



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 92\*

AMENDMENT NO. \_\_\_\_\_
(to be filled in by
Principal Clerk)

H92-ASU-50 [v.14]

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Comm. Sub. [NO]
Amends Title [NO]
Fourth Edition

Date \_\_\_\_\_, 2013

Senator Hartsell

1 moves to amend the bill on page 12, lines 28-29, by adding the following between the lines:

2 "SECTION 18.5. G.S. 90-113.75(c), as amended by S.L. 2013-152, reads as
3 rewritten:

4 "(c) ~~An~~ A person or entity permitted access to data under this Article that, in good faith,
5 makes a report or transmits data required or allowed by this Article is immune from civil or
6 criminal liability that might otherwise be incurred or imposed as a result of making the report
7 or transmitting the data.""; and

8
9 on page 14, line 44, by rewriting that line to read:

10 "SECTION 23.(a) G.S. 122C-115(a), as amended by Section 4(a) of S.L. 2013-85,
11 reads as rewritten:"; and

12
13 on page 15, lines 2 and 3, by adding between those lines the following:

14 "SECTION 23.(b) This section becomes effective January 1, 2014."; and

15
16 on page 18, lines 29-44, by rewriting those lines to read:

17 "SECTION 30.5. Part 3 of Article 45 of Chapter 66 of the General Statutes is
18 amended by adding a new section to read:

19 "§ 66-420.1 Applicability.

20 This Chapter shall not apply to a salvage yard regulated pursuant to Chapter 20 of the
21 General Statutes, unless the salvage yard is engaged in the business of gathering or obtaining
22 ferrous or nonferrous metals that have served their original economic purpose and is in the
23 business of performing the manufacturing process by which ferrous metals or nonferrous
24 metals are converted into raw material products consisting of prepared grades and having an
25 existing or potential economic value.""; and

26
27 on page 19, line 42, by rewriting the line to read:

28 "The scope of practice of a hearing aid specialist regulated pursuant to this Chapter shall
29 include the following activities:"

30
31 on page 19, lines 45-46, by rewriting the lines to read:

32 "(3) Performing hearing evaluations."; and



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1  
2 on page 20, line 9, by rewriting the line to read:

3 "(13) Providing counseling and rehabilitation services related to hearing aids.";

4 and

5  
6 on page 20, lines 13-14, by rewriting the lines to read:

7 "(16) Providing community services for individuals"; and

8  
9 on page 20, lines 16-17, by deleting the lines; and

10  
11 on page 20, lines 22-23, by rewriting the lines to read:

12  
13 "from the North Carolina State Hearing Aid Dealers and Fitters ~~Board or Board~~, is an  
14 apprentice working under the supervision of a Registered ~~Sponsor~~ Sponsor, or is otherwise  
15 authorized by law to engage in the activity within the scope of practice of another regulated  
16 profession."; and

17  
18 on page 22, line 44, by rewriting the line to read:

19 "is exempt from the certification requirements of G.S. 150B-19.1(h) and the fiscal note  
20 requirement of G.S. 150B-21.4 in"; and

21  
22 on page 32, lines 22-32, by deleting the lines; and

23  
24 on page 32, lines 41-42, by inserting the following between those lines:

25 "**SECTION 43.5.(a)** Section 1.4 of S.L. 2011-176, as amended by Section 3.1 of  
26 S.L. 2011-406, reads as rewritten:

27 `SECTION 1.4.(a) Effective immediately, Michelle Shaw of Harnett County is appointed  
28 to the Board of Trustees for the State Health Plan for Teachers and State Employees for a term  
29 expiring on December 31, 2011.

30 **SECTION 1.4.(b)** Effective ~~January 1, 2012, Michelle Shaw of Harnett County~~ August 1,  
31 2013, Charles Johnson of Wake County is appointed to the Board of Trustees for the State  
32 Health Plan for Teachers and State Employees for a term expiring on June 30, 2014, to meet  
33 the requirements that an appointee shall be an employee of a State department, agency, or  
34 institution pursuant to G.S. 135-48.20(i)(1).

35 **SECTION 1.4.(c)** Effective January 1, 2012, Noah H. Huffstetler III of Wake County is  
36 appointed to the Board of Trustees for the State Health Plan for Teachers and State Employees  
37 for a term expiring on June 30, 2015, to meet the requirements that an appointee shall have an  
38 expertise in the area of health law and policy pursuant to G.S. 135-48.20(j)(4).'

39 **SECTION 43.5.(b)** If House Bill 669, 2013 Regular Session, becomes law, Section  
40 1.47 of that act reads as rewritten:

41 **SECTION 1.47.** George Richard Edwards, Jr. of New Hanover County, the  
42 Honorable Timothy L. Spear of Washington County, Thomas L. Fonville of Wake County, and

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1 Chief Michell Hicks of ~~Cherokee-Jackson~~ County are appointed to the North Carolina Wildlife  
2 Resources Commission for terms expiring on June 30, 2015.'

3 **SECTION 43.5.(c)** If House Bill 669, 2013 Regular Session, becomes law, Section  
4 2.4(a) of that act reads as rewritten:

5 **SECTION 2.4.(a)** ~~Tara Fields of Johnston~~Dr. Roger B. Moore, Jr. of Wake  
6 County is appointed to the Commission for Mental Health, Developmental Disabilities, and  
7 Substance Abuse Services for a term expiring on June 30, 2014, to fill the unexpired term of  
8 Frank H. Edwards.'

9 **SECTION 43.5.(d)** If House Bill 669, 2013 Regular Session, becomes law, Section  
10 2.7(b) of that act reads as rewritten:

11 **SECTION 2.7.(b)** ~~Michael Edward-Edwards~~ of Wake County is appointed to the  
12 Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring on June  
13 30, 2016.'

14 **SECTION 43.5.(e)** If House Bill 669, 2013 Regular Session, becomes law, Section  
15 2.46 of that act reads as rewritten:

16 **SECTION 2.46.(a)** Baker A. Mitchell, Jr. of New Hanover County is appointed to  
17 the North Carolina Charter School Advisory Board for a term expiring on June 30, 2015.

18 **SECTION 2.46.(b)** Alan Hawkes of Guilford County and Paul Norcross of  
19 Guilford County are appointed to the North Carolina Charter School Advisory Board for terms  
20 expiring on June 30, 2017.'

21 **SECTION 43.5.(f)** If House Bill 669, 2013 Regular Session, becomes law, Section  
22 2.47 of that act is repealed."; and

23  
24 on page 33, lines 14-15, by inserting the following between the lines:

25 "**SECTION 47.2.(a)** If House Bill 834, 2013 Regular Session, becomes law,  
26 Section 2.2 of House Bill 834 reads as rewritten:

27 "**SECTION 2.2.** The terms of the two attorney members appointed under  
28 G.S. 126-2(b)(1), serving on the Commission on ~~January 1, 2013,~~ July 1, 2013, shall expire on  
29 ~~June 30, 2013.~~ July 31, 2013. The terms of the persons from private business or industry  
30 appointed under G.S. 126-2(b)(2), serving on the Commission on ~~January 1, 2013,~~ July 1,  
31 2013, shall expire on June 30, 2014. The terms of the two State employees appointed under  
32 G.S. 126-2(b)(3), serving on the Commission on ~~January 1, 2013,~~ July 1, 2013, shall expire on  
33 ~~June 30, 2013.~~ July 31, 2013. The terms of the two local government employees appointed  
34 under G.S. 126-2(b)(4), serving on the Commission on ~~January 1, 2013,~~ July 1, 2013, shall  
35 expire on June 30, 2014. The term of the public at-large member appointed under  
36 G.S. 126-2(b)(5), serving on the Commission on ~~January 1, 2013,~~ July 1, 2013, shall expire  
37 ~~June 30, 2013.~~ July 31, 2013. If the terms of office eliminated in this act have not been set out,  
38 then the appointing authorities shall determine by ~~July 1, 2013,~~ October 1, 2013, which terms  
39 to eliminate to achieve the membership totals pursuant to this act. After determining which  
40 terms to eliminate, the appointing authority shall notify in writing all the persons and entities  
41 required to receive notification pursuant to G.S. 143-47.7."

42 **SECTION 47.2.(b)** If House Bill 834, 2013 Regular Session, becomes law, Section  
43 4.6 of House Bill 834 reads as rewritten:

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1           **"SECTION 4.6.** This Part ~~becomes~~ is effective ~~June 30, 2013,~~ when it becomes  
2 law, with the repeal of the provisions in G.S. 126-5(e) and G.S. 126-5(f) applying as to State  
3 employees hired on or after that date.""; and

4  
5 on page 33, lines 36 and 37, by inserting between those lines:

6  
7           **"SECTION 47.6(a).** G.S. 90-294(c) is repealed.

8           **SECTION 47.6(b).** G.S. 90-294 is amended by adding the following new  
9 subsection to read:

10        '(c1) The provisions of this Article do not apply to:

11           (1) The activities, services, and use of an official title by a person employed by  
12           an agency of the federal government and solely in connection with such  
13           employment.

14           (2) The activities and services of a student or trainee in speech and language  
15           pathology or audiology pursuing a course of study in an accredited college  
16           or university, or working in a training center program approved by the  
17           Board, if these activities and services constitute a part of the person's course  
18           of study.

19           (3) Individuals licensed under Chapter 93D of the General Statutes.'

20        **SECTION 47.6(c).** G.S. 90-295 reads as rewritten:

21 **'§ 90-295. Qualifications of applicants for permanent licensure.**

22        (a) To be eligible for permanent licensure by the Board as a speech and language  
23 pathologist, the applicant must:

24        ...

25        (3) Submit evidence of the completion of a minimum of 400 clock hours of  
26 supervised, direct clinical experience with individuals who present a variety  
27 of communication disorders. This experience must have been obtained  
28 within the training institution or in one of its cooperating programs in the  
29 following areas: (i) Speech – Adult (20 diagnostic and 20 therapeutic);  
30 Children (20 diagnostic and 20 therapeutic); ~~or~~ and (ii) Language – Adult  
31 (20 diagnostic and 20 therapeutic); Children (20 diagnostic and 20  
32 therapeutic). Each new applicant must submit a verified clinical clock hour  
33 summary sheet signed by the clinic or program director, in addition to  
34 completion of the license application.

35        ...

36        (6) Exercise good moral conduct as defined in rules adopted by the Board or in a  
37        code of moral conduct adopted by the Board.

38        (b) To be eligible for permanent licensure by the Board as an audiologist, the applicant  
39 must:

40        ...

41        (6) Exercise good moral conduct as defined in rules adopted by the Board or in a  
42        code of moral conduct adopted by the Board.'

43        **SECTION 47.6(d).** G.S. 90-296(a) reads as rewritten:

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1       '(a) An applicant for ~~permanent~~ licensure who has satisfied the academic requirements  
2 of G.S. 90-295, shall pass a written examination approved or established by the Board. A  
3 ~~person who holds a temporary license during the supervised experience year must take and pass~~  
4 ~~the examination required by the Board for permanent licensure before the end of the temporary~~  
5 ~~license period.'~~

6           **SECTION 47.6(e).** G.S.90-298(b) reads as rewritten:

7       '(b) A temporary license is required when an applicant has not completed the required  
8 supervised experience and passed the required examination. ~~A person who holds a temporary~~  
9 ~~license during the supervised experience year must take and pass the examination required by~~  
10 ~~the Board for permanent licensure before the end of the temporary license period.'~~

11           **SECTION 47.6(f).** G.S. 90-301 reads as rewritten:

12 **'§ 90-301. Grounds for suspension or revocation of license.**

13 Any person licensed under this Article may have his license revoked or suspended for a  
14 fixed period by the Board under the provisions of North Carolina General Statutes, Chapter  
15 150B, for any of the following causes:

- 16           (1) His license has been secured by fraud or deceit practiced upon the Board.  
17           (2) Fraud or deceit in connection with his services rendered as an audiologist or  
18 speech and language pathologist.  
19           (3) Unethical or immoral conduct as defined in this Article or in a code of ethics  
20 adopted by the Board.  
21           (4) Violation of any lawful order, rule or regulation rendered or adopted by the  
22 Board.  
23           (5) Failure to exercise a reasonable degree of professional skill and care in the  
24 delivery of professional services.  
25           (6) Any violation of the provisions of this Article.  
26           (7) Failure to exercise good moral conduct as defined in rules adopted by the  
27 Board or in a code of moral conduct adopted by the Board.'

28           **SECTION 47.6(g).** G.S. 90-302(2) reads as rewritten:

29 **'§ 90-302. Prohibited acts and practices.**

30 No person, partnership, corporation, or other entity may:

- 31           ...
- 32           (2) Purchase or procure by barter a license with intent to use it as evidence of  
33 the holder's qualification to practice audiology or speech and language  
34 pathology.

35           ....''''.

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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_