



Bill Draft 2015-TQz-40: Amend APA/Sunset Occupational Licensing Bds.

2015-2016 General Assembly

Committee:	Joint Legislative Administrative Procedure Oversight Committee	Date:	April 4, 2016
Introduced by:		Prepared by:	Chris Saunders
Analysis of:	2015-TQz-40 [v.8]		Committee Counsel

SUMMARY:

PART I. REQUIREMENTS ON RULES WITH SUBSTANTIAL FINANCIAL IMPACTS

Part I (Sections 1 through 4) would make the following changes to Chapter 150B of the General Statutes (Administrative Procedure Act):

- Add a new section to Chapter 150B that would place additional restrictions on rules with substantial financial impact. The legislative proposal would prohibit agencies from adopting any rule or set of rules with a projected aggregate financial impact of one hundred million dollars during a five-year period.
- Require that rules with a projected aggregate financial impact of ten million dollars or more during a five-year period must be adopted by at least 60% of the members, if the agency is a board or commission, or signed by the Council of State member or the Governor, whichever is head of the agency.
- Amend the authority of agencies to incorporate federal regulations by reference by requiring that the agency have a process to review and approve any changes to the federal regulation within 30 days of the change.
- Amend the restrictions on certain environmental rules to provide that if the rule is required by a serious and unforeseen threat to public health, safety or welfare, the agency must adopt it by at least 60% of the members, if it is a board or commission, or the rule must be signed by the Council of State member or the Governor, whichever is head of the agency.

PART II. CHANGE NAME OF THE STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS TO THE NORTH CAROLINA BOARD OF REGISTERED PUBLIC HEALTH INSPECTORS

Part II (Section 5) would change the name of the State Board of Environmental Health Specialist Examiners to the North Carolina Board of Registered Public Health Inspectors. The titles of occupations licensed by the Board would also change, from "Registered Environmental Health Specialist (R.E.H.S.)" to "Registered Public Health Inspector (R.P.H.I.)" and from "Registered Environmental Health Specialist Intern (R.E.H.S.I.)" to "Registered Public Health Inspector Intern (R.P.H.I.I.)".



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PART III. SUNSET OCCUPATIONAL LICENSING BOARDS AND ELIMINATE LICENSING REQUIREMENTS AND SUNSET CERTAIN ADVISORY COMMITTEES AND CERTIFICATION REQUIREMENTS

Part III (Sections 6 through 20) would repeal the following occupational licensing boards and the licensure requirements for the occupations licensed by those boards, effective May 1, 2017:

- Board of Electrolysis Examiners.
- Board of Examiners of Fee-Based Practicing Pastoral Counselors.
- North Carolina Interpreter and Transliterator Licensing Board.
- North Carolina Irrigation Contractors' Licensing Board.
- North Carolina Recreational Therapy Licensing Board.
- Acupuncture Licensing Board.
- North Carolina Board of Athletic Trainer Examiners.
- State Board of Registration for Foresters.
- North Carolina Locksmith Licensing Board.
- North Carolina Board of Podiatry Examiners.
- Alarm Systems Licensing Board. The Department of Public Safety would be allowed to require registration of alarm system installers.
- Department of Insurance Continuing Education Advisory Committees for Fire and Casualty Insurance Licensees and Life and Health Insurance Licensees.
- Board of Employee Assistance Professionals.
- Perfusionist Advisory Committee of the North Carolina Medical Board. The Medical Board would be allowed to establish technical advisory subcommittees, including a perfusionist technical advisory subcommittee.
- Public Librarian Certification Commission.

PART IV. SUNSET OCCUPATIONAL LICENSING BOARDS AND TRANSFER LICENSING REQUIREMENTS TO OTHER OCCUPATIONAL LICENSING BOARDS

Part IV (Sections 21 through 25) would repeal the following occupational licensing boards but transfer the licensing requirements for the occupations licensed by the repealed boards to a different occupational licensing board, effective May 1, 2017:

- Board of Opticians (licensing requirements for opticians transferred to the State Board of Examiners in Optometry)
- Midwifery Joint Committee (licensing requirements for midwives transferred to the North Carolina Board of Nursing)
- North Carolina Respiratory Care Board (licensing requirements for respiratory care practitioners transferred to the North Carolina Medical Board)

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- North Carolina Marriage and Family Therapy Licensure Board (licensing requirements for marriage and family therapists transferred to the North Carolina Board of Licensed Professional Counselors)
- North Carolina Substance Abuse Professional Practice Board (licensing requirements for substance abuse professionals transferred to the North Carolina Board of Licensed Professional Counselors)
- Cape Fear River Navigation and Pilotage Commission (licensing requirements for Cape Fear River Pilots transferred to the North Carolina Ports Authority)
- Morehead City Navigation and Pilotage Commission (licensing requirements for Morehead City Harbor and Beaufort Bar Pilots transferred to the North Carolina Ports Authority)

PART V. DIRECT EACH OCCUPATIONAL LICENSING BOARD TO CONSOLIDATE ALL LICENSES ISSUED BY THE BOARD INTO A SINGLE LICENSE

Part V (Section 26) would direct all occupational licensing boards, including those housed within agencies and agencies that issue occupational licenses, to consolidate all of the licenses issued by the board or agency into a single license. Each board or agency would be permitted to provide for license endorsements or sub-specialty licenses for different occupations licensed by the board or agency. This section would become effective May 1, 2017.

PART VI. DIRECT THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO CONTINUE TO STUDY THE ELIMINATION AND CONSOLIDATION OF OCCUPATIONAL LICENSING BOARDS AND TO STUDY THE DEREGULATION OF OCCUPATIONS REGULATED BY THE STATE

Part VI (Section 27) would direct the Joint Legislative Administrative Procedure Oversight Committee to continue to study the elimination and consolidation of occupational licensing boards and the deregulation of occupations licensed by the State. The Committee would be directed to study all of the following:

- (1) Whether certain occupational licensing boards should be eliminated, consolidated with other boards or agencies, or have their licensing authority repealed.
- (2) Whether the membership of certain occupational licensing boards should be reduced or adjusted.
- (3) Licensing fees.
- (4) The process by which the public may make complaints against licensees.
- (5) Any other issues the Committee finds necessary for the efficient and effective operation of occupational licensing boards.

The Committee would be required to report its findings to the 2017 Regular Session of the 2017 General Assembly.

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PART VII. DIRECT THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE CONSOLIDATION OF THE WATER TREATMENT FACILITY OPERATORS BOARD OF CERTIFICATION, THE ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD, AND THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION

Part VII (Section 28) would direct the Department of Environmental Quality and the Department of Health and Human Services to jointly study how to consolidate the Water Treatment Facility Operators Board of Certification, the On-Site Wastewater Contractors and Inspectors Certification Board, and the Water Pollution Control System Operators Certification Commission into a single board. The study would be due to the Joint Legislative Administrative Procedure Oversight Committee by December 1, 2016.

EFFECTIVE DATE: Except as otherwise provided, this legislative proposal would be effective when it becomes law.