

**RULES REVIEW COMMISSION MEETING  
MINUTES  
September 16, 2021**

The Rules Review Commission met on Thursday, September 16, 2021, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Bobby Bryan, Jeanette Doran, and Bob Rucho were present in the Commission Room. Commissioners present via WebEx were Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Paul Powell.

Staff members present were Alexander Burgos and Codifier of Rules Ashley Snyder. Commission Counsel Amber May and Amanda Reeder were present via WebEx.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes of the August 19, 2021 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**FOLLOW UP MATTERS**

**Social Services Commission**

10A NCAC 71U .0101, .0201, .0203, .0204, .0205, .0206, .0207, .0209, .0210, .0211, .0212, .0213, .0214, .0215, .0216, .0302, .0303, .0401, .0402; 71V .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0201, .0202, .0203, .0204, .0205; 71W .0101, .0302, .0303, .0304, .0403, .0404, .0405, .0407, .0408, .0410, .0412, .0413, .0502, .0503, .0601, .0602, .0603, .0604, .0605, .0606, .0607, and .0704 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Building Code Council**

2020 Electrical Code - The agency is addressing the objections from the August meeting. No action was required by the Commission.

**LOG OF FILINGS (PERMANENT RULES)**

**Board of Elections**

Upon the call of the Chair, 08 NCAC 06B .0103 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Child Care Commission**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Medical Care Commission**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **DHHS - Division of Health Benefits**

Upon the call of the Chair, 10A NCAC 23B .0102 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Commission for Public Health 10A NCAC 41A**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Department of Insurance**

Upon the call of the Chair, Rules 11 NCAC 04 .0116, .0121, .0122, .0417, and .0430 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission objected to 11 NCAC 04 .0416 for lack of statutory authority. Specifically, the Commission found that the agency failed to cite to any existing law as underlying authority for the Rule. The decision was by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

11 NCAC 04 .0115, .0117, .0118, .0119, .0120, .0123, .0124, .0312, .0313, .0314, .0315, .0316, .0317, .0318, .0319, .0320, .0415, .0420, .0422, .0423, .0426, .0427, .0429, .0431, .0432, .0433, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, and .0509 - Upon the call of the Chair, the period of review was extended as requested by the agency to address technical changes by roll-call vote ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Wildlife Resources Commission**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Commission for Public Health 15A NCAC 18A and 18E**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date of 15A NCAC 18E .0401-.0403; .0508-.0510; .0601-.0602; .0802-.0803 and .0805; .0905 and .0908; .1002; .1101-.1102; .1201-.1206; .1301 and .1304-.1306; .1501-.1502 and .1504-.1505; .1602; and .1701-.1713. Rules 18E .0508, .1301, and .1708 were not subject to RRC review.

### **Department of Transportation - Division of Motor Vehicles**

Prior to the review of the rules from the Department of Transportation, Commissioner Bryan recused himself and did not participate in any discussion or vote concerning the rules because his family is involved in litigation with the agency.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

### **Board of Funeral Service**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: -None.

### **Social Work Certification and Licensure Board**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **LOG OF FILINGS (TEMPORARY RULES)**

#### **Board of Agriculture**

Upon the call of the Chair 02 NCAC 52B .0214 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

#### **Board of Pharmacy**

Upon the call of the Chair, 21 NCAC 46 .2514 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **COMMISSION BUSINESS**

The Commission's Bylaws require that elections be held at the September meeting.

Upon the call of the Chair, the Commission waived its bylaws to re-elect the current Chair and allow the nomination of all candidates in one motion by roll-call vote, ayes 8 noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the following members were elected as officers: Jeanette Doran was re-elected Chair, Andrew Atkins was elected 1st Vice-Chair, and Bobby Bryan was elected 2nd Vice-Chair by roll-call vote, ayes 8 noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

The Chair informed the Commissioners that pursuant to SL 2021-131, a new Commissioner, Wayne R. Boyles III, was appointed and would join the Commission at its October meeting.

The meeting adjourned at 9:24 a.m.

The next regularly scheduled meeting of the Commission is Thursday, October 21, 2021, at 9:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:  
Jeanette Doran, Chair

DRAFT

**Rules Review Commission Meeting September 16, 2021  
Held Via WebEx**

<b>Name</b>	<b>Agency</b>
John West	mecknc.gov
Paris Penny	DHHS
Wayne Boyles	Incoming RRC
John Smith	
Eva Fulcher	DHHS
Alison Keisler	DHHS
Tien Cheng	DOJ
Nicola Allen	DHHS
Anna Hayworth	Agriculture
Thomas Campbell	DOJ
Shazia Keller	DHHS
Kim Harron	DHHS
Dennis Seavers	Barber Examiners
Laura Rowe	Treasurer
Helen Landi	DOT
Dedra Alston	Child Care Commission
Josh Jordan	DHHS
Chris Millis	NCHBA
Raj Premakumar	DOJ
Ashley Pekarul	WRC
Loretta Peace-Bunch	DOI
Ashton Roberts	DHHS
Betsy Haywood	WRC
errol cooper	mecknc.gov
Amber Davis	DOJ
Elizabeth Pope	NCSW Board
Grant Simpkins	NCL-Law
Larry Michael	DHHS
Nadine Pfeiffer	DSHR
Tricia Angoli	DHHS
Terri Ritter	DHHS
John Hoomani	DOJ
Jean-Marie Maillard	DHHS
John Barkley	DOJ

Virginia Niehaus	DHHS
shane smith	DHHS
John Green	DOJ
Clint Pinyan	Brooks Pierce
Tammy Sylvester	DHHS
Carl Williams	DHHS
Kirsten Leloudis	DHHS
Jon Fowlkes	DHHS

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**September 16, 2021**

Rules Review Commission  
Meeting  
**Please Print Legibly**

Name	Agency
Kelly Tarnow	NC State Bd of Elections