13	04/10/13	05/16/13	07/01/13	07/22/13	09/01/13	05/2014	01/26/14
27:22	05/15/13	04/24/13	05/30/13	07/15/13	07/22/13	09/01/13	05/2014	02/09/14
27:23	06/03/13	05/10/13	06/18/13	08/02/13	08/20/13	10/01/13	05/2014	02/28/14
27:24	06/17/13	05/24/13	07/02/13	08/16/13	08/20/13	10/01/13	05/2014	03/14/14
28:01	07/01/13	06/10/13	07/16/13	08/30/13	09/20/13	11/01/13	05/2014	03/28/14
28:02	07/15/13	06/21/13	07/30/13	09/13/13	09/20/13	11/01/13	05/2014	04/11/14
28:03	08/01/13	07/11/13	08/16/13	09/30/13	10/21/13	12/01/13	05/2014	04/28/14
28:04	08/15/13	07/25/13	08/30/13	10/14/13	10/21/13	12/01/13	05/2014	05/12/14
28:05	09/03/13	08/12/13	09/18/13	11/04/13	11/20/13	01/01/14	05/2014	05/31/14
28:06	09/16/13	08/23/13	10/01/13	11/15/13	11/20/13	01/01/14	05/2014	06/13/14
28:07	10/01/13	09/10/13	10/16/13	12/02/13	12/20/13	02/01/14	05/2014	06/28/14
28:08	10/15/13	09/24/13	10/30/13	12/16/13	12/20/13	02/01/14	05/2014	07/12/14
28:09	11/01/13	10/11/13	11/16/13	12/31/13	01/21/14	03/01/14	05/2014	07/29/14
28:10	11/15/13	10/24/13	11/30/13	01/14/14	01/21/14	03/01/14	05/2014	08/12/14
28:11	12/02/13	11/06/13	12/17/13	01/31/14	02/20/14	04/01/14	05/2014	08/29/14
28:12	12/16/13	11/21/13	12/31/13	02/14/14	02/20/14	04/01/14	05/2014	09/12/14

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.



State of North Carolina

PAT McCRORY
GOVERNOR

June 4, 2013

EXECUTIVE ORDER NO. 13

HEALTH AND SAFETY LEADERSHIP TEAM

WHEREAS, the health, safety and well-being of nearly 89,000 state employees is of utmost importance; and

WHEREAS, needless and preventable accidents create a human and financial toll; and

WHEREAS, workplace safety is accomplished through example, involvement, training and support; and

WHEREAS, it is incumbent upon leadership to instill a culture of safety and to model safe work practices from the top-down; and

WHEREAS, unsafe work practices have serious business consequences, such as medical costs, lost time from work, and workers' compensation costs; and

WHEREAS, it is good business to prevent accidents and injuries.

NOW THEREFORE, by the power by the power vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Established

The Health and Safety Leadership Team (hereinafter "Leadership Team") is hereby established.

Section 2. Membership

The Leadership Team shall consist of eleven (11) members. All members shall be appointed by the Governor and shall serve at the pleasure of the Governor. The Governor shall appoint members of his cabinet to serve as the initial chair and vice chair.

The Leadership Team shall be composed of top leaders and safety professionals throughout state government. No more than two members from the same State department shall serve at the same time. The Governor's appointees shall include the following persons or their designees:

- a. Two cabinet secretaries, or their designees.
- b. The state personnel director.
- c. Two state employee managers/supervisors.
- d. Two state employees.
- e. Chairman of the State Safety and Health Steering Committee.

The Governor shall invite two (2) members of the Council of State to join the Leadership Team.

In addition to the eleven members appointed by the Governor, the State Personnel Director shall select Office of State Personnel Health and Safety Staff to serve as non-voting, ex officio members.

Section 3. Term of Membership

Members shall serve two year terms, except upon establishment of the Leadership Team. The initial chair appointed by the Governor shall serve a two (2) year term. The initial vice chair appointed by the Governor shall serve a three (3) year term and assume the role of chair in the third year of his or her term. Remaining initial members' terms shall be staggered for two or three years so that approximately one-half of the terms expire each year.

Section 4. Meetings

In the first year, the Leadership Team shall meet monthly. Thereafter, the Leadership Team shall meet quarterly or upon the call of the Governor or the chair.

Section 4. Duties

The Leadership Team shall:

- a. Measure the safety performance of state government agencies and prepare an annual report for the Governor.
- b. Establish an effective Health and Safety program across state government that establishes safety guidelines, provides training, education, equipment, and recognition. The Leadership Team shall provide adequate financial, human and organizational resources to implement the Health and Safety program.
- c. Be visible and engaged in creating a business culture of safety that has at its core a genuine concern for the health, safety, and wellness of state employees.
- d. As a primary goal, work towards reducing the human and financial toll of preventable accidents.
- e. Perform other duties as directed by the Governor.

Section 5. Administration

The Office of State Personnel shall provide all administrative and staff support services required by the Leadership Team.

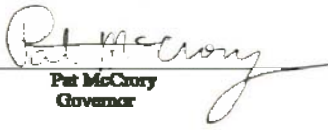
Members shall serve without compensation, but may receive necessary travel and subsistence expenses in accordance with State law and the policies and regulations of the Office of State Budget and Management.

Section 6. Effect and Duration

All Council of State agencies are invited and encouraged to participate in this executive order.

This Executive Order is effective immediately. This Executive Order shall remain in effect until June 1, 2017, pursuant to N.C. Gen. Stat. § 147-16.2(b), or until earlier rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 4th day of June, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.


Pat McCrory
Governor

ATTEST:


Elaine F. Marshall
Secretary of State



Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.

Statutory reference: G.S. 150B-21.2.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 32 – NORTH CAROLINA MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Medical Board intends to amend the rules cited as 21 NCAC 32B .1303, .1350, .1402, .1502, .1602, .1701-.1702, .1704, .2001; 32M .0104, .0108; and 32S .0209.

Agency obtained G.S. 150B-19.1 certification:

- OSBM certified on:
- RRC certified on:
- Not Required

Link to agency website pursuant to G.S. 150B-19.1(c):
www.ncmedboard.org/about_the_board/rule_changes

Proposed Effective Date: November 1, 2013

Public Hearing:

Date: August 30, 2013

Time: 10:00 a.m.

Location: NC Medical Board Office, 1203 Front Street, Raleigh, NC 27607

Reason for Proposed Action:

21 NCAC 32B .1303(a)(5), .1402, .1502 – To allow a waiver of the requirement that an applicant have completed at least 130 weeks of medical school to qualify for a license, if that applicant has been certified or recertified by an approved specialty board within the past ten years.

21 NCAC 32B .1303(a)(12), .1350(b)(2) – Applicants for initial licensure and reinstatement are required to submit proof of licensure by other state medical or osteopathic boards. The NC Medical Board obtains information about disciplinary actions against a licensee from the several national databanks. Verification by individual state licensing boards is redundant.

21 NCAC 32B .1303(b)(2), .1350(c)(2), .2001 – The ABMS and AOA specialty Boards are now issuing "maintenance of certification" and "osteopathic continuous certification," the Board voted to offer this option to satisfy the 10 years rule for expedited applications.

21 NCAC 32B .2001 – The proposed amendment reflects the Board's original intent that a current certification is required.

21 NCAC 32B .1602 – The proposed amendment will allow physicians who do not qualify for a full unrestricted license or a resident training license an avenue for licensure.

21 NCAC 32B .1701, .1702, .1704 – The General Assembly enacted SB 743 in 2011, "An Act to Encourage the Provision of

Medical Services to Indigent Persons by Providing for a Retired Limited Volunteer License and by Broadening the Applicability of a Limited Volunteer License and by Limiting Liability for Nonprofit Community Health Referral Services." The major points of the Limited Volunteer License bill are: 1. A physician who has an active license in another state can volunteer in CN at an indigent clinic. This bill deleted the military connection of the prior law. 2. A physician may only practice 30 days per year with this type of license. Since that is explicit in the statute, we have not repeated that in the rule. 3. This rule has no fiscal impact.

21 NCAC 32M .0104 – Addresses the NP refresher course requirement, but does not include the language in 21 NCAC 32M .0108 making the refresher course a prerequisite for approval to practice; however, since the refresher course is addressed in this rule, it would be appropriate to include the proposed addition in this rule as well.

21 NCAC 32M.0108(d) – requires an NP who has been out of active practice for greater than two years to complete an NP refresher course in order to be eligible to apply for approval to practice. Feedback from NPs completing the refresher course indicates that it is becoming increasingly difficult for them to find clinical preceptorships in order to complete the course. They are unable to acquire individual liability coverage and institutions will not allow them to perform clinical activities without an approval to practice. In addition, text deleted to coincide with text in 21 NCAC 32M .0104(d).

21 NCAC 32S .0209 – The proposed amendment is a technical change to clarify that the subchapter identifies situations where a license is not required.

Procedure by which a person can object to the agency on a proposed rule: Any person may object to the proposed amendment by attending the public hearing on August 30, 2013 and/or by submitting a written objection by August 30, 2013, to Rules Coordinator, North Carolina Medical Board, 1203 Front St., Raleigh, NC 27609, fax (919) 326-1131, or email rules@ncmedboard.org. The North Carolina Medical Board is interested in all comments pertaining to the proposed rules. All persons interested and potentially affected by the proposal are strongly encouraged to read this entire notice and make comments on the proposed rules.

Comments may be submitted to: Wanda A. Long, NC Medical Board, P. O. Box 20007, Raleigh, NC 27619; phone (919) 326-1109 ext. 212; fax (919) 326-1131; email rules@ncmedboard.org

Comment period ends: August 30, 2013

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
Local funds affected
Date submitted to OSBM:
Substantial economic impact (≥\$500,000)
Approved by OSBM
No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 32B - LICENSE TO PRACTICE
MEDICINE

SECTION .1300 - GENERAL

21 NCAC 32B .1303 APPLICATION FOR PHYSICIAN LICENSE

- (a) In order to obtain a Physician License, an applicant shall:
(1) submit a completed application, attesting under oath that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
(2) submit a photograph, at least two inches by two inches, affixed to the oath, and attested by a notary public;
(3) submit documentation of a legal name change, if applicable;
(4) supply a certified copy of applicant's birth certificate if the applicant was born in the United States or a certified copy of a valid and unexpired US passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration and work status which the Board will use to verify applicant's ability to work lawfully in the United States;
(5) submit proof on the Board's Medical Education Certification form that the applicant has completed at least 130 weeks of medical education. The applicant's date of graduation from medical school shall be written in the

designated space, and the school seal shall be stamped on the form; the dean or other official of the applicant's medical school shall sign this form, verifying the information; However, the Board shall waive this requirement if the applicant has been certified or recertified by an ABMS, CCFP, FRCP, FRCS or AOA approved specialty board within the past 10 years;

- (6) for an applicant who has graduated from a medical or osteopathic school approved by the LCME, the CACMS or COCA, meet the requirements set forth in G.S. 90-9.1;
(7) for an applicant graduating from a medical school not approved by the LCME, meet the requirements set forth in G.S. 90-9.2;
(8) provide proof of passage of an examination testing general medical knowledge. In addition to the examinations set forth in G.S. 90-10.1 (a state board licensing examination; NBME; USMLE; FLEX, or their successors), the Board accepts the following examinations (or their successors) for licensure:
(A) COMLEX,
(B) NBOME, and
(C) MCCQE;
(9) submit proof that the applicant has completed graduate medical education as required by G.S. 90-9.1 or 90-9.2, as follows:
(A) A graduate of a medical school approved by LCME, CACMS or COCA shall have satisfactorily completed at least one year of graduate medical education approved by ACGME, CFPC, RCPSC or AOA.
(B) A graduate of a medical school not approved by LCME shall have satisfactorily completed three years of graduate medical education approved by ACGME, CFPC, RCPSC or AOA.
(C) An applicant may satisfy the graduate medical education requirements of Parts (A) or (B) of this Subparagraph by showing proof of current certification by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS or AOA;
(10) submit a FCVS profile:
(A) If the applicant is a graduate of a medical school approved by LCME, CACMS or COCA, and the applicant previously has completed a FCVS profile; or
(B) If the applicant is a graduate of a medical school other than those approved by LCME, COCA or CACMS;
(11) if a graduate of a medical school other than those approved by LCME, AOA, COCA or

- CACMS, furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if:
- (A) the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required); or
 - (B) the applicant has been licensed in another state on the basis of a written examination before the establishment of the ECFMG in 1958;
- ~~(12) submit reports from all state medical or osteopathic boards from which the applicant has ever held a medical or osteopathic license, indicating the status of the applicant's license and whether or not any action has been taken against the licensee;~~
- ~~(13)~~(12) submit an AMA Physician Profile and, if applicant is an osteopathic physician, also submit an AOA Physician Profile;
- ~~(14)~~(13) if applying on the basis of the USMLE, submit:
- (A) a transcript from the FSMB showing a score on USMLE Step 1, both portions of Step 2 (clinical knowledge and clinical skills) and Step 3; and
 - (B) proof that the applicant has passed each step within three attempts. However, the Board shall waive this requirement if the applicant has been certified or recertified by an ABMS, CCFP, FRCP, FRCS or AOA approved specialty board within the past 10 years;
- ~~(15)~~(14) if applying on the basis of COMLEX, submit:
- (A) a transcript from the NBOME showing a score on COMLEX Level 1, both portions of Level 2 (cognitive evaluation and performance evaluation) and Level 3; and
 - (B) proof that the applicant has passed COMLEX within three attempts. However, the Board shall waive this requirement if the applicant has been certified or recertified by an ABMS, CCFP, FRCP, FRCS or AOA approved specialty board within the past 10 years;
- ~~(16)~~(15) if applying on the basis of any other board-approved examination, submit a transcript showing a passing score;
- ~~(17)~~(16) submit a NPDB / HIPDB report, dated within 60 days of submission of the application;
- ~~(18)~~(17) submit a FSMB Board Action Data Report;
- ~~(19)~~(18) submit two completed fingerprint record cards supplied by the Board;
- ~~(20)~~(19) submit a signed consent form allowing a search of local, state, and national files for any criminal record;
- ~~(21)~~(20) provide two original references from persons with no family or marital relationship to the applicant. These references must be:
- (A) from physicians who have observed the applicant's work in a clinical environment within the past three years;
 - (B) on forms supplied by the Board;
 - (C) dated within six months of the submission of the application; and
 - (D) bearing the original signature of the writer;
- ~~(22)~~(21) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check; and
- ~~(23)~~(22) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.
- (b) In addition to the requirements of Paragraph (a) of this Rule, the applicant shall submit proof that the applicant has:
- (1) within the past 10 years taken and passed either:
 - (A) an exam listed in G.S. 90-10.1 (a state board licensing examination; NBOME; USMLE; COMLEX; or MCCQE or their successors);
 - (B) SPEX (with a score of 75 or higher); or
 - (C) COMVEX (with a score of 75 or higher);
 - (2) within the past 10 ~~years~~ years:
 - ~~(A) obtained certification or recertification or CAQ by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS or AOA; or~~
 - (B) met requirements for ABMS MOC (maintenance of certification) or AOA OCC (Osteopathic continuous certification);
 - (3) within the past 10 years completed GME approved by ACGME, CFPC, RCPSC or AOA; or
 - (4) within the past three years completed CME as required by 21 NCAC 32R .0101(a), .0101(b), and .0102.
- (c) All reports must be submitted directly to the Board from the primary source, when possible.
- (d) An applicant shall appear in person for an interview with the Board or its agent, if the Board needs more information to complete the application.
- (e) An application must be completed within one year of submission. If not, the applicant shall be charged another

application fee, plus the cost of another criminal background check.

Authority G.S. 90-8.1; 90-9.1; 90-9.2; 90-13.1.

21 NCAC 32B .1350 REINSTATEMENT OF PHYSICIAN LICENSE

(a) Reinstatement is for a physician who has held a North Carolina License, but whose license either has been inactive for more than one year, or whose license became inactive as a result of disciplinary action (revocation or suspension) taken by the Board. It also applies to a physician who has surrendered a license prior to charges being filed by the Board.

(b) All applicants for reinstatement shall:

- (1) submit a completed application, attesting under oath that information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
(2) submit documentation of a legal name change, if applicable;
(3) supply a certified copy of applicant's birth certificate if the applicant was born in the United States or a certified copy of a valid and unexpired US passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration and work status which the Board will use to verify applicant's ability to work lawfully in the United States;
(4) If a graduate of a medical school other than those approved by LCME, AOA, COCA or CACMS, shall furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if:
(A) the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required); or
(B) the applicant has been licensed in another state on the basis of a written examination before the establishment of the ECFMG in 1958;
(5) submit reports from all state medical or osteopathic boards from which the applicant has ever held a medical or osteopathic license, indicating the status of the applicant's license and whether or not any action has been taken against the license;
(6)(5) submit the AMA Physician Profile; and, if applicant is an osteopathic physician, also submit the AOA Physician Profile;
(7)(6) submit a NPDB/HIPDB report dated within 60 days of the application's submission;

- (8)(7) submit a FSMB Board Action Data Bank report;
(9)(8) submit documentation of CME obtained in the last three years, upon request;
(10)(9) submit two completed fingerprint cards supplied by the Board;
(11)(10) submit a signed consent form allowing a search of local, state, and national files to disclose any criminal record;
(12)(11) provide two original references from persons with no family or material relationship to the applicant. These references must be:
(A) from physicians who have observed the applicant's work in a clinical environment within the past three years;
(B) on forms supplied by the Board;
(C) dated within six months of submission of the application; and
(D) bearing the original signature of the author;
(13)(12) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check; and
(14)(13) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

(c) In addition to the requirements of Paragraph (b) of this Rule, the applicant shall submit proof that the applicant has:

- (1) within the past 10 years taken and passed either:
(A) an exam listed in G.S. 90-10.1 (a state board licensing examination; NBME; NBOME; USMLE; FLEX; COMLEX; or MCCQE or their successors);
(B) SPEX (with a score of 75 or higher); or
(C) COMVEX (with a score of 75 or higher);
(2) within the past ten years years:
(A) obtained certification or recertification of CAQ by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS or AOA; or
(B) met requirements for ABMS MOC (maintenance or certification) or AOA OCC (Osteopathic continuous Certification);
(3) within the past 10 years completed GME approved by ACGME, CFPC, RCPSC or AOA; or
(4) within the past three years completed CME as required by 21 NCAC 32R .0101(a), .0101(b), and .0102.

(d) All reports must be submitted directly to the Board from the primary source, when possible.

(e) An applicant shall be required to appear in person for an interview with the Board or its agent to evaluate the applicant's

competence and character, if the Board needs more information to complete the application.

(f) An application must be complete within one year of submission. If not, the applicant shall be charged another application fee, plus the cost of another criminal background check.

Authority G.S. 90-8.1; 90-9.1; 90-10.1; 90-13.1.

SECTION .1400 – RESIDENT'S TRAINING LICENSE

21 NCAC 32B .1402 APPLICATION FOR RESIDENT'S TRAINING LICENSE

(a) In order to obtain a Resident's Training License, an applicant shall:

- (1) submit a completed application, attesting under oath that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit documentation of a legal name change, if applicable;
- (3) submit a photograph, at least two inches by two inches, affixed to the oath, and attested by a notary public;
- (4) submit proof on the Board's Medical Education Certification form that the applicant has completed at least 130 weeks of medical education. ~~The applicant's date of graduation from medical school shall be written in the designated space, and the school seal shall be stamped on the form; the dean or other official of the applicant's medical school shall sign the form verifying the information;~~
- (5) If a graduate of a medical school other than those approved by LCME, AOA, COCA or CACMS, furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if:
 - (A) the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required); or
 - (B) the applicant has been licensed in another state on the basis of a written examination before the establishment of the ECFMG in 1958;
- (6) submit an appointment letter from the program director of the GME program or his appointed agent verifying the applicant's appointment and commencement date;
- (7) submit two completed fingerprint record cards supplied by the Board;

- (8) submit a signed consent form allowing a search of local, state, and national files for any criminal record;
- (9) pay a non-refundable fee pursuant to G.S. 90-13.1(b), plus the cost of a criminal background check;
- (10) provide proof that the applicant has taken and passed:
 - (A) the COMLEX Level 1 within three attempts and each component of COMLEX Level 2 (cognitive evaluation and performance evaluation) within three attempts; or
 - (B) the USMLE Step 1 within three attempts and each component of the USMLE Step 2 (Clinical Knowledge and Clinical Skills) within three attempts; and
- (11) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.

(b) An applicant shall be required to appear in person for an interview with the Board or its agent to evaluate the applicant's competence and character, if the Board needs more information to complete the application.

Authority G.S. 90-8.1; 90-12.01; 90-13.1.

SECTION .1500 - FACULTY LICENSE

21 NCAC 32B .1502 APPLICATION FOR MEDICAL SCHOOL FACULTY LICENSE

(a) The Medical School Faculty License is limited to physicians who have expertise which can be used to help educate North Carolina medical students, post-graduate residents and fellows but who do not meet the requirements for Physician licensure.

(b) In order to obtain a Medical School Faculty License, an applicant shall:

- (1) submit a completed application, attesting under oath that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit the Board's form, signed by the Dean or his appointed representative, indicating that the applicant has received full-time appointment as either a lecturer, assistant professor, associate professor, or full professor at a medical school in the state of North Carolina;
- (3) submit documentation of a legal name change, if applicable;
- (4) submit a photograph, at least two inches by two inches, affixed to the oath, and attested by a notary public as a true likeness of the applicant;
- (5) submit proof on the Board's Medical Education Certification form that the applicant

has completed at least 130 weeks of medical education. However, the Board shall waive this requirement if the applicant has been certified or recertified by an ABMS, DDFP, FRCP, FRCS or AOA approved specialty board within the past 10 years; ~~The applicant's date of graduation from medical school shall be written in the designated space, and the school seal shall be stamped on the form; the dean or other official of the applicant's medical school shall sign this form, verifying the information;~~

- (6) supply a certified copy of applicant's birth certificate or a certified copy of a valid and unexpired US passport if the applicant was born in the United States. If the applicant does not possess proof of US citizenship, the applicant must provide information about applicant's immigration and work status which the Board will use to verify applicant's ability to work lawfully in the United States;
- (7) submit proof of satisfactory completion of at least one year of GME approved by ACGME, CFPC, RCPSC, or AOA; or evidence of other education, training or experience, determined by the Board to be equivalent;
- (8) submit reports from all medical or osteopathic boards from which the applicant has ever held a medical or osteopathic license, indicating the status of the applicant's license and whether or not any action has been taken against the license;
- (9) submit an AMA Physician Profile; and, if applicant is an osteopathic physician, submit an AOA Physician Profile;
- (10) submit a NPDB report, HIPDB report, dated within 60 days of applicant's oath;
- (11) submit a FSMB Board Action Data Bank report;
- (12) submit two completed fingerprint record cards supplied by the Board;
- (13) submit a signed consent form allowing a search of local, state, and national files to disclose any criminal record;
- (14) provide two original references from persons with no family or marital relationship to the applicant. These letters must be:
 - (A) from physicians who have observed the applicant's work in a clinical environment within the past three years;
 - (B) on forms supplied by the Board;
 - (C) dated within six months of the applicant's oath; and
 - (D) bearing the original signature of the writer.
- (15) pay to the Board a non-refundable fee of three hundred fifty dollars (\$350.00), plus the cost of a criminal background check; and

(16) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.

- (c) All reports must be submitted directly to the Board from the primary source, when possible.
- (d) An applicant may be required to appear in person for an interview with the Board or its agent to evaluate the applicant's competence and character.
- (e) An application must be completed within one year of the date of the applicant's oath.
- (f) This Rule applies to licenses granted after the effective date of this Rule.

Authority G.S. 90-12.3; 90-13.2.

SECTION .1600 - SPECIAL PURPOSE LICENSE

21 NCAC 32B .1602 SPECIAL PURPOSE LICENSE

(a) The Special Purpose License is for physicians who wish to come to North Carolina for a limited time, scope and purpose, such as to demonstrate or learn a new technique, procedure or piece of equipment, or to educate physicians or medical students. ~~students in an emerging disease or public health issue.~~

(b) In order to obtain a Special Purpose License, an applicant shall:

- (1) submit a completed application, attesting under oath that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit a recent photograph, at least two inches by two inches, affixed to the oath, and attested by a notary public;
- (3) submit documentation of a legal name change, if applicable;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the United States or a certified copy of a valid and unexpired US passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration and work status which the Board will use to verify applicant's ability to work lawfully in the United States;
- (5) comply with all requirements of G.S. 90-12.2A;
- (6) submit the Board's form, completed by the mentor, showing that the applicant has received an invitation from a medical school, medical practice, hospital, clinic or physician licensed in the state of North Carolina, outlining the need for the applicant to receive a special purpose license and describing the circumstances and timeline under which the applicant will practice medicine in North Carolina;

- (7) submit an AMA Physician Profile and, if applicant is an osteopathic physician, also submit AOA Physician Profile;
- (8) submit an FSMB Board Action Data Bank report;
- (9) submit two completed fingerprint record cards supplied by the Board;
- (10) submit a signed consent form allowing a search of local, state, and national files for any criminal record;
- (11) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check;
- (12) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.

(c) All reports must be submitted directly to the Board from the primary source, when possible.

(d) An applicant may be required to appear in person for an interview with the Board or its agent to evaluate the applicant's competence and character.

(e) An application must be completed within one year of submission. If not, the applicant shall be charged another application fee, plus the cost of another criminal background check.

Authority G.S. 90-8.1; 90-9.1; 90-12.2A; 90-13.1.

SECTION .1700 - OTHER LICENSES

21 NCAC 32B .1701 SCOPE OF PRACTICE UNDER LIMITED VOLUNTEER LICENSE AND RETIRED LIMITED VOLUNTEER LICENSE

The holder of a ~~Military~~ Limited Volunteer License or a Retired Volunteer Limited License may practice medicine and surgery only at clinics that specialize in the treatment of indigent patients, and may not receive any compensation for services rendered, either direct or indirect, monetary, in-kind, or otherwise for the provision of medical services.

Authority G.S. 90-8.1; 90-12.1A.

21 NCAC 32B .1702 APPLICATION FOR LIMITED VOLUNTEER LICENSE

(a) The ~~Military~~ Limited Volunteer License is available to physicians ~~working in the armed services or Veterans Administration who are not licensed in~~ hold an active license in a state or jurisdiction other than North Carolina, ~~but~~ and who wish to volunteer at civilian indigent clinics.

(b) In order to obtain a ~~Military~~ Limited Volunteer License, an applicant shall:

- (1) submit a completed application, attesting under oath that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;

(2) submit a ~~recent~~ photograph, at least two inches by two inches, affixed to the oath, and attested by a notary public;

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

(4) submit proof of ~~an active license from a state medical or osteopathic board~~ active licensure from another state or jurisdiction indicating the status of the license and whether or not any action has been taken against the license;

(5) ~~supply~~ submit a certified copy of applicant's birth certificate if the applicant was born in the United States or a certified copy of a valid and unexpired US passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration and work status which the Board will use to verify applicant's ability to work lawfully in the United States;

~~(6) provide proof that the application is authorized to treat personnel enlisted in the United States armed services or veterans by submitting a letter signed by the applicant's commanding officer;~~

(6) submit a NPDB report, dated within 60 days of submission of the application;

(7) submit a FSMB Board Action Data Bank report;

(8) submit two completed fingerprint record cards supplied by the Board;

(9) submit a signed consent form allowing a search of local, state, and national files for any criminal record;

(10) pay a non-refundable fee to cover the cost of a criminal background check;

(11) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.

(c) All ~~reports~~ materials must be submitted directly to the Board from the primary source, when possible.

(d) An applicant may be required to appear in person for an interview with the Board or its agent to evaluate the applicant's competence and character.

(e) An application must be completed within one year of the date of submission.

Authority G.S. 90-8.1; 90-12.1A.

21 NCAC 32B .1704 APPLICATION FOR RETIRED LIMITED VOLUNTEER LICENSE

(a) The Retired Limited Volunteer License is available to physicians who have been licensed in North Carolina or another state or jurisdiction, have an inactive license, ~~but~~ and who wish to volunteer at ~~civilian~~ indigent clinics.

~~(b) In order to obtain a Retired Limited Volunteer License, an applicant who holds an active license in another state or jurisdiction shall:~~ An applicant who has never held a North

Carolina license but held an active license in another state or jurisdiction, which is currently inactive, shall:

- (1) submit a completed application, attesting under oath that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit a ~~recent~~ photograph, at least two inches by two inches, affixed to the oath, and attested by a notary public;
- (3) submit documentation of a legal name change, if applicable;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the United States or a certified copy of a valid and unexpired US passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration and work status which the Board will use to verify applicant's ability to work lawfully in the United States;
- (5) submit proof of ~~an active license licensure from another state medical or osteopathic board or jurisdiction~~ indicating the status of the license and whether or not any action has been taken against it; the license;
- (6) submit two completed fingerprint record cards supplied by the Board;
- (7) submit a signed consent form allowing a search of local, state and national files for any criminal record;
- (8) pay a non-refundable fee to cover the cost of a criminal background check;
- (9) submit a FSMB Board Action Data Bank report;
- (10) submit a NPDB report, dated within 60 days of submission of the application;
- (10) ~~submit documentation of CME obtained in the last three years;~~
- (11) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.
- (12) All materials must be submitted to the Board from the primary source, when possible.

(c) An applicant who holds an active North Carolina physician license may convert that to a Retired Limited Volunteer License by completing the ~~Board's form.~~ Application for Retired Volunteer License.

(d) An applicant who ~~has been licensed in~~ held a North Carolina license ~~but which~~ has been inactive less than six months may convert ~~that~~ to a Retired Limited Volunteer License by completing the ~~Board's license renewal questions.~~ the Application for Retired Volunteer License.

(e) An applicant who ~~has been licensed in~~ held a North Carolina license ~~but who~~ which has been inactive for more than six months but less than two years shall meet the requirements ~~must use the reactivation process set forth in 21 NCAC 32B .1360. An applicant who does not have a North Carolina license, but has an~~

~~inactive license to practice medicine and surgery in another state or jurisdiction, and who has been inactive for more than six months but less than two years must comply with the requirements for reactivation of physician license under 21 NCAC 32B .1360.~~

(f) An applicant who held a North Carolina license which has been inactive for more than two years shall meet the requirements set forth at 21 NCAC 32B .1350.

~~(f)(g)~~ (g) A physician who has been ~~inactive out of practice~~ program for more than two years will be required to complete a reentry ~~program.~~ program as set forth in 21 NCAC 32B .1370.

~~(g)(h)~~ (h) An applicant may be required to appear in person for an interview with the Board or its agent to evaluate the applicant's competence and character.

~~(h)(i)~~ (i) An application must be completed within one year of the date of submission.

Authority G.S. 90-8.1; 90-12.1A.

SECTION .2000 - EXPEDITED APPLICATION FOR PHYSICIAN LICENSE

21 NCAC 32B .2001 EXPEDITED APPLICATION FOR PHYSICIAN LICENSE

(a) A specialty board-certified physician who has been licensed in at least one other state, the District of Columbia, U.S. territory or Canadian province for at least five years, has been in active clinical practice the past two years; and who has a clean license application, as defined in Paragraph (c) of this Rule may apply for a license on an expedited basis.

(b) An applicant for an expedited Physician License shall:

- (1) complete the Board's application form, attesting under oath that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit documentation of a legal name change, if applicable;
- (3) on the Board's form, submit a photograph taken within the past year, at least two inches by two inches, certified as a true likeness of the applicant by a notary public;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the United States or a certified copy of a valid and unexpired US passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration and work status which the Board will use to verify applicant's ability to work lawfully in the United States; (Note: there may be some applicants who are not present in the U.S. and who do not plan to practice physically in the U.S. Those applicants shall submit a statement to that effect);
- (5) provide proof that applicant has held an active license to practice medicine in at least one other state, the District of Columbia, U.S.

- (6) Territory or Canadian province for at least five years immediately preceding this application; provide proof of clinical practice providing patient care for an average of 20 hours or more per week, for at least the last two years;
 - (7) provide proof of ~~of~~ of:
 - (A) current certification or current recertification by an ABMS, CCFP, FRCP, FRCS, or AOA approved specialty board obtained within the past 10 years; or
 - (B) obtained certification or recertification of CAQ by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS or AOA; or
 - (C) met requirements for ABMS MOC (maintenance of certification) or AOA OCC (Osteopathic continuous Certification);
 - (8) submit an AMA Physician Profile; and, if applicant is an osteopathic physician, submit an AOA Physician Profile;
 - (9) submit a NPDB/HIPDB report dated within 60 days of the applicant's oath;
 - (10) submit a FSMB Board Action Data Bank report;
 - (11) submit two completed fingerprint record cards supplied by the Board;
 - (12) submit a signed consent form allowing a search of local, state and national files to disclose any criminal record;
 - (13) pay to the Board a non-refundable fee of three hundred fifty dollars (\$350.00), plus the cost of a criminal background check; and
 - (14) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.
- (c) A clean license application means that the physician has none of the following:
- (1) professional liability insurance claim(s) or payment(s);
 - (2) criminal record;
 - (3) medical condition(s) which could affect the physician's ability to practice safely;
 - (4) regulatory board complaint(s), investigation(s), or action(s) (including applicant's withdrawal of a license application);
 - (5) adverse action taken by a health care institution;
 - (6) investigation(s) or action(s) taken by a federal agency, the U.S. military, medical societies or associations;
 - (7) suspension or expulsion from any school, including medical school.
 - (8) graduation from any United States or Canadian medical school that is not LCME or CACMS approved; or

- (9) has passed no licensing examination other than Puerto Rico Written Examination/Revalida.
- (d) All reports must be submitted directly to the Board from the primary source, when possible.
- (e) The application process must be completed within one year of the date on which the application fee is paid. If not, the applicant shall be charged a new applicant fee.

Authority G.S. 90-9.1; 90-5; 90-11; 90-13.1.

SUBCHAPTER 32M - APPROVAL OF NURSE PRACTITIONERS

21 NCAC 32M .0104 PROCESS FOR APPROVAL TO PRACTICE

- (a) Prior to the performance of any medical acts, a nurse practitioner shall:
 - (1) meet registration requirements as specified in 21 NCAC 32M .0103;
 - (2) submit an application for approval to practice;
 - (3) submit any additional information necessary to evaluate the application as requested; and
 - (4) have a collaborative practice agreement with a primary supervising physician.
- (b) A nurse practitioner seeking approval to practice who has not practiced as a nurse practitioner in more than two years shall complete a nurse practitioner refresher course approved by the Board of Nursing in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and their management directly related to the nurse practitioner's area of education and certification. A nurse practitioner refresher course participant may be granted an approval to practice that is limited to clinical activities required by the refresher course.
- (c) The nurse practitioner shall not practice until notification of approval to practice is received from the Board of Nursing after both Boards have approved the application.
- (d) The nurse practitioner's approval to practice is terminated when the nurse practitioner discontinues working within the approved nurse practitioner collaborative practice agreement or experiences an interruption in her or his registered nurse licensure status, and the nurse practitioner shall so notify the Board of Nursing in writing. The Boards shall extend the nurse practitioner's approval to practice in cases of emergency such as sudden injury, illness or death of the primary supervising physician.
- (e) Applications for approval to practice in North Carolina shall be submitted to the Board of Nursing and then approved by both Boards as follows:
 - (1) the Board of Nursing shall verify compliance with Rule .0103 of this Subchapter and Paragraph (a) of this Rule; and
 - (2) the Medical Board shall verify that the designated primary supervising physician holds a valid license to practice medicine in North Carolina and compliance with Paragraph (a) of this Rule.
- (f) Applications for approval of changes in practice arrangements for a nurse practitioner currently approved to

practice in North Carolina shall be submitted by the applicants as follows:

- (1) addition or change of primary supervising physician shall be submitted to the Board of Nursing and proceed pursuant to protocols developed by both Boards; and
 - (2) request for change(s) in the scope of practice shall be submitted to the Joint Subcommittee.
- (g) A registered nurse who was previously approved to practice as a nurse practitioner in this state who reapplies for approval to practice shall:
- (1) meet the nurse practitioner approval requirements as stipulated in Rule .0108(c) of this Subchapter; and
 - (2) complete the appropriate application.
- (h) Volunteer Approval to Practice. The North Carolina Board of Nursing shall grant approval to practice in a volunteer capacity to a nurse practitioner who has met the qualifications to practice as a nurse practitioner in North Carolina.
- (i) The nurse practitioner shall pay the appropriate fee as outlined in Rule .0115 of this Subchapter.
- (j) A Nurse Practitioner approved under this Subchapter shall keep proof of current licensure, registration and approval available for inspection at each practice site upon request by agents of either Board.

Authority G.S. 90-18(c)(14); 90-18.2; 90-171.20(7); 90-171.23(b); 90-171.42.

21 NCAC 32M .0108 INACTIVE STATUS

- (a) Any nurse practitioner who wishes to place her or his approval to practice on an inactive status shall notify the Board of Nursing in writing.
- (b) A nurse practitioner with an inactive approval to practice status shall not practice as a nurse practitioner.
- (c) A nurse practitioner with an inactive approval to practice status who reapplies for approval to practice shall meet the qualifications for approval to practice in Rules .0103(a)(1), .0104(a) and (b), .0107, and .0110 of this Subchapter and receive notification from the Board of Nursing of approval prior to beginning practice after the application is approved by both Boards.
- (d) A nurse practitioner who has not practiced as a nurse practitioner in more than two years shall complete a nurse practitioner refresher course approved by the Board of Nursing in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and management of these conditions directly related to the nurse practitioner's area of education and certification in order to be eligible to apply for approval to practice. certification. A nurse practitioner refresher course participant may be granted an approval to practice that is limited to clinical activities required by the refresher course.

Authority G.S. 90-18(c)(14); 90-18.2; 90-171.36.

SUBCHAPTER 32S - PHYSICIAN ASSISTANTS

SECTION .0200 - PHYSICIAN ASSISTANT REGISTRATION

21 NCAC 32S .0209 EXEMPTION FROM LICENSE
~~This Subchapter does not apply to:~~ Nothing in this Subchapter shall be construed to require licensure for:

- (1) a student enrolled in a Physician Assistant Educational Program accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organizations;
- (2) a physician assistant employed by the federal government while performing duties incident to that employment; or
- (3) an agent or employee of a physician who performs delegated tasks in the office of a physician but who is not rendering services as a physician assistant and identifying him/herself as a physician assistant.

Authority G.S. 90-9.3; 90-18(c)(13); 90-18.1.

CHAPTER 34 – BOARD OF FUNERAL SERVICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Funeral Service intends to amend the rule cited as 21 NCAC 34A .0201.

Agency obtained G.S. 150B-19.1 certification:

- OSBM certified on:
- RRC certified on:
- Not Required

Link to agency website pursuant to G.S. 150B-19.1(c):
http://www.ncbfs.org

Proposed Effective Date: *November 1, 2013*

Public Hearing:

Date: *August 14, 2013*

Time: *9:00 a.m.*

Location: *1033 Wade Avenue, Suite 108, Raleigh, NC 27605*

Reason for Proposed Action: *To increase fees.*

Procedure by which a person can object to the agency on a proposed rule: *Interested parties may attend the public hearing or submit written comments.*

Comments may be submitted to: *Peter Burke, NC Board of Funeral Service, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605; phone (919) 733-9380; fax (919) 733-8271; email pmburke@ncbfs.org*

Comment period ends: *August 30, 2013*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the

PROPOSED RULES

Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
- Analysis submitted to Board of Transportation
- Local funds affected
- Date submitted to OSBM:
- Substantial economic impact (≥\$500,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 34A - BOARD FUNCTIONS

SECTION .0200 - FEES AND OTHER PAYMENTS

21 NCAC 34A .0201 FEES AND OTHER PAYMENTS

(a) Fees for funeral service shall be as follows:

Establishment permit		
Application	\$250.00	
Annual renewal	\$150.00 <u>\$200.00</u>	
Late renewal fee	\$100.00	
Establishment and embalming facility reinspection fee	\$100.00	
Courtesy card		
Application	\$ 75.00	
Annual renewal	\$ 50.00	
Out-of-state licensee		
Application	\$200.00	
Embalmer, funeral director, funeral service		
Application, North Carolina resident	\$150.00	
Application, non-resident	\$200.00	
Annual renewal		
Embalmer	\$ 40.00 <u>\$ 75.00</u>	
Funeral Director	\$ 40.00 <u>\$ 75.00</u>	
Total fee, embalmer and funeral director, when both are held by same person	\$ 60.00 <u>\$100.00</u>	
Funeral service	\$ 60.00 <u>\$100.00</u>	
Inactive status	\$ 30.00	
Reinstatement fee	\$ 50.00	
Resident trainee permit		
Application	\$ 50.00	
Voluntary change in supervisor	\$ 50.00	
Annual renewal	\$ 35.00	
Late renewal	\$ 25.00	
Duplicate License certificate	\$ 25.00	

Chapel registration	
Application	\$150.00
Annual renewal	\$100.00
Late renewal	\$ 75.00

(b) Fees for crematories shall be as follows:

License	
Application	\$400.00
Annual renewal	\$150.00
Late renewal fee	\$ 75.00
Crematory reinspection fee	\$100.00
Per-cremation fee	\$ 10.00
Late filing or payment fee for each cremation	\$ 10.00
Late filing fee for cremation report, per month	\$75.00
Crematory Manager Permit	
Application	\$150.00
Annual renewal	\$ 40.00

(c) Fees for preneed funeral contract regulation shall be as follows:

Preneed funeral establishment license	
Application	\$150.00
Annual renewal	\$150.00
Late renewal fee	\$100.00
Reinspection fee	\$100.00
Preneed sales license	
Application	\$ 20.00
Annual renewal	\$ 20.00
Late renewal fee	\$ 25.00
Preneed contract filings	
Filing fee for each contract	\$ 20.00
Late filing or payment fee for each contract	\$ 25.00
Late filing fee for each certificate of performance	\$ 25.00
Late filing fee for annual report	\$150.00

(d) Fees for Transportation Permits

Application	\$125.00
Annual renewal	\$ 40.00 <u>\$ 75.00</u>
Late fee	\$ 50.00

Authority G.S. 90-210.23(a); 90-210.25(c); 90-210.28; 90-210.67(b),(c),(d),(d1); 90-210.68(a).

CHAPTER 36 – BOARD OF NURSING

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Nursing intends to amend the rules cited as 21 NCAC 36 .0702, .0804 and .0808.

Agency obtained G.S. 150B-19.1 certification:

- OSBM certified on:
- RRC certified on:
- Not Required

Link to agency website pursuant to G.S. 150B-19.1(c):
www.ncbon.com

Proposed Effective Date: *November 1, 2013*

Public Hearing:

Date: July 26, 2013

Time: 8:30 a.m.

Location: NC Board of Nursing Office, 4516 Lake Boone Trail, Raleigh, NC 27607

Reason for Proposed Action:

21 NCAC 36 .0702 – To bring the licensure compact rules in compliance with the Nurse Licensure Compact Administration rules for the Nurse Licensure Compact, consistent with Article 9G of Chapter 90.

21 NCAC 36 .0804 – 21 NCAC 36 .0804(b) addresses the NP refresher course requirement, but does not include the language in 21 NCAC 36 .0808 making the refresher course a prerequisite for approval to practice; however, since the refresher course is addressed in this Rule, it would be appropriate to include the proposed addition in this Rule as well.

21 NCAC 36 .0808 – 21 NCAC 36 .0808(d) requires an NP who has been out of active practice for greater than two years to complete a NP refresher course in order to be eligible to apply for approval to practice. Feedback from NPs completing the refresher course indicates that it is becoming increasingly difficult for them to find clinical preceptorships in order to complete the course. They are unable to acquire individual liability coverage and institutions will not allow them to perform clinical activities without an approval to practice. In addition, text deleted to coincide with text in 21 NCAC 36 .0804(d).

Procedure by which a person can object to the agency on a proposed rule: Mail, fax or email objections to: Angela H. Ellis, APA Coordinator, NC Board of Nursing, P. O. Box 2129, Raleigh, NC 27602-2129; fax (919) 781-9461; email angela@ncbon.com.

Comments may be submitted to: Angela H. Ellis, NC Board of Nursing, P. O. Box 2129, Raleigh, NC 27602-2129; phone (919) 782-3211 ext. 259; fax (919) 781-9461; email angela@ncbon.com

Comment period ends: August 30, 2013

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

State funds affected

- Environmental permitting of DOT affected Analysis submitted to Board of Transportation
- Local funds affected
- Date submitted to OSBM:
- Substantial economic impact (≥\$500,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4

SECTION .0700 – NURSE LICENSURE COMPACT

21 NCAC 36 .0702 ISSUANCE OF A LICENSE BY A COMPACT PARTY STATE

For the purpose of the Compact:

- (1) A nurse applying for a license in a home state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee attesting to the licensee's primary state of residence. Further evidence that may be requested includes, but is not limited to:
 - (a) Driver's license with a home address;
 - (b) Voter registration card displaying a home address;
 - (c) Federal income tax return declaring the primary state of residence;
 - (d) Military Form No. 2058 – state of legal residence certificate; or
 - (e) W2 from US Government or any bureau, division or agency thereof indicating the declared state of residence.
- (2) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed ~~30 days~~ 90 days.
- (3) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance. The ~~30-day~~ 90-day period in Item (2) of this Rule shall be stayed until resolution of the pending investigation.
- (4) The former home state license shall no longer be valid upon the issuance of a new home state license.
- (5) If a decision denying licensure is made by the new home state, the new home state shall notify the former home state within 10 business days and the former home state may take action in accordance with that state's laws and rules.
- (6) ~~As of July 1, 2005, no~~ No individual shall be issued a multistate licensure privilege unless the applicant provides evidence of successful completion of the licensing examination developed by the National Council of State Boards of Nursing, Inc.

- (7) A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state.
- (8) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license.

Authority G.S. 90-171.82(6); 90-171.83(a)(b); 90-171.85(b); 90-171.87(4).

SECTION .0800 - APPROVAL AND PRACTICE PARAMETERS FOR NURSE PRACTITIONERS

21 NCAC 36 .0804 PROCESS FOR APPROVAL TO PRACTICE

(a) Prior to the performance of any medical acts, a nurse practitioner shall:

- (1) meet registration requirements as specified in 21 NCAC 36 .0803;
- (2) submit an application for approval to practice;
- (3) submit any additional information necessary to evaluate the application as requested; and
- (4) have a collaborative practice agreement with a primary supervising physician.

(b) A nurse practitioner seeking approval to practice who has not practiced as a nurse practitioner in more than two years shall complete a nurse practitioner refresher course approved by the Board of Nursing in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and their management directly related to the nurse practitioner's area of education and certification. A nurse practitioner refresher course participant may be granted an approval to practice that is limited to clinical activities required by the refresher course.

(c) The nurse practitioner shall not practice until notification of approval to practice is received from the Board of Nursing after both Boards have approved the application.

(d) The nurse practitioner's approval to practice is terminated when the nurse practitioner discontinues working within the approved nurse practitioner collaborative practice agreement, or experiences an interruption in her or his registered nurse licensure status, and the nurse practitioner shall so notify the Board of Nursing in writing. The Boards shall extend the nurse practitioner's approval to practice in cases of emergency such as injury, sudden illness or death of the primary supervising physician.

(e) Applications for approval to practice in North Carolina shall be submitted to the Board of Nursing and then approved by both Boards as follows:

- (1) the Board of Nursing shall verify compliance with Rule .0803 and Paragraph (a) of this Rule; and
- (2) the Medical Board shall verify that the designated primary supervising physician holds a valid license to practice medicine in

North Carolina and compliance with Paragraph (a) of this Rule.

(f) Applications for approval of changes in practice arrangements for a nurse practitioner currently approved to practice in North Carolina shall be submitted by the applicant as follows:

- (1) addition or change of primary supervising physician shall be submitted to the Board of Nursing and processed pursuant to protocols developed by both Boards; and
- (2) request for change(s) in the scope of practice shall be submitted to the Joint Subcommittee.

(g) A registered nurse who was previously approved to practice as a nurse practitioner in this state who reapplies for approval to practice shall:

- (1) meet the nurse practitioner approval requirements as stipulated in Rule .0808(c) of this Section; and
- (2) complete the appropriate application.

(h) Volunteer Approval to Practice. The North Carolina Board of Nursing shall grant approval to practice in a volunteer capacity to a nurse practitioner who has met the qualifications to practice as a nurse practitioner in North Carolina.

(i) The nurse practitioner shall pay the appropriate fee as outlined in Rule .0813 of this Section.

(j) A Nurse Practitioner approved under this Section shall keep proof of current licensure, registration and approval available for inspection at each practice site upon request by agents of either Board.

Authority G.S. 90-18(13), (14); 90-18.2; 90-171.20(7); 90-171.23(b).

21 NCAC 36 .0808 INACTIVE STATUS

(a) Any nurse practitioner who wishes to place her or his approval to practice on an inactive status shall notify the Board of Nursing in writing.

(b) A nurse practitioner with an inactive approval to practice status shall not practice as a nurse practitioner.

(c) A nurse practitioner with an inactive approval to practice status who reapplies for approval to practice shall meet the qualifications for approval to practice in Rules .0803(a)(1), .0804(a) and (b), .0807, and .0810 of this Section and receive notification from the Board of Nursing of approval prior to beginning practice after the application is approved by both Boards.

(d) A nurse practitioner who has not practiced as a nurse practitioner in more than two years shall complete a nurse practitioner refresher course approved by the Board of Nursing in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and management of these conditions directly related to the nurse practitioner's area of education and certification. ~~in order to be eligible to apply for approval to practice.~~ A nurse practitioner refresher course participant may be granted an approval to practice that is limited to clinical activities required by the refresher course.

Authority G.S. 90-18(13); 90-18.2; 90-171.36; 90-171.83.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on May 16, 2013.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

ALCOHOLIC BEVERAGE CONTROL COMMISSION

Dispensing Alcoholic Beverages: Production Identification 04 NCAC 02S .0228* 27:11 NCR

COMMERCE - EMPLOYMENT SECURITY, DIVISION OF

Request for Documents and Records 04 NCAC 24E .0102* 27:12 NCR

Payment of Fees 04 NCAC 24E .0104* 27:12 NCR

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

Responsibilities of the School Director 12 NCAC 09B .0202* 27:12 NCR

Specialized Instructor Certification 12 NCAC 09B .0304* 27:12 NCR

Comprehensive Written Exam - Specialized Instructor
Training 12 NCAC 09B .0414* 27:12 NCR

Satisfaction of Minimum Training - Specialized Instructor 12 NCAC 09B .0415* 27:12 NCR

Specialized Explosives and Hazardous Materials Instructor... 12 NCAC 09B .0417* 27:12 NCR

COSMETIC ART EXAMINERS, BOARD OF

Water Supply 21 NCAC 14H .0301 27:10 NCR

Revocation of Licenses and Other Disciplinary Measures 21 NCAC 14P .0108 27:10 NCR

Permanent Records, Forms and Documentation 21 NCAC 14T .0502* 27:10 NCR

Cosmetology Curriculum 21 NCAC 14T .0602* 27:15 NCR

Apprentice Cosmetology Curriculum 21 NCAC 14T .0603 27:15 NCR

Natural Hair Care Styling Curriculum 21 NCAC 14T .0606* 27:10 NCR

Instruction Guidelines 21 NCAC 14T .0612* 27:10 NCR

School Operations/Licensure Maintenance 21 NCAC 14T .0701* 27:10 NCR

PHYSICAL THERAPY EXAMINERS, BOARD OF

Identification Requirements 21 NCAC 48A .0107* 27:10 NCR

PODIATRY EXAMINERS, BOARD OF

Continuing Education 21 NCAC 52 .0208* 27:16 NCR

These rules are subject to the next Legislative Session. (See G.S. 150B-21.3)

TRANSPORTATION, DEPARTMENT OF

Free Operations 19A NCAC 02D .0531 27:16 NCR

Toll Operations 19A NCAC 02D .0532 27:16 NCR

TITLE 04 – DEPARTMENT OF COMMERCE

04 NCAC 02S .0228 DISPENSING ALCOHOLIC BEVERAGES: PRODUCT IDENTIFICATION

(a) Malt Beverages, On-Premises. Malt beverages may be sold by persons holding on-premise permits in the original containers, by the glass, by the mug, by the pitcher or a single-service and single-use container as defined by FDA Food Code 2009, 1-201.10(B). The brand name of draught malt beverages dispensed in retail outlets shall be shown on the knobs of draught faucets. Covers for these faucets bearing a brand name may be used if the brand name appearing on the cover corresponds with the brand name on the knob of the faucets that are to be used for that brand.

(b) Malt Beverages, Off-Premises. Malt beverages may be sold by persons holding a retail off-premise permit only in the unopened original container that was filled by the product manufacturer.

(c) Wine, On-Premises. A person holding an on-premises wine permit may sell wine in the unopened original container, by the carafe, by the glass or a single-service and single-use container. A person holding an on-premises wine permit may sell wine mixed with non-alcoholic beverages by the carafe, by the glass or a single-service and single-use container. Wine served in carafes, by the glass or single-service and single-use containers may be dispensed under pressure from nitrogen from sealed bulk containers provided the containers and dispensing systems have been approved by the Commission and the Commission for Public Health. The vintner, brand and type of wine dispensed by the carafe, glass or single-service and single-use container, except for the house wine, shall appear on the wine list. Where the wine is dispensed from bulk containers, the vintner, brand and type shall be shown on the knobs of draught faucets.

(d) Use of Siphons. The use of siphons or pressurized dispensers is allowed if the malt beverage or wine contents are dispensed directly from the original containers.

(e) Mixed Beverages. A person holding a mixed beverages permit may sell mixed beverages in a glass, in a pitcher or in a single-service and single-use container.

(f) Multi-Use Containers. All multi-use containers used by permittees to serve any alcoholic beverages shall meet the requirements as referenced by FDA Food Code 2009, 3-304.11(a). Multi-use containers include glassware, mugs, pitchers and carafes.

History Note: Authority G.S. 18B-100; 18B-206; 18B-207; 130A-248(a); FDA Food Code 2009, 1-201.10(B), 3-304.11(a); Eff. January 1, 1982; Amended Eff. June 1, 2013; May 1, 1984.

04 NCAC 24E .0102 REQUEST FOR DOCUMENTS AND RECORDS

(a) Any person who desires to inspect or copy any record containing confidential unemployment insurance information shall submit a written request to the Legal Services Section of DES. The person may use request form(s) created by DES and

made available to the public via DES's website (<https://www.ncesc.com/default.aspx>).

(b) Each request should reasonably describe the record or records sought; providing sufficient detail to permit identification and location of the record(s). The request shall specify, when possible, the subject matter of the record, the date or approximate date when the record was made, the place where the record was made, the person or office that made the record, and any other pertinent identifying details about the record, such as a form number.

(c) If the description is insufficient so that an employee who is familiar with the subject area of the request cannot locate the record, the Certified Paralegal to the Chief Counsel of the Legal Services Section shall notify the requester and, to the extent possible, indicate the additional information required.

(d) The Certified Paralegal shall review the request and determine if the federal regulatory and state statutory provisions that govern disclosure of confidential unemployment insurance information permit the requested information to be disclosed. The Certified Paralegal shall initiate a search for the records within two business days after the request is received. If the request is denied, the requester shall be notified in writing, with a brief statement including the reasons for the denial.

(e) To the extent required to comply with applicable law prohibiting disclosure of specific information, the Certified Paralegal shall delete this specific information when the requested record is made available. Justification for the deletion will be explained in writing upon request.

(f) DES may release information or records obtained from a claimant, employer, applicant or other person to said claimant, employer, applicant or other person upon a written request. Upon written request, the claimant, employer, applicant or other person may also authorize that information or record be released to a third party or person clearly identified by name and address in the request that must contain a statement that the claimant, employer, applicant or other person waives confidentiality as to the information directed to be released. Upon the written request of a third party or person, DES may disclose to a third party or person confidential information or records regarding a claimant, employer, applicant or other persons upon written request and on a reimbursement basis only if the request meets all applicable requirements as set forth in 20 CFR 603.5(d), including informed consent or signed release, whichever is applicable.

(g) When DES requests an individual or employing entity to supply information about that individual or employing entity, it will provide a form that the individual or employing entity shall use to submit the requested information. The form will include notice of the following:

- (1) How the information will be used;
- (2) The information may be disclosed to federal agencies, state agencies and public officials as required by federal or state laws and regulations;
- (3) Which parts of the requested information are required and which are optional;
- (4) The consequences of failure to provide the requested information; and
- (5) DES will take all precaution precautions to keep all the information confidential and

privileged pursuant to G.S. 96-4(x), but it cannot guarantee the confidentiality or privilege of any information transmitted to it by the way of the Internet or other electronic means.

(h) An individual may request DES release or disclose to a third party or person the individual's quarterly wage records, including the amount of such wages and names and addresses of the employer(s) reporting wages for the individual. The request must clearly identify the third party or person by name and address, and contain a statement that the individual waives confidentiality as to the information authorized to be released or disclosed and does so on the basis of informed consent as mandated by 20 CFR 603 and any other applicable federal regulation that may be promulgated by the U.S. Department of Labor and the employing entity from whom such information was collected has been properly provided notice. DES may disclose to a third party or person an individual's quarterly wage records upon written request only if the request meets all applicable requirements as set forth in 20 CFR 603.5, including informed consent or signed release, whichever is applicable.

History Note: Authority G.S. 96-4(d); 96-4(x); 20 CFR 603; Eff. June 1, 2013.

04 NCAC 24E .0104 PAYMENT OF FEES

(a) Payment of fees as set forth in Rule .0103 of this Section shall be made by cash, money order or certified check. An agency of state or federal government, a county or municipality may pay by its draft.

(b) If payment did not accompany the request, the Certified Paralegal shall send to the requester an invoice for all fees due. Payment of all fees shall be received prior to the Certified Paralegal furnishing the information or record to the requester. Under exigent circumstances requiring immediate release of information to local or federal law enforcement personnel, the Certified Paralegal shall release the information upon a written assurance of future payment.

(c) Except for the transcript fee mandated by G.S. 96-15(f), no fees shall be charged for those records or documents furnished to the parties to proceedings before DES to the extent such records or documents are necessary for a proper case presentation or defense connected with a contested claim for unemployment insurance benefits or a contested determination of tax (contributions) liability.

(d) No fees shall be charged to the North Carolina State Bureau of Investigation for searching and copying records when requested in writing by the Bureau if it asserts that such records are necessary for an official investigation in progress.

(e) The Certified Paralegal shall send an invoice. The invoice will instruct the requester to submit the fee to the North Carolina Department of Commerce, Division of Employment Security, ATTN: Finance and Budget, Post Office Box 25903, Raleigh, North Carolina 27611.

History Note: Authority G.S. 96-4(d); 96-4(x); 20 CFR 603; Eff. June 1, 2013.

**TITLE 12 – DEPARTMENT OF JUSTICE
12 NCAC 09B .0202 RESPONSIBILITIES OF THE
SCHOOL DIRECTOR**

(a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the School Director shall:

- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
- (2) Select and schedule instructors who are certified by the Commission;
- (3) Provide each instructor with a current Commission course outline and all necessary additional information concerning the instructor's duties and responsibilities;
- (4) Notify each instructor that he or she must comply with the Basic Law Enforcement Course Management Guide and provide him or her access to the most current version of the Course Management Guide;
- (5) Review each instructor's lesson plans and other instructional materials for conformance to Commission standards and to minimize repetition and duplication of subject matter;
- (6) Arrange for the timely availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;
- (7) Develop, adopt, reproduce, and distribute any supplemental rules, regulations, and requirements determined by the school to be necessary or appropriate for:
 - (A) effective course delivery;
 - (B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
 - (C) regulating trainee participation and demeanor and ensuring trainee attendance and maintaining performance records;
- (8) If appropriate, recommend housing and dining facilities for trainees;
- (9) Administer the course delivery in accordance with Commission procedures and standards, give consideration to advisory guidelines issued by the Commission, and ensure that the training offered is safe and effective;
- (10) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been delegated. The comprehensive final examination shall be administered by the Criminal Justice Education and Training Standards Commission; and

- (11) Report the completion of each presentation of a Commission-certified criminal justice training course to the Commission.
- (b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission-certified Basic Law Enforcement Training Course, the School Director shall:
- (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training Course Management Guide as published by the North Carolina Justice Academy;
 - (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as three one-week breaks until course requirements are completed;
 - (3) Schedule only those instructors certified by the Commission to teach those high liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or in any other capacity;
 - (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and topical areas as outlined in Rule .0304(a) of this Subchapter, schedule one specialized certified instructor certified by the Commission for each six trainees while actively engaged in a practical performance exercise;
 - (5) Schedule one specialized certified instructor certified by the Commission for each eight trainees while actively engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques;"
 - (6) Not schedule any single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
 - (7) Not less than 15 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation as set out in 12 NCAC 09C .0211 along with the following attachments:
 - (A) a course schedule showing arrangement of topical presentations and proposed instructional assignments; and
 - (B) a copy of any rules, regulations, and requirements for the school. A copy of such rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;
- (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, and that the delivery is objective based, documented by and consistent with a Commission-approved lesson plan. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on Commission forms and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on Commission forms in accordance with Commission standards as set out in this Chapter. These evaluations shall be kept on file by the school for a period of three years and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any designated instructor certified by the Commission who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;
- (9) Administer or designate a staff person to administer appropriate tests during course delivery:
 - (A) to determine and record the level of trainee comprehension and retention of instructional subject- matter;
 - (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
 - (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of this Subchapter;
- (10) During a delivery of Basic Law Enforcement Training, make available to the Commission four hours of scheduled class time and

- classroom facilities for the administration of a written examination to those trainees who have satisfactorily completed all course work; and
- (11) Not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) which shall include:
- (A) a "Student Course Completion" form for each individual enrolled on the day of orientation; and
 - (B) a "Certification and Test Score Release" form.

(c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission-certified "Criminal Justice Instructor Training Course" the School Director shall:

- (1) Schedule course presentation to include 40 hours of instruction each week during consecutive calendar weeks until course requirements are completed;
- (2) Schedule at least one evaluator for each six trainees, as follows:
 - (A) no evaluator shall be assigned more than six trainees during a course delivery;
 - (B) each evaluator, as well as the instructors, must have successfully completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
 - (C) each instructor and evaluator must document successful participation in a program presented by the Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation;
- (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following attachments:
 - (A) a course schedule showing arrangement of topical presentations and proposed instructional assignments;
 - (B) the names and last four digits of the social security numbers of all instructors and evaluators; and
 - (C) a copy of any rules, regulations, and requirements for the school; and

- (4) Not more than 10 days after course completion submit to the Commission a Post-Delivery Report [Form F-10B(ITC)] containing the following:
 - (A) class enrollment roster;
 - (B) a course schedule with designation of instructors and evaluators utilized in delivery;
 - (C) scores recorded for each trainee on both the 80 minute skill presentation and the final written examination; and
 - (D) designation of trainees who successfully completed the course in its entirety and whom the School Director finds to be competent to instruct.

(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission-certified radar, radar and time-distance, time-distance, or lidar speed measurement operator training course or re-certification course, the School Director shall:

- (1) select and schedule radar, time-distance, or lidar speed measurement instrument instructors who are certified by the Commission as instructors for the specific speed measurement instruments in which the trainees are to receive instruction;
 - (A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
 - (B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and
 - (C) require each instructor to sign each individual form and submit the original to the School Director;
- (2) not fewer than 30 days before the scheduled starting date submit to the Director of the Standards Division a Request for Training Course Presentation which shall contain a period of course delivery including the proposed starting date, course location and the number of trainees to be trained on each type of approved speed measurement instrument. The Director of the Standards Division shall review the request and notify the School Director if the request is approved or denied; and
- (3) upon completing delivery of the Commission-certified course, and not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation. This report shall include the

original motor-skill examination form(s) completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. November 1, 1981; Readopted w/change Eff. July 1, 1982; Amended Eff. June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006; May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1, 1985.

12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION

(a) The Commission may issue a Specialized Instructor Certification to an applicant who has developed specific motor skills and abilities by virtue of special training and demonstrated experience in one or more of the following topical areas:

- (1) Subject Control Arrest Techniques;
- (2) First Responder;
- (3) Firearms;
- (4) Law Enforcement Driver Training;
- (5) Physical Fitness;
- (6) Restraint, Control and Defense Techniques (Department of Public Safety, Division of Juvenile Justice);
- (7) Medical Emergencies (Department of Public Safety, Division of Juvenile Justice); or
- (8) Explosive and Hazardous Materials Emergencies

(b) To qualify for and maintain any Specialized Instructor Certification, an applicant must possess a valid CPR Certification that includes cognitive and skills testing, through an organization whose curriculum meets the national standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular Care.

(c) To qualify for Specialized Instructor Certification in the Subject Control Arrest Techniques topical area, an applicant must meet the following requirements:

- (1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
- (2) Successfully complete the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination;
- (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(d) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant must satisfy one of the following two options:

- (1) The first option is:

- (A) hold CPR instructor certification through an organization whose curriculum meets the national standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular Care;
- (B) hold, or have held, basic Emergency Medical Technician certification;
- (C) have successfully completed the Department of Transportation's 40 hour EMT Instructor Course or equivalent within the last three years or hold a North Carolina teaching certificate; and
- (D) obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(2) The second option is:

- (A) hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
- (B) hold CPR instructor certification through an organization whose curriculum meets the national standard;
- (C) hold, or have held, basic EMT certification; and
- (D) obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(e) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant must meet the following requirements:

- (1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
- (2) Successfully complete the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination; and
- (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(f) To qualify for Specialized Instructor Certification in the Law Enforcement Driver Training topical area, an applicant must meet the following requirements:

- (1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
- (2) Successfully complete the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination; and

- (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.
- (g) To qualify for Specialized Instructor Certification in the Physical Fitness topical area, an applicant shall become certified through one of the following two methods:
 - (1) The first method is:
 - (A) hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
 - (B) successfully complete the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination; and
 - (C) obtain the recommendation of a Commission-certified School Director.
 - (2) The second method is:
 - (A) successfully complete the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination;
 - (B) obtain the recommendation of a Commission-certified School director or in-service training coordinator; and
 - (C) meet one of the following qualifications:
 - (i) hold a valid North Carolina Teacher's Certificate and hold a baccalaureate degree in physical education and be presently teaching in physical education topics; or
 - (ii) be presently instructing physical education topics in a community college, college or university and hold a baccalaureate degree in physical education.
- (h) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant must meet the following requirements:
 - (1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
 - (2) Successfully complete the pertinent Commission-approved specialized instructor training course; and
 - (3) Obtain the recommendation of a Commission-certified school director.
- (i) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Juvenile Justice

Medical Emergencies topical area, an applicant must meet the following requirements:

- (1) Have successfully completed a Commission-certified basic instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise, within the 12 month period preceding application;
- (2) Hold instructor certification in CPR and First Aid by fulfillment of the American Red Cross Instructor requirements; and
- (3) Obtain the recommendation of a Commission-certified school director.
- (j) To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies topical area, an applicant must satisfy one of the following two options:
 - (1) The first option is:
 - (A) hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
 - (B) successfully complete the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination; and
 - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.
 - (2) The second option is:
 - (A) have successfully completed the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise;
 - (B) successfully complete the pertinent Commission-approved specialized instructor training course; and
 - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.

History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987; Temporary Amendment Eff. January 1, 2001; Amended Eff. June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006; December 1, 2004; August 1, 2002.

12 NCAC 09B .0414 COMPREHENSIVE WRITTEN EXAM - SPECIALIZED INSTRUCTOR TRAINING
 (a) At the conclusion of a school's offering of the "Specialized Firearms Instructor Training," "Specialized Driver Instructor

Training," "Specialized Subject Control Arrest Techniques Instructor Training," "Specialized Physical Fitness Instructor Training," "Specialized Explosives and Hazardous Materials Instructor Training," the "Radar Instructor Training," the "Criminal Justice Time-Distance/Speed Measurement Instrument (TD/SMI) Instructor Training," the "LIDAR Instructor Training," the "Re-Certification Training for Radar Instructors," the "Re-Certification Training for TD/SMI Instructors," and the "Re-Certification Training for LIDAR Instructors" courses, the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily completed all of the required course work. A trainee cannot be administered the comprehensive written examination until such time as all of the required course work is completed.

(b) The examination shall be an objective test consisting of multiple-choice, true-false, or similar questions covering the topic areas contained in the certified course curriculum.

(c) The Commission's representative shall submit to the school director within five days of the administration of the examination a report of the results of the test for each trainee examined.

(d) A trainee shall successfully complete the comprehensive written examination if he or she achieves 75 percent correct answers.

(e) A trainee who fails to achieve a minimum score of 75 percent on the Commission's comprehensive written examination shall enroll and successfully complete a subsequent offering of the specialized instructor training course in its entirety before further examination may be permitted.

History Note: Authority G.S. 17C-6; 17C-10; Eff. February 1, 1987; Amended Eff. June 1, 2013; May 1, 2004; August 1, 2000; April 1, 1999; July 1, 1989.

12 NCAC 09B .0415 SATISFACTION OF MINIMUM TRAINING - SPECIALIZED INSTRUCTOR

(a) To acquire successful completion of the "Specialized Firearms Instructor Training," "Specialized Driver Instructor Training," "Specialized Subject Control Arrest Techniques Instructor Training," "Specialized Physical Fitness Instructor," and the "Specialized Explosives and Hazardous Materials Instructor Training" courses, the trainee shall:

- (1) satisfactorily complete all required coursework as specified in the course abstract of the "Specialized Firearms Instructor Training Manual," the "Specialized Driver Instructor Training Manual," the "Specialized Subject Control Arrest Techniques Instructor Training Manual," the "Specialized Physical Fitness Instructor Training Manual," and the "Specialized Explosives and Hazardous Materials Instructor Training Manual" as published by the North Carolina Justice Academy; and
- (2) demonstrate proficiency in all required motor-skill and performance subjects as specified in each specialized instructor training manual.

(b) Should a trainee fail to meet the minimum criteria on a motor skill or performance area, he or she shall be authorized one opportunity for a re-test at the discretion of the school director. Such re-test must be completed during the original course and prior to the trainee's being administered the comprehensive written examination. Failure to meet the required criteria on a re-test requires enrollment in a subsequent course.

History Note: Authority G.S. 17C-6; 17C-10; Eff. February 1, 1987; Amended Eff. June 1, 2013; August 1, 2000; July 1, 1989.

12 NCAC 09B .0417 SPECIALIZED EXPLOSIVES AND HAZARDOUS MATERIALS INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Explosives and Hazardous Materials Instructor certification shall consist of a minimum of 68 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each Specialized Explosives and Hazardous Materials Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice explosives and hazardous materials instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for specialized explosives and hazardous materials instructor training shall:

- (1) have completed either:
 - (A) the criminal justice general instructor training course; or
 - (B) the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with application in education, military training, and private enterprise;
- (2) present a written endorsement by either:
 - (A) a certified school director indicating the student will be utilized to instruct explosives and hazardous materials in Basic Law Enforcement Training Courses; or
 - (B) a department head, certified school director, or in-service training coordinator, indicating the student will be utilized to instruct explosives and hazardous materials training in the Law Enforcement Officer's Annual In-Service Training Program; and
- (3) present a completed OSHA Respirator Medical Evaluation Questionnaire, accompanied by a statement from a licensed medical professional stating the applicant is physically fit to participate in the course.
- (d) Each Specialized Explosives and Hazardous Materials Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

APPROVED RULES

- (1) Orientation 2 Hours
- (2) Introduction to Hazardous Materials 1 Hour
- (3) Hazardous Materials Identification 2.5 Hours
- (4) Awareness Level Actions at Hazardous Materials Incidents 1.5 Hours
- (5) Chemical Properties and Hazardous Materials Behavior 3 Hours
- (6) Incident Management 3 Hours
- (7) Strategic Goals and Tactical Objectives 3.5 Hours
- (8) Terrorist and Other Criminal Activity 5 Hours
- (9) Personal Protective Equipment 5 Hours
- (10) Decontamination 5 Hours
- (11) Product Control 4 Hours
- (12) Air Monitoring and Sampling 1.5 Hours
- (13) Victim Rescue and Recovery 4 Hours
- (14) Evidence Preservation and Sampling 3 Hours
- (15) Illicit Laboratories 2 Hours
- (16) Introduction to Explosive Devices 1 Hour
- (17) Improvised Explosive Device Anatomy 2 Hours
- (18) Packaged Improvised Explosive Devices 1 Hour
- (19) Suicide/Homicide Improvised Explosive Devices 1 Hour
- (20) Vehicle Borne Improvised Explosive Devices 1 Hour
- (21) Radio Controlled Improvised Explosive Devices with Live Demonstration 5 Hours
- (22) Improvised Explosive Device Threat Response 1 Hour
- (23) Explosives and Hazardous Materials Emergencies and BLET Lesson Plan Review 10 Hours

(e) The texts and publications utilized in the Explosives and Hazardous Materials Specialized Instructor Training course shall be those approved by the Education and Training Committee of the Criminal Justice Education and Training Standards Commission. The basic curriculum for delivery of the Specialized Explosives and Hazardous Materials Instructor Training course shall be the current "Explosives and Hazardous Materials Emergencies Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy, including all subsequent amendments and editions. Copies of these publications may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(f) The North Carolina Justice Academy is certified to offer the Specialized Explosives and Hazardous Materials Instructor Training course.

History Note: Authority G.S. 17C-6; 17C-10; Eff. June 1, 2013.

TITLE 19A – DEPARTMENT OF TRANSPORTATION

19A NCAC 02D .0531 FREE OPERATIONS

The Currituck Sound to Knotts Island and Ocracoke to Hatteras operations are toll free.

History Note: Authority G.S. 136-82; 143B-10(j); Eff. July 1, 1978; Amended Eff. Pending Legislative Review.

19A NCAC 02D .0532 TOLL OPERATIONS

(a) The Cedar Island-Ocracoke, Swan Quarter-Ocracoke, Southport-Fort Fisher, Pamlico River, and Cherry Branch-Minnesott Beach ferry operations are toll operations. There is no charge for children 12 and under. People age 65 and older receive a 10 percent discount.

(b) Only emergency vehicles in emergency status are toll exempt.

(c) One-way fares and rates applicable to each operation are as follows:

- (1) Cedar Island-Ocracoke and Swan Quarter-Ocracoke
 - (A) pedestrian \$ 5.00
 - (B) bicycle and rider \$ 10.00
 - (C) motorcycle and rider \$ 15.00
 - (D) single vehicle or combination 20 feet or less in length \$ 27.00 (minimum fare for licensed vehicle)
 - (E) vehicle or combination over 20 feet up to and including 40 feet \$ 50.00
 - (F) vehicle or combination over 40 feet to 65 feet \$ 65.00 (maximum length)
 - (G) each passenger in any size vehicle \$ 5.00
- (2) Southport-Fort Fisher
 - (A) pedestrian \$ 2.00
 - (B) bicycle and rider \$ 3.00
 - (C) motorcycle and rider \$ 5.00
 - (D) single vehicle or combination 20 feet or less in length \$ 10.00 (minimum fare for licensed vehicle)
 - (E) vehicle or combination over 20 feet up to and including 40 feet \$ 20.00
 - (F) vehicle or combination over 40 feet to 65 feet \$ 30.00
 - (G) each passenger in any size vehicle \$ 2.00
- (3) Pamlico River

APPROVED RULES

- | | |
|--|-------------------------------------|
| (A) pedestrian \$ 2.00
(B) bicycle and rider \$ 3.00
(C) motorcycle and rider \$ 5.00
(D) single vehicle or combination 20 feet or less in length \$ 10.00
(E) vehicle or combination over 20 feet up to and including 40 feet \$ 20.00
(F) vehicle or combination over 40 feet to 65 feet \$ 30.00
(G) each passenger in any size vehicle \$ 2.00 | (D) Vehicles over 40 feet \$ 250.00 |
|--|-------------------------------------|
- (4) Cherry Branch-Minnesott Beach
- | | |
|--|--|
| (A) pedestrian \$ 1.00
(B) bicycle and rider \$ 2.00
(C) motorcycle and rider \$ 3.00
(D) single vehicle or combination 20 feet or less in length \$ 4.00
(E) vehicle or combination over 20 feet up to and including 40 feet \$ 8.00
(F) vehicle or combination over 40 feet to 65 feet \$ 12.00
(G) each passenger in any size vehicle \$ 1.00 | |
|--|--|

History Note: Authority G.S. 136-82; 143B-10(j); Eff. July 1, 1978; Amended Eff. . March 1, 2004; April 1, 2003; August 1, 2002; November 1, 1991; May 1, 1983; Amended Eff. Pending Legislative Review.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS

21 NCAC 14H .0301 WATER

- (a) Cosmetic art shops shall have a sink with hot and cold running water in the clinic area, separate from restrooms.
- (b) When a service is provided in a room closed off by a door, the sink required in this Rule must be within 20 feet of the door or 25 feet from the service table or chair. The restroom sink shall not be used to meet this requirement.

History Note: Authority G.S. 88B-2; 88B-4; 88B-14; Eff. April 1, 2012; Amended Eff. June 1, 2013.

21 NCAC 14P .0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES

- (a) The presumptive civil penalty for allowing unlicensed practitioners to practice in a licensed cosmetic art shop is:

- | | |
|-----------------|-----------|
| (1) 1st offense | \$500.00 |
| (2) 2nd offense | \$750.00 |
| (3) 3rd offense | \$1000.00 |

- (b) The presumptive civil penalty for practicing cosmetology, natural hair care, manicuring or esthetics with a license issued to another person is:

- | | |
|-----------------|------------|
| (1) 1st offense | \$500.00 |
| (2) 2nd offense | \$800.00 |
| (3) 3rd offense | \$1,000.00 |

- (c) The presumptive civil penalty for altering a license, permit or authorization issued by the Board is:

- | | |
|-----------------|-----------|
| (1) 1st offense | \$500.00 |
| (2) 2nd offense | \$800.00 |
| (3) 3rd offense | \$1000.00 |

- (d) The presumptive civil penalty for submitting false or fraudulent documents is:

- | | |
|-----------------|------------|
| (1) 1st offense | \$500.00 |
| (2) 2nd offense | \$800.00 |
| (3) 3rd offense | \$1,000.00 |

- (e) The presumptive civil penalty for refusing to present photographic identification is:

- | | |
|-----------------|----------|
| (1) 1st offense | \$100.00 |
| (2) 2nd offense | \$250.00 |
| (3) 3rd offense | \$500.00 |

- (f) The presumptive civil penalty for permitting an individual to practice cosmetic art with an expired license is:

- | | |
|-----------------|----------|
| (1) 1st offense | \$ 50.00 |
|-----------------|----------|

(d) Commuter Passes are valid for one year. Passes are available to anyone. Passes are valid for the pass owner only as follows:

- (1) System-Wide Passes
- | | |
|---|-----------|
| (A) Pedestrian / Passenger | \$ 100.00 |
| (B) Bicycles, Motorcycles, and vehicles less than 20 feet | \$ 500.00 |
| (C) Vehicles 20 feet and over up to 40 feet | \$ 600.00 |
| (D) Vehicles over 40 feet | \$ 700.00 |
- (2) Site Specific Pass for the Cedar Island-Ocracoke Ferry or the Swan Quarter-Ocracoke Ferry
- | | |
|---|-----------|
| (A) Pedestrian / Passenger | \$ 75.00 |
| (B) Bicycles, Motorcycles, and vehicles less than 20 feet | \$ 300.00 |
| (C) Vehicles 20 feet and over up to 40 feet | \$ 400.00 |
| (D) Vehicles over 40 feet | \$ 500.00 |
- (3) Site Specific Pass for the Southport-Fort Fisher Ferry or the Pamlico River Ferry
- | | |
|---|-----------|
| (A) Pedestrian / Passenger | \$ 50.00 |
| (B) Bicycles, Motorcycles, and vehicles less than 20 feet | \$ 200.00 |
| (C) Vehicles 20 feet and over up to 40 feet | \$ 250.00 |
| (D) Vehicles over 40 feet | \$ 300.00 |
- (4) Site Specific Pass for the Cherry Branch Minnesott Beach Ferry
- | | |
|---|-----------|
| (A) Pedestrian / Passenger | \$ 25.00 |
| (B) Bicycles, Motorcycles, and vehicles less than 20 feet | \$ 150.00 |
| (C) Vehicles 20 feet and over up to 40 feet | \$ 200.00 |

- (2) 2nd offense \$100.00
- (3) 3rd offense \$250.00
- (g) The presumptive civil penalty for practicing or attempting to practice by fraudulent misrepresentation is:
 - (1) 1st offense \$500.00
 - (2) 2nd offense \$800.00
 - (3) 3rd offense \$1000.00
- (h) The presumptive civil penalty for the illegal use or possession of equipment in a cosmetic art shop or school is:
 - (1) 1st offense \$300.00
 - (2) 2nd offense \$500.00
 - (3) 3rd offense \$1000.00

History Note: Authority G.S. 88B-4; 88B-24; 88B-29; Temporary Adoption Eff. January 1, 1999; Eff. August 1, 2000; Amended Eff. June 1, 2013; September 1, 2012; September 1, 2011; July 1, 2010; December 1, 2008; January 1, 2006; April 1, 2004; August 1, 2002; April 1, 2001.

21 NCAC 14T .0502 PERMANENT RECORDS, FORMS AND DOCUMENTATION

- (a) Cosmetic art schools must maintain a secure and locked permanent file of matriculations for all enrolled students and students who have withdrawn or graduated within the last six months together in one room within the approved square footage of the cosmetic art school. Withdrawal and graduation forms reviewed by the Board or an agent of the Board may be removed from this room. The permanent file shall include a copy of:
 - (1) Board Enrollment Form;
 - (2) Documentation of student receipt of school policies, school and student contract and the Board felony policy;
 - (3) All applicable Board Withdrawal Forms;
 - (4) Social security card for any individual who has a social security number or tax ID card or student visa information;
 - (5) Government issued ID and proof of date of birth;
 - (6) Grades for all examinations and documentation for pass/fail performances;
 - (7) Documentation for any leave of absence over 30 days;
 - (8) Transfer of hours form documenting hours earned in other schools and hours accepted by current school; and
 - (9) Graduation Form.
- (b) The school shall keep records of hours earned daily including field trip hours and documentation of field trip hours (updated and subtotaled weekly with a running grand total):
 - (1) A daily record shall be kept of the performances for each student, showing the actual date of the performance and the teacher who approved;
 - (2) A daily record shall be kept of the actual number of hours of attendance; and
 - (3) Performance Record (updated and subtotaled weekly).

- (c) When a student enrolled in a cosmetic art school withdraws from such school, the cosmetic art school shall report to the Board its administrative decision to withdraw the student.
- (d) If a student withdraws from a cosmetic art program within the first five days, the school need not submit the enrollment to the Board.
- (e) The graduation form documentation must be signed by on site school staff or on site school administrators and must have the seal of the school affixed. The original graduation form documentation must be prepared on the Board form. The cosmetic art school shall mail the graduation form to the Board at the Board's address within 30 days of the student's graduation date with the school seal affixed.
- (f) All forms submitted to the Board must be sealed originals and a copy shall be maintained in the school file. All forms submitted to the Board must be completed, except for student signatures as necessary, by on site school staff or on site school administrators. Board forms shall be used for the sole purpose of documenting to the Board student records and shall not be used to notify students of enrollment, transfer of hours, withdrawal or graduation.
- (g) Changes or corrections made by the school to any Board form must be submitted to the Board with supporting documentation.
- (h) All cosmetic art schools must maintain on file at the school an original daily record of enrolled students' hour and performances. This record must be kept in a secured location under lock and key but made available for review by the Board or its agent at any time.
- (i) All records kept by a cosmetic art school on a student who has withdrawn or graduated must be kept in the school's locked files for future reference until the date the student is accepted for the Board examination or five years after the date the student first enrolled in the school, whichever occurs earlier. Forms reviewed by the Board or an agent of the Board may be removed from this room.
- (j) The record of all hours and performances must be documented in writing. Credit issued to students that cannot be verified may be eliminated from the student record by an agent of the Board.
- (k) Access to student records must be limited to agents of the Board, teachers and administrators of the school. Records cannot be altered offsite. Records altered onsite must have documentation supporting the change attached.
- (l) All individuals in a cosmetic art school receiving cosmetic art education, earning hours, performing or practicing cosmetic art services must be enrolled in the school.
- (m) Only teachers reported to the Board as employees of a cosmetic art school may grade practical student examinations and evaluate pass/fail of student performances. Only on site teachers, on site school administrators or on site school staff shall record student hours and performances, grade examinations and determine completion and record credit of live model and mannequin performances.
- (n) Minimum scores required for examinations and the successful completion of live model/mannequin performances as determined through the school's evaluation plan that is approved by the Board at the time of application shall be disclosed to students at the time of enrollment. Passing grades and

performances cannot be credited to students who fail to meet the requirements of the evaluation plan.

(o) Cosmetic art schools must provide to each student a copy of school policies, the Board felony policies and shall retain for the permanent file a copy of the student's acknowledgement of receipt of these policies.

(p) The names of students with unsatisfied academic obligations shall not be submitted to the Board as graduates but may be submitted as withdrawn.

(q) Cosmetic art schools shall not report to the Board the unsatisfied financial obligations of any cosmetic art student. Cosmetic art schools shall not prevent the graduation of students who have met the Board minimum requirements and passed all school academic requirements.

(r) Records of hours must be rounded to no more than the nearest quarter hour. Cosmetic art schools shall not give or deduct hours or performances as a rewards or penalties.

(s) An applicant may receive credit for instruction taken in another state if the conditions set forth in this Rule are met. In order to determine if the conditions have been met the applicant's record shall be certified by the state agency or department that issues licenses to practice in the cosmetic arts. If

this agency or department does not maintain any student records or if the state does not give license to practice in the cosmetic arts, then the records may be certified by any state department or state agency that does maintain such records and is willing to certify their accuracy. If no state department or board will certify the accuracy of the student's records, then the Board shall review the student's records on a case-by-case basis.

(t) Hours transferred between open North Carolina schools must be obtained by the submission of the Board transfer form mailed directly from the school in which the hours are earned with the school seal affixed, with grades for examinations and performances to the new school in which a student enrolls. Such original documentation shall be submitted to the Board with enrollment.

(u) A student must pass an entrance examination given by the school to which the student is transferring for the hours to be transferred from one cosmetic art school to another.

*History Note: Authority G.S. 88B-4; 88B-16;
Eff. January 1, 2012;
Amended Eff. June 1, 2013.*

21 NCAC 14T .0602 COSMETOLOGY CURRICULUM

(a) To meet the approval of the Board, a cosmetologist training course must consist of 1500 hours of instruction in theory and practical application, divided as follows:

Theory	Hours	Services	
Beginners: Professional image, sanitation, bacteriology, disinfection, first aid, anatomy, electricity, chemistry, professional ethics, draping, shampooing, roller sets, pin curls, ridge curls with C shaping, fingerwaves, braids, artificial hair, up-styles, blowdrying brush control, blowdrying with curling iron, pressing/thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails.	300		
Advanced: Styles and techniques of cosmetology services including arranging, dressing, curling, waving; cutting techniques and implements including razors, clippers, thinning shears, and shears, cleansing, cutting, singeing, bleaching or coloring hair; esthetics and manicuring; and business management and salon business.	1200		
Performance Requirements		Mannequin	Live Model
Scalp and hair treatments			10
Fullhead fingerwave and style		5 or	5
Fullhead pincurl and style		5 or	5
Hair styling - sets, blowdrying, thermal press/flat iron, and artificial hair		70	100
Haircuts		10	75
Chemical reformation or permanent waving and relaxers		25	10
Temporary color			2
Color application - semi, demi, permanent color and hair lightening		10	30
Multidimensional color - low/high lighting, cap,		10	15

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bleach			
Lash and brow color			2
Nail care - manicures and pedicures			15
Artificial nails sets		5 or	5
Facials with surface manipulations			10
Makeup application			2
Hair removal			5

- (b) A minimum of 300 hours of theory is required prior to conducting live model performances on the public.
- (c) Certification of live model or mannequin performance completions is required along with the graduation form and application for the Board examination.
- (d) A live model may be substituted for a mannequin for any mannequin service.
- (e) All mannequin services may be performed using a simulated product.
- (f) Simulated product is not allowed for credit for live model performance.

- (g) Mannequin services shall not be substituted for live model services.
- (h) Sharing of performance completions is not allowed.
- (i) Credit for a performance shall be given to only one student.
- (j) A nail set is one hand including all four fingers and thumb.

*History Note: Authority G.S. 88B-4; 88B-16;
Eff. January 1, 2012;
Amended Eff. June 1, 2013; October 1, 2012.*

21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM

(a) To meet the approval of the Board, an apprentice cosmetologist training course must consist of 1200 hours of instruction in theory and practical application, divided as follows:

Theory	Hours	Services	
Beginners: Professional image, sanitation, bacteriology, disinfection, first aid, anatomy, electricity, chemistry, professional ethics, draping, shampooing, roller sets, pin curls, ridge curls with C shaping, fingerwaves, braids, artificial hair, up-styles, blowdrying brush control, blowdrying with curling iron, pressing/thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails.	300		
Advanced: Styles and techniques of cosmetology services including arranging, dressing, curling, waving; cutting techniques and implements including razors, clippers, thinning shears, and shears, cleansing, cutting, singeing, bleaching or coloring hair; esthetics and manicuring; and business management and salon business.	900		
Performance Requirements		Mannequin	Live Model
Scalp and hair treatments			8
Fullhead fingerwave and style		3 or	3
Fullhead pincurl and style		3 or	3
Hair styling - sets, blowdrying, thermal press/flat iron, and artificial hair		56	80

APPROVED RULES

Haircuts		8	60
Chemical reformation or permanent waving and relaxers		19	8
Temporary color			1
Color application - semi, demi, permanent color and hair lightening		8	11
Multidimensional color - low/high lighting, cap, bleach		3	8
Lash and brow color			1
Nail care - manicures and pedicures			12
Artificial nails sets		4 or	4
Facials with surface manipulations			7
Makeup application			1
Hair removal			3

- (b) A minimum of 300 hours of theory is required prior to conducting live model performances on the public.
- (c) Certification of live model or mannequin performance completions is required along with the graduation form and application for the Board examination.
- (d) A live model may be substituted for a mannequin for any mannequin service.
- (e) All mannequin services may be performed using a simulated product.
- (f) Simulated product is not allowed for credit for live model performance.

- (g) Mannequin services shall not be substituted for live model services.
- (h) Sharing of performance completions is not allowed.
- (i) Credit for a performance shall be given to only one student.
- (j) A nail set is one hand including all four fingers and thumb.

History Note: Authority G.S. 88B-4; 88B-16; Eff. January 1, 2012; Amended Eff. June 1, 2013; September 1, 2012.

21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM

(a) To meet the approval of the Board, a natural hair care styling training course must consist of 300 hours of instruction in theory and practical application, divided as follows:

Theory	Hours	Services	
Beginners: Sanitation, bacteriology, disinfection, first aid, shampooing, draping, anatomy, disorders of the hair and scalp, client consultation.	60		
Advanced: Styles and techniques of natural hair styling including twisting, wrapping, extending, locking, blowdry and thermal iron; and business management and professional ethics.	240		
Performance Requirements		Mannequin	Live Model
Braids		5	5
Twists		5	5
Knots		3	2
Corn rows		3	2
Hairlocking		5	5
Artificial hair and decorations		5	5
Blow dry and thermal iron		5	5
Braid Removal		5	5

- (b) A minimum of 60 hours of theory is required prior to conducting live model performances on the public.
- (c) Certification of live model or mannequin performance completions is required along with the graduation form and application for the Board examination.
- (d) A live model may be substituted for a mannequin for any mannequin service.
- (e) All mannequin services may be performed using a simulated product.

- (f) Simulated product is not allowed for credit for live model performance.
- (g) Mannequin services shall not be substituted for live model services.
- (h) Sharing of performance completions is not allowed unless the live model service consists of 20 or more lengths of hair.
- (i) Credit for a performance shall be given to only one student.
- (j) A performance shall consist of 10 or more lengths of hair.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;

*Eff. January 1, 2012;
Amended Eff. June 1, 2013.*

21 NCAC 14T .0612 INSTRUCTION GUIDELINES

- (a) The hours earned in the advanced department must be devoted to study and performance completions.
- (b) Work in the advanced department may be done on the public. Cosmetology and apprentice students with fewer than 300 hours, esthetician students with fewer than 75 hours, and manicurist and natural hair care students with fewer than 60 hours shall not work in this department and are not allowed to work on the public except shampoo and scalp manipulations.
- (c) All work done by students on the public must be checked by the cosmetic art teacher as the work is being performed and after the service has been completed so that the teacher may point out errors to the student in order that the errors may be corrected.
- (d) Cosmetic art students shall receive training on theory of any cosmetic art service prior to performing that service.
- (e) Theory work shall include lectures on theory subjects as well as demonstrations, questions and answers on textbooks, written examinations, and in-class practice of procedures and methods.
- (f) Cosmetic art teacher trainees must be enrolled in school to earn hours.
- (g) Cosmetic art schools must supply each student with a copy of the North Carolina Cosmetic Art Act, Board rules, and the student handbook.
- (h) All of the work outlined in the beginners' department and the advanced department shall be given to the students through practical demonstrations and lectures, questions and answers on textbooks, and written exam.
- (i) A minimum of 10 percent of scheduled attendance time each week will be spent on theory instruction, questions and answers on textbooks, and the administration of a written exam to full time students.
- (j) All papers shall be graded and returned to the students.
- (k) Cosmetic art students shall receive training and practice only in the discipline in which they are enrolled.
- (l) All live model performances on the public must be done in the advanced department. Mannequin performances and live model performances on other students may be performed in the advanced department or in an advanced department classroom or room within the school with the required space and equipment for practice.
- (m) Textbooks shall not be used more than five years after original publication date.
- (n) Schools must provide textbooks and supplementary educational materials and equipment to students.

*History Note: Authority G.S. 88B-4; 88B-16;
Eff. January 1, 2012;
Amended Eff. June 1, 2013; October 1, 2012.*

21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE

- (a) No individual shall be given credit for any hours earned in a cosmetic art school before the date the school is granted a license, before the student is enrolled or after graduation or withdrawal without a new enrollment.

- (b) All Cosmetic Art schools must submit hours of operation per cosmetic art discipline to the Board. Any changes to the hours of operation must be submitted to the Board. A school will be considered open by the Board when cosmetic art instruction, services or performances are provided.
- (c) Students may be required to clean and disinfect work areas, reception areas, implements and the dispensary. Students shall not be required to perform regular maintenance.
- (d) All cosmetic art schools must adhere to all Board sanitation regulations located in 21 NCAC 14H Sanitation.
- (e) Cosmetic art schools may permit students to leave the cosmetic art school during instructional time to visit on campus libraries and other educational resource rooms such as computer labs for research and study under the supervision of a cosmetic art instructor.
- (f) Cosmetic art schools shall use the following grading scale as a minimum for passing grades:

Grade A	100-90
Grade B	80-89
Grade C	70-79
Grade F (Fail)	0-69

- (g) Cosmetic art schools shall not graduate any student who has not met the minimum school and Board requirements for graduation.
- (h) Examinations shall be administered in all subjects of the cosmetic art curriculum.
- (i) Students present at school must be supervised by a cosmetic art teacher at all times. If a guest lecturer is leading a class, at least one cosmetic art teacher must be present in the lecture.
- (j) All cosmetic art schools shall provide:
 - (1) One teacher for every 25 students enrolled in the beginner department;
 - (2) One teacher for every 20 students during practical work on live models in the advanced department; and
 - (3) Cosmetic art teachers at a ratio of 1:25 teacher to teacher trainees; or
 - (A) one teacher and up to 25 beginner cosmetic art students and 5 teacher trainees; or
 - (B) one teacher and up to 20 cosmetic art students in practice on the clinic floor and 5 teacher trainees.
- (k) In theory classes the teacher-student ratio may exceed the ratios established in this Rule.
- (l) The teacher student ratios established in this Rule shall be adhered to when schools are in operation.
- (m) A teacher shall not administer instruction to students enrolled in beginner and advanced departments at the same time.
- (n) At no time can any one teacher be simultaneously responsible for students in a theory class and students in practice on the clinic floor.
- (o) In cases of change in teaching staff, the school shall notify the Board of the change in writing prior to beginning instruction. A change in teaching staff includes any substitution for the

regularly scheduled teacher and any change, scheduled or otherwise, in the list of teachers last given to the Board.

- (1) All courses in a cosmetic art school must be taught by a licensed cosmetology teacher, except that manicuring courses may be taught by either a licensed cosmetology teacher or a licensed manicurist teacher, natural hair care courses may be taught by either a licensed cosmetology teacher or a licensed natural hair care teacher, and esthetics courses may be taught by either a licensed cosmetology teacher or a licensed esthetician teacher.
- (2) A licensed cosmetologist not licensed as a cosmetology teacher may substitute for a cosmetology, esthetician, natural hair care or manicurist teacher; a licensed manicurist not licensed as a manicurist teacher may substitute for a manicurist teacher; a licensed natural hair care specialist not licensed as a natural hair care teacher may substitute for a natural hair care teacher; and a licensed esthetician not licensed as an esthetician teacher may substitute for an esthetician teacher.

(p) In no event may any cosmetic art licensee substitution last for more than 15 consecutive working days per year per teacher. If any teacher substitution is 16 consecutive days or longer, the school must provide a new cosmetic art teacher.

(q) Enrolled students may earn a maximum of 10 hours per day per discipline of cosmetic art and a maximum of 48 hours per week per discipline. A student enrolled in more than one cosmetic art discipline may not earn hours or complete performances concurrently.

(r) A cosmetic art student must complete at least 1/3 of the minimum required hours in the cosmetic art school certifying his or her application for the state board examination.

(s) Upon written petition by the student and the school, the Board shall make an exception to the requirements set forth in Paragraph (r) of this Rule if the student shows that circumstances beyond the student's control prohibited him or her from completing a minimum of 1/3 hours at the school certifying his or her application.

(t) The Board shall certify student hours for any North Carolina cosmetic art school that is closed. The Board shall not certify student hours between any North Carolina open cosmetic art schools. The Board shall certify student hours earned at North Carolina cosmetic art schools to other state boards and schools open outside of the state of North Carolina as set forth in Rule .0502 of this Subchapter.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; Eff. February 1, 2012; Amended Eff. June 1, 2013; October 1, 2012.

CHAPTER 48 - BOARD OF PHYSICAL THERAPY EXAMINERS

21 NCAC 48A .0107 IDENTIFICATION REQUIREMENTS

(a) Persons licensed under G.S. 90-270.24 et seq. shall be required to wear an identification badge or other form of identification displaying the name of the person and level of licensure as required by G.S. 90-640.

(b) A licensee shall be exempted from this requirement if such person advises the Board that the person's or patient's safety or some therapeutic concern requires that only a first name and level of licensure be displayed.

History Note: Authority G.S. 90-640; Eff. July 1, 2013.

21 NCAC 52 .0208 CONTINUING EDUCATION

(a) An additional requirement for issuance of the annual renewal certificate shall be certification to the board of proof of having complied with the continuing education provisions of the General Statutes. The Board shall notify all podiatrists that 25 hours are required annually.

(b) General CME policy - 25 hours per year as follows:

(1) Completion of 25 hours of Continuing Medical Education (CME) is required per year (July 1- June 30) for renewal of licensure. CME credits shall not be carried over from the previous licensure year.

(2) It shall be the responsibility of the individual podiatrist to ascertain in advance that the courses which he or she attends have received proper approval of the certifying organizations, and comply with the *Standards, Requirements, and Guidelines for Approval of Sponsors of Continuing Education in Podiatric Medicine* of the Council on Podiatric Medical Education (<http://www.cpme.org/education/content.cfm?ItemNumber=2440&navItemNumber0=2249>), including updates. The website may be accessed at no charge. The Board shall respond in writing within 45 days of receipt by the Board of all needed documentation with approval or denial to individuals requesting approval of CME courses and credit hours. Decisions by the Board are the final agency decision and may be appealed as set out in G.S. 150B-23.

(3) Certificates of completion of courses other than those sponsored by the NC Foot and Ankle Society (NCF&AS) must be submitted to the Board on a form provided by the Board with the podiatrist's annual license renewal documents. Completion certificates must be typed and contain the following information:

- (A) Podiatrist's name;
- (B) Course name, location, and date;
- (C) Number of hours CME completed;
- (D) Signature of seminar chairperson; and
- (E) Name of certifying or sponsoring agency.

- (4) A licensed podiatrist participating in the second or third year of a medical residency may submit a letter signed by the podiatric residency director stating the podiatrist's name and dates of residency. This shall substitute for the 25-credit hour requirement and CME certificate required by this Rule.
- (5) A podiatrist may submit his or her CME certificate(s) to the Board in facsimile, electronic, or hard copy format at any time during the renewal year.
- (6) The Board shall retain CME documentation with the individual podiatrist's license renewal information.

(c) Category 1: Minimum requirement 20 hours per year, as follows:

- (1) CME credit shall be granted for attendance at educational seminars offered by the NCF&AS. The number of qualifying hours of continuing education shall be determined and approved by the Board in advance based on the standards in 90-202.11. NCF&AS shall provide the Board directly with a listing of individuals attending its CME events and credits earned.
- (2) CME credit shall be granted for attendance at educational seminars offered by other national, state and podiatric education providers, as certified by the Council on Podiatric Medical Education (CPME) of the American Podiatric Medical Association (APMA). The number of qualifying hours of continuing education shall be determined and approved by the Board.
- (3) Lecturers shall be granted one hour of credit for each hour of CPME- or APMA- approved lectures given, but such credit shall be limited to one hour for each discrete topic. A brief summary of the content of each lecture must be submitted to the Board for approval.
- (4) Category 1 is limited to educational seminars either offered by NCF&AS or by sponsors pre-approved by CPME:
<http://www.cpme.org> (CPME 700: "Approved Sponsors of Continuing Education in Podiatry"). (APMA- or CPME- approved online or journal courses are considered Category 2.)
- (5) Since CPME evaluates only CME conducted in the United States, North Carolina-licensed podiatrists practicing outside the United States or participating in a foreign fellowship or other short-term residency abroad, may apply to the Board to have their continuing medical

education credits from their country of practice considered and evaluated by the Board on an individual basis.

(d) Category 2: A maximum of only 5 of the total 25 CME hours per year shall be allowed as follows:

- (1) CME credit shall be allowed for educational programs approved for Category 1 credit by the American Medical Association (AMA) and the American Osteopathic Association (AOA) or their affiliated organizations.
- (2) CME credit shall be allowed for courses approved by North Carolina Area Health Education Centers (AHEC).
- (3) Online or medical journal courses approved by CPME are permitted.
- (4) For courses not pre-approved by AHEC, AOA, or AMA, all requests for CME approval must contain a timeline and course description and be submitted to the Board for approval.

(e) Waiver for Certified Illness, Medical Condition, Natural Disaster, or Undue Hardship. The Board may waive the continuing education requirement for license renewal in the following cases that preclude a licensed podiatrist from completing his or her CME requirement within the 18-month timeframe from July 1 of the year of the last license or renewal issuance through December 31 of the following year:

- (1) An unexpected illness or medical condition certified by a letter from a licensed physician regarding the licensee or the licensee's parents, spouse, children and other persons dependent upon the podiatrist for daily living supports; or
- (2) An undue hardship (such as active military service or natural disaster).

In such cases, the Board shall issue a conditional license predicated on the licensee acquiring all of the required continuing education credits in a mutually-agreeable timeframe, but no later than 24 months after December 31 of the year following the latest year of license or renewal issuance. Such requests for CME waiver must be received by the Board before the end of the grace period deadline for license renewal. The Board may require additional information when necessary to confirm the need for exemption to support the licensee's claim. The Board shall notify the licensee of its decision in writing within 45 days of receipt by the Board of all needed documentation.

History Note: Authority G.S. 90-202.4(g); 90-202.11; Eff. February 1, 1976; Amended Eff. June 1, 2013; October 1, 2012; February 1, 2012; November 1, 2011; June 1, 2011; December 1, 1988.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission on July 18, 2013 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Addison Bell
Margaret Currin
Pete Osborne
Bob Rippy
Faylene Whitaker

Appointed by House

Ralph A. Walker
Anna Baird Choi
Jeanette Doran
Garth K. Dunklin
Stephanie Simpson

COMMISSION COUNSEL

Joe Deluca (919)431-3081
Amanda Reeder (919)431-3079

RULES REVIEW COMMISSION MEETING DATES

July 18, 2013 August 15, 2013
September 19, 2013 October 17, 2013

AGENDA

RULES REVIEW COMMISSION

Thursday, July 18, 2013 10:00 A.M.

1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-Up Matters:
 - A. Office of Information Technology Services – 09 NCAC 06A .0101, .0102, .0103 (DeLuca)
 - B. Office of Information Technology Services – 09 NCAC 06B .0101, .0102, .0103, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0313, .0314, .0315, .0316, .0401, .0402, .0403, .0404, .0405, .0501, .0502, .0503, .0504, .0505, .0601, .0602, .0603, .0701, .0702, .0703, .0801, .0901, .0902, .1001, .1002, .1003, .1004, .1005, .1006, .1008, .1101, .1102, .1103, .1104, .1105, .1106, .1107, .1108, .1109, .1110, .1111, .1112, .1114, .1115, .1117, .1118, .1120, .1121, .1201, .1202, .1203, .1204, .1205, .1206, .1207, .1301, .1302, .1303, .1304, .1305, .1402 (DeLuca)
 - C. Environmental Management Commission – 15A NCAC 02B .0295 (DeLuca)
 - D. Board of Barber Examiners – 21 NCAC 06A .0103, .0301, .0303 (DeLuca)
 - E. Board of Barber Examiners – 21 NCAC 06C .0907 (DeLuca)
 - F. Board of Barber Examiners – 21 NCAC 06F .0101, .0116 (DeLuca)
 - G. Board of Barber Examiners – 21 NCAC 06H .0101 (DeLuca)
 - H. Board of Barber Examiners – 21 NCAC 06I .0105 (DeLuca)
 - I. Board of Barber Examiners – 21 NCAC 06J .0101 (DeLuca)
 - J. Board of Barber Examiners – 21 NCAC 06K .0104 (DeLuca)

- K. Board of Barber Examiners – 21 NCAC 06L .0103, .0114, .0118, .0119 (DeLuca)
- L. Board of Barber Examiners – 21 NCAC 06M .0101, .0102 (DeLuca)
- M. Board of Barber Examiners – 21 NCAC 06N .0104, .0105, .0108, .0109, .0112 (DeLuca)
- N. Board of Barber Examiners – 21 NCAC 06Q .0101, .0103 (DeLuca)
- O. Board of Barber Examiners – 21 NCAC 06S .0101 (DeLuca)
- P. Hearing Aid Dealers and Fitters Board – 21 NCAC 22F .0120, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209 (Reeder)
- IV. Review of Log of Filings (Permanent Rules) for rules filed between May 21, 2013 and June 20, 2013
- V. G.S. 150B-19.1 Certification
 - Q. Commissioner of Insurance – 11 NCAC 11F .0501, .0502, .0503, .0504, .0505 (DeLuca)
 - R. Department of Labor – 13 NCAC 13 .0401 (DeLuca)
- VI. Commission Business
 - Next meeting: August 15, 2013

Commission Review
Log of Permanent Rule Filings
May 21, 2013 through June 20, 2013

PRIVATE PROTECTIVE SERVICES BOARD

The rules in Subchapter 7D cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard patrol and guard dog service (.0300); private investigator and counterintelligence (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery fund (.1000); training and supervision for private investigator associates (.1100); continuing education (.1300); unarmed armored car service guard registration requirements (.1400); and armed armored car service guard registration permit requirements (.1500).

<u>Definitions</u>	12 NCAC 07D .0104
Amend/*	
<u>Involvement in Administrative Hearing</u>	12 NCAC 07D .0115
Adopt/*	
<u>Renewal or Re-issue of Licenses and Trainee Permits</u>	12 NCAC 07D .0203
Amend/*	
<u>Experience Requirements/Security Guard and Patrol License</u>	12 NCAC 07D .0301
Amend/*	
<u>Experience Requirements for Guard Dog Service License</u>	12 NCAC 07D .0302
Amend/*	
<u>Experience Requirements for a Private Investigator License</u>	12 NCAC 07D .0401
Amend/*	
<u>Experience Requirements for a Polygraph License</u>	12 NCAC 07D .0501
Amend/*	
<u>Experience Requirements for a Psychological Stress Evalua...</u>	12 NCAC 07D .0601
Amend/*	
<u>Training Requirements for Armed Security Guards</u>	12 NCAC 07D .0807
Amend/*	
<u>Requirements for a Firearms Trainer Certificate</u>	12 NCAC 07D .0901
Amend/*	
<u>Unarmed Guard Trainer Certificate</u>	12 NCAC 07D .0909
Amend/*	

DENTAL EXAMINERS, BOARD OF

The rules in Chapter 16 cover the licensing of dentists and dental hygienists.

The rules in Subchapter 16A concern the organization of the board of dental examiners.

<u>Location</u>	21 NCAC 16A .0104
Repeal/*	

The rules in Subchapter 16B concern licensure examination for dentists including examination required (.0100); qualifications (.0200); application (.0300); Board conducted examinations (.0400); licensure by credentials (.0500); limited volunteer dental license (.0600); instructor's license (.0700); temporary volunteer dental license (.0800); and exemptions for active military (.0900).

<u>Examination Required; Exemptions</u>	21 NCAC 16B .0101
Amend/*	

<u>Reexamination</u>	21 NCAC 16B .0317
Amend/*	

<u>Dental Licensure by Endorsement Based on Military Service</u>	21 NCAC 16B .1001
Adopt/*	

<u>Dental Licensure by Endorsement Based on Status as Milita...</u>	21 NCAC 16B .1002
Adopt/*	

The rules in Subchapter 16C are dental hygienist licensure rules including general provisions (.0100); qualifications (.0200); application (.0300); Board conducted examinations (.0400); and licensure by credentials (.0500).

<u>Licensure</u>	21 NCAC 16C .0101
Amend/*	

<u>Application for Licensure</u>	21 NCAC 16C .0301
Amend/*	

The rules in Subchapter 16G concern dental hygienists.

<u>Dental Hygiene License by Endorsement Based on Military S...</u>	21 NCAC 16G .0107
Adopt/*	

<u>Dental Hygiene License by Endorsement Based on Status as ...</u>	21 NCAC 16G .0108
Adopt/*	

The rules in Subchapter 16M are fee setting rules.

<u>Dentists</u>	21 NCAC 16M .0101
Amend/*	

CONTESTED CASE DECISIONS

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 431-3000. Also, the Contested Case Decisions are available on the Internet at <http://www.ncoah.com/hearings>.

OFFICE OF ADMINISTRATIVE HEARINGS

*Chief Administrative Law Judge
JULIAN MANN, III*

*Senior Administrative Law Judge
FRED G. MORRISON JR.*

ADMINISTRATIVE LAW JUDGES

Beecher R. Gray	Randall May
Selina Brooks	A. B. Elkins II
Melissa Owens Lassiter	Joe Webster
Don Overby	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>DATE</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<u>ALCOHOLIC BEVERAGE CONTROL COMMISSION</u>			
James Ivery Smith, Ivy Lee Armstrong v. ABC Commission	11 ABC 08266	04/12/12	
Trawick Enterprises LLC v. ABC Commission	11 ABC 08901	05/11/12	27:01 NCR 39
Dawson Street Mini Mart Lovell Glover v. ABC Commission	11 ABC 12597	05/23/12	
ABC Commission v. Christian Broome Hunt T/A Ricky's Sports Bar and Grill	11 ABC 13161	05/03/12	
Alabarati Brothers, LLC T/A Day N Nite Food Mart, v. ABC Commission	11 ABC 13545	05/01/12	
Playground LLC, T/A Playground v. ABC Commission	11 ABC 14031	05/16/12	27:01 NCR 64
ABC Commission v. Quick Quality, Inc., T/A Rock Star Grill and Bar	11 ABC 14036	07/05/12	
ABC Commission v. D's Drive Thru Inc. T/A D's Drive Thru	12 ABC 00060	05/29/12	
ABC Commission v. Choudhary, LLC T/A Speedway	12 ABC 00721	05/01/12	
ABC Commission v. Dos Perros Restaurant LLC T/A Dos Perros Restaurant	12 ABC 05312	09/25/12	
ABC Commission v. Bobby Warren Joyner T/A Hillsdale Club	12 ABC 06153	11/06/12	
ABC Commission v. Quick Quality, Inc., T/A Rock Star Grill and Bar	12 ABC 07260	12/11/12	
ABC Commission v. Fat Cats Grill and Oyster Bar Inc, T/A Fat Cats Grill and Oyster Bar	12 ABC 08988	12/19/12	
ABC Commission v. Wachdi Khamis Awad T/A Brothers in the Hood	12 ABC 09188	03/06/13	
ABC Commission v. Double Zero, LLC, T/A Bad Dog	12 ABC 11398	04/08/13	
<u>DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY</u>			
Maggie Yvonne Graham v. Victims Compensation Commission	09 CPS 05287	04/09/13	
Brian J. Johnson v. Department of Public Safety Victim Services	12 CPS 01664	12/21/12	
George H. Jagers, III v. Crime Victims Compensation Commission	12 CPS 01693	11/01/12	
Teresa Herbin v. Department of Public Safety Victim Services	12 CPS 03680	08/10/12	
Jacqueline M Davis victim-Antonio T Davis v. Dept. of Public Safety	12 CPS 05919	11/06/12	
Demario J. Livingston v. Dept. of Public Safety Victim Services	12 CPS 06245	10/19/12	
Shirley Ann Robinson v. N.C. Crime Victims Compensation Commission	12 CPS 07601	12/07/12	
Harold Eugene Merritt v. State Highway Patrol	12 CPS 07852	05/24/13	
Vanda Lawanda Johnson v. Office of Victim Compensation	12 CPS 09709	04/25/13	
Latoya Nicole Ritter v. Crime Victim Compensation Commission, Janice Carmichael	12 CPS 10572	04/25/13	
<u>DEPARTMENT OF HEALTH AND HUMAN SERVICES</u>			
Stonestrow Group Home Medicaid Provider #6603018 Owned by Alberta Professional Services Inc v. DHHS, Division of Mental Health/Development Disabilities/ Substance Abuse, and DMA	09 DHR 05790	01/11/13	

CONTESTED CASE DECISIONS

Bright Haven Residential and Community Care d/b/a New Directions Group Home v. Division of Medical Assistance, DHHS	10 DHR 00232	04/27/12	
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