

Occupational Boards and Licensing

See full summary documents for additional detail

H68 - GSC Licensing Boards and Comm'ns/Rule Crimes. (SL 2021-84)

S.L. 2021-84 eliminates provisions that broadly criminalize violations of rules of certain licensing boards and commissions and makes technical and conforming amendments in the surrounding language, as recommended by the General Statutes Commission.

This act became effective December 1, 2021, and applies to offenses committed on or after that date.

H96 - Allow Pharmacists to Admin. Injectable Drugs. (SL 2021-110)

S.L. 2021-110 expands the number of vaccines and medications that immunizing pharmacists are allowed to administer, requires the State Health Director to issue a standing order prescribing those medications, authorizes the Board of Pharmacy to adopt rules, and requires parents to provide written consent before a vaccine approved under an Emergency Use Authorization is administered to a minor.

The provisions of the act allowing the administration of testosterone and B12 injections and directing the Boards to adopt rules became effective October 1, 2021. Most of the remaining provisions relating to the ability of immunizing pharmacists to administer medications became effective February 1, 2022, but the provisions allowing them to administer the COVID-19 or influenza vaccine to minors became effective September 1, 2021. The remainder of the act, including the parental consent for vaccines authorized under an Emergency Use Authorization (EUA), became effective August 20, 2021.

H139 - Soil Scientist/On-Site Wastewater Certification Board. (SL 2021-38)

Session Law 2021-38 adds a licensed soil scientist to the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board in substitution of an employee of the North Carolina Cooperative Extension Service.

This act became effective July 1, 2021.

H196 - 2021 COVID-19 Response & Relief. (SL 2021-3)

S.L. 2021-3 (i) makes modifications to the State COVID-19 relief legislation and (ii) appropriates and provides additional guidance for expenditure of COVID-19 pandemic relief funds from the federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA).

Except as otherwise provided, this act became effective, March 11, 2021.

H224 - Occupational Therapy Interstate Compact. (SL 2021-31)

S.L. 2021-31 makes North Carolina part of the Occupational Therapy Interstate Compact. The act will be effective when the tenth member state enacts the Compact. The North Carolina Board of Occupational Therapy must report to the Revisor of Statutes when ten member states have enacted the Compact. As of August 18, 2021, eight other states had enacted the Compact.

H415 - Update Chiropractic Laws. (SL 2021-120)

Session Law 2021-120 allows the Board of Chiropractic Examiners to adopt, amend, and repeal rules to administer Article 8 of Chapter 90 (Chiropractic). It also repeals several portions of Article 8 and made technical and clarifying changes. This act became effective October 1, 2021.

H531 - Timeshare Act Changes/Education Provider Bond Repeal. (SL 2021-163)

S.L. 2021-163:

- Eliminates bond requirements for applicants seeking certification by the North Carolina Real Estate Commission as a real estate education provider
- Substantially revises the North Carolina Time Share Act
- Makes conforming and technical changes to related statutory provisions

This act became effective October 6, 2021. As amended by S.L. 2021-192, s. 5, this act's revisions to the Timeshare Act do not apply to timeshare transfer service providers before July 1, 2022.

H734 - Dept. of Health & Human Services Revisions. (SL 2021-77)

S.L. 2021-77 makes the following changes to the laws pertaining to programs and services under the authority of the Department of Health and Human Services (DHHS):

- Amends the definition of developmental disability (G.S. 122C-3).
- Amends the law (G.S. 122C-23) providing that decisions on the waiver of any of the rules on the licensure of facilities for patients with mental health disorders, developmental disabilities, or substance use disorders may be appealed by filing a contested case (under Article 3 of GS Chapter 150B).
- Requires the Secretary of DHHS to adopt a copayment schedule for behavioral health services, intellectual and developmental disabilities services, and substance use disorder services based on the Medicaid copayments for those services be used by LMEs and by contractual provider agencies (G.S. 122C-112.1(a)(34)).
- Amends the membership of the State Consumer and Family Advisory Committee (G.S. 122C-171).
- Adds various requirements to the involuntary commitment report to require transportation data (G.S. 122C-255).

- Amends the law (G.S. 122C-263) governing the first exam for involuntary commitment due to mental health or substance abuse to allow the use of "telehealth," previously referred to as "telemedicine" and makes conforming changes to other statutes.
- Allows the second examination for involuntary commitment due to mental illness or substance abuse to be conducted using telehealth equipment and procedures (G.S. 122C-266).
- Makes technical changes to the law governing transitional permits for food establishments (G.S. 130A-248).

The act also makes the following changes to the laws (Article 2 of Chapter 122C) governing the licensure of facilities for the mentally ill, the developmentally disabled, and substance abusers:

- Requires DHHS to conduct follow-up visits to ensure compliance with specified criteria following the issuance of a cease and desist order to facilities providing services without a required license.
- Prohibits the Secretary of DHHS from enrolling a new provider in the NC Medicaid or NC Health Choice programs or revalidating an enrolled provider in the Medicaid or NC Health Choice programs for any applicant meeting specified criteria.
- Gives the Secretary of DHHS the power to issue orders directing facilities not licensed under Article 2 that are providing services requiring a license to cease and desist.
- Increases the penalty for operating a licensable facility without a license to a Class H felony, including a fine of \$1,000 per day that the facility is in violation.
- Directs DHHS to establish a database with specified, publicly available information on the status of any ongoing investigations of reported operation of a program or facility in violation.
- Retitles Article 2 of Chapter 122C of the General Statutes as "Licensure of Facilities for Individuals with Mental Health, Developmental Disabilities, and Substance Use Disorders" and makes various conforming changes, including conforming changes to the Local Consumer and Family Advisory Committee.

Additionally, the act adds spas operating for display at temporary events to the definition of "public swimming pool" for purposes of regulation. This provision became effective July 1, 2020.

The remainder of this act became effective July 2, 2021.

S103 - Reduce Reg. To Help Children with Autism. (SL 2021-22)

S.L. 2021-22 establishes a licensure process for behavior analysts and creates criminal penalties for practicing without a license.

The portion of the act creating a criminal penalty for unlicensed practice of behavioral analysis became effective January 1, 2022, and applies to acts committed on or after that date. The remainder of the act became effective May 17, 2021.

S146 - Teledentistry/RDH Admin. Local Anesthetic. (SL 2021-95)

S.L. 2021-95 does the following: (i) establishes standards for teledentistry, (ii) allows dental hygienists to administer local anesthetics while under the direct supervision of a licensed dentist, (iii) allows certain dental hygienists to practice without a licensed dentist physically present, (iv) allows licensure by credentials for certain dental instructors, and (v) adds the East Carolina University School of Dental Medicine to the NC Caring Dental Professionals Board.

The modifications to the dental hygiene statutes became effective October 1, 2021, and apply to licenses granted on or after that date. The teledentistry portions became effective July 23, 2021. The remainder of this act became effective July 23, 2021.

S188 - Bd. of Architects/Interior Designers. (SL 2021-81)

S.L. 2021-81:

- Renames the North Carolina Board of Architecture as the North Carolina Board of Architecture and Registered Interior Designers;
- Adds three new gubernatorial appointees to the Board who must be registered interior designers, with terms beginning on January 1, 2022;
- Establishes a registration framework governing the scope of practice for interior designers;
- Authorizes interior designers to apply for building permits for interior construction projects;
- Establishes fees for interior designer registration; and
- Increases fees for architect licensure

The act became effective July 8, 2021. It applies to applications received on or after that date from the three new members appointed by the Governor, and applies to applications received on or after January 1, 2022, from all other persons.

S219 - Surveyor Licensure & Education Requirements/Construction Contract Revisions. (SL 2022-1)

Session Law 2022-1 does the following:

- Modifies practical experience requirements applicable to persons seeking licensure as a professional land surveyor and makes technical changes to Chapter 89C of the General Statutes.
- Makes changes to the design-build contracting process.
- Clarifies provisions related to contracts that are deemed to be void as against public policy.
- Modifies the procedure for awarding attorneys' fees in actions to enforce statutory liens.
- Defines the term "supplier" for purposes of a provision prohibiting a supplier of alcoholic beverages from having an ownership interest in its wholesaler.

The act has various effective dates. Please see the full summary for more detail.

S316 - Gen. Contractors/Plumbing/Electr. Exempt. (SL 2021-122)

S.L. 2021-122 expands a general contractor, plumbing and heating contractor, and electrical contractor license requirement exception for public building projects to apply to any building projects.

This act became effective August 30, 2021.

S329 - Bldg. Permit Exempt./Timeshare Eff. Date. (SL 2021-192)

S.L. 2021-192 modifies exemptions from building permit and professional seal requirements applicable to certain construction projects, and increases the permit exemption threshold for single-family residences and farm building projects to \$20K and expands this exemption to commercial building projects.

Except as otherwise provided, this act became effective December 9, 2021. Sections 1, 2, 3, and 4 of this act became effective December 15, 2021. Sections 1, 2(b), and 3 of this act expire December 31, 2024. Section 5 became retroactively effective to October 6, 2021.