A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND
SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES
COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 90-186 reads as rewritten:

"§ 90-186. Special powers of the Board.

In addition to the powers set forth in G.S. 90-185 above, G.S. 90-185, the Board may do any of the following:

(1) Fix minimum standards for continuing veterinary medical education for veterinarians and technicians, which shall be technicians. These standards are a condition precedent to the renewal of a veterinary license, limited license, veterinary faculty certificate, zoo veterinary certificate, or veterinary technician registration, respectively, registration under this Article.

(2) Inspect any hospitals, clinics, mobile units, or other facilities used by any practicing veterinarian, either by a member of the Board or its authorized representatives, for the purpose of reporting the results of the inspection to the Board on a form prescribed by the Board and seeking disciplinary action for violations of health, sanitary, and medical waste disposal rules of the Board affecting the practice of veterinary medicine, or violations of rules of any county, state, or federal department or agency having jurisdiction in these areas of health, sanitation, and medical waste disposal that relate to or affect the practice of veterinary medicine.

(3) (Contingent expiration date – See editor's note) Upon complaint or information received by the Board, prohibit through summary emergency order of the Board, prior to a hearing, the operation of any veterinary practice facility that the Board determines is endangering, or may endanger, the public health or safety or the welfare and safety of animals, and suspend the license of the veterinarian operating the veterinary practice facility, provided that upon facility. Upon the issuance of any summary emergency order, the Board shall initiate, within 10 days, a notice of hearing under the administrative rules issued pursuant to this Article and Chapter 150B of the General Statutes for an administrative hearing on the alleged violation.

(3) (Contingent effective date – See editor's note) Upon complaint or information received by the Board, prohibit through summary emergency order of the Board, prior to a hearing, the operation of any veterinary facility
that the Board determines is endangering, or may endanger, the public health or safety or the welfare and safety of animals, and suspend the license of the veterinarian operating the veterinary facility, provided that upon the issuance of any summary emergency order, the Board shall initiate, within 10 days, a notice of hearing under the administrative rules issued pursuant to this Article and Chapter 150B of the General Statutes for an administrative hearing on the alleged violation;

(4) Provide special registration for "veterinary technicians," "technicians" and "veterinary student interns" and "veterinary student preceptors"—"interns" and adopt rules concerning the training, registration registration, and service limits of such assistants while employed by and acting under the supervision and responsibility of veterinarian. The Board has exclusive jurisdiction in determining eligibility and qualification requirements for these assistants. Renewals of registrations for veterinary technicians shall be required at least every 24 months, provided that so long as the certificate of registration for the veterinary technician is otherwise eligible for renewal, renewal.

(5) Provide, pursuant to administrative rules, requirements for the inactive status of licenses and limited veterinary licenses licenses.

(6) Set and require fees pursuant to administrative rule. The Board may increase the following fees, provided so long as (i) no fee shall be increased more than fifteen percent (15%) within a calendar year and (ii) the cumulative total increases of any fee shall not exceed one hundred percent (100%) of the fee amounts set in this subdivision:

…

d. (Contingent expiration date – See editor’s note) Inspection of a veterinary practice facility, resulting from a serious inspection violation or as a result of the complaint, in the amount of one hundred fifty dollars ($150.00).

d. (Contingent effective date – See editor’s note) Inspection of a veterinary facility, resulting from a serious inspection violation or as a result of the complaint, in the amount of one hundred fifty dollars ($150.00).

…

(7) Pursuant to administrative rule, to assess and recover against persons holding licenses, limited licenses, temporary permits, or any certificates issued by the Board, costs reasonably incurred by the Board in the investigation, prosecution, hearing, or other administrative action of the Board in final decisions or orders where those persons are found to have violated the Veterinary Practice Act or administrative rules of the Board issued pursuant to the Act; provided, that all Act. All recovered costs shall be are the property of the Board.

(8) Pursuant to administrative rule, the Board may establish all provisions and requirements for a veterinary facility permit, the issuance of which shall be required for any facility where veterinary medicine is practiced, except for animal shelters registered with the Department of Agriculture and Consumer Services.

"§ 90-186. Special powers of the Board.

In addition to the powers set forth in G.S. 90-185, the Board may do any of the following:
... 

(6) Set and require fees pursuant to administrative rule. The Board may increase the following fees, so long as (i) no fee shall be increased more than fifteen percent (15%) within a calendar year and (ii) the cumulative total increases of any fee shall not exceed one hundred percent (100%) of the fee amounts set in this subdivision: 

... 

(Contingent expiration date – See editor's note) Inspection of a veterinary practice facility, in the amount of one hundred fifty dollars ($150.00). 

(Contingent effective date – See editor's note) Inspection of a veterinary facility, resulting from a serious inspection violation or as a result of a complaint, in the amount of one hundred fifty dollars ($150.00). 

"SECTION 1.(c) Subsection (a) of this section is effective retroactively to October 1, 2022. Subsection (b) of this section becomes effective 60 days after the date that the rules adopted pursuant to Section 4 of S.L. 2019-170 become effective. Except as otherwise provided, this section is effective when it becomes law. 

"§ 93B-8.1. Use of criminal history records. 

(a) The following definitions apply in this section: 

(1) Applicant. – A person who makes application for licensure from an occupational licensing board. 

(2) Board. – An occupational licensing board or a State agency licensing board as defined in G.S. 93B-1. 

(3) Criminal history record. – A State or federal history of conviction of a crime, whether a misdemeanor or felony, that bears upon an applicant's or a licensee's fitness to be licensed or disciplined. 

(4) Licensee. – A person who has obtained a license to engage in or represent himself or herself to be a member of a particular profession or occupation. 

(b) Unless federal law governing a particular board provides otherwise, a board may deny an applicant on the basis of a conviction of a crime only if the board finds that the applicant's criminal conviction history is directly related to the duties and responsibilities for the licensed occupation or the conviction is for a crime that is violent or sexual in nature. Notwithstanding any other provision of law, a board shall not automatically deny licensure on the basis of an applicant's criminal history, and no board shall deny an applicant a license based on a determination that a conviction is for a crime of moral turpitude. The board shall make its determination based on the factors specified in subsection (b1) of this section. 

(b1) Before a board may deny an applicant a license due to a criminal conviction under subsection (b) of this section, the board must specifically consider all of the following factors: 

(1) The level and seriousness of the crime. 

(2) The date of the crime. 

(3) The age of the person at the time of the crime. 

(4) The circumstances surrounding the commission of the crime, if known. 

(5) The nexus between the criminal conduct and the prospective duties of the applicant as a licensee. 

(6) The prison, jail, probation, parole, rehabilitation, and employment records of the applicant since the date the crime was committed.
The completion of, or active participation in, rehabilitative drug or alcohol treatment.

A Certificate of Relief granted pursuant to G.S. 15A-173.2.

The subsequent commission of a crime by the applicant.

Any affidavits or other written documents, including character references.

(b2) If the board denies an applicant a license under this section, the board shall do all of the following:

1. Make written findings specifying the factors in subsection (b1) of this section the board deemed relevant to the applicant and explaining the reason for the denial. The board's presiding officer must sign the findings.
2. Provide or serve a signed copy of the written findings to the applicant within 60 days of the denial.
3. Retain a signed copy of the written findings for no less than five years.

(b3) Each board shall include in its application for licensure and on its public website all of the following information:

1. Whether the board requires applicants to consent to a criminal history record check.
2. The factors considered by the board under subsection (b1) of this section which the board shall consider when making a determination of licensure.
3. The appeals process pursuant to Chapter 150B of the General Statutes if the board denies an applicant licensure in whole or in part because of a criminal conviction.

(b4) If a board requires an applicant to submit a criminal history record, the board shall require the provider of the criminal history record to provide the applicant with access to the applicant's criminal history record or otherwise deliver a copy of the criminal history record to the applicant. If an applicant's criminal history includes matters that will or may prevent the board from issuing a license to the applicant, the board shall notify the applicant in writing of the specific issues in sufficient time for the applicant to provide additional documentation supporting the application for consideration by the board prior to any final decision to deny the application. After being notified of any potential issue with licensure due to one or more criminal convictions, an applicant shall have 30 days to respond by either correcting any inaccuracy in the criminal history record or submitting evidence of mitigation or rehabilitation for consideration by the board.

(b5) If, following a hearing, a board denies an application for licensure, the board's written order shall include specific reference to any criminal conviction(s) considered as part or all of any basis for the denial and the rationale for the denial, as well as a reference to the appeal process and the applicant's ability to reapply. No applicant shall be restricted from reapplying for licensure for more than two years from the date of the most recent application.

(b6) Notwithstanding any other provisions in the law, an individual with a criminal history may petition a board at any time, including before an individual starts or completes any mandatory education or training requirements, for a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a license. This petition shall include a criminal history record report obtained by the individual from a reporting service designated by the board, the cost of which shall be borne by the applicant. Criminal history records relating to a predetermination petition shall not be considered public records under Chapter 132 of the General Statutes. A board may predetermine that the petitioner's criminal history is likely grounds for denial of a license only after the board has applied the requirements of subsection (b) of this section. Each board shall delegate authority for such a predetermination to its executive director or their equivalent officer, or to a committee of the board, so that the predeterminations can be made in a timely manner. No board member having served on a predetermination committee for an individual
shall be required to recuse in any later determinations or hearings involving the same applicant. The board shall inform the individual of the board's determination within 45 days of receiving the petition from the individual. The board may charge a fee to recoup its costs not to exceed forty-five dollars ($45.00) for each petition. If the board determines an applicant would likely be denied licensure based on their criminal history, the board shall notify the individual in writing of the following:

1. The grounds and reasons for the predetermination.
2. That the petitioner has the right to complete any requirements for licensure and must apply to the board board and to have their application considered by the board under its application process.
3. That further evidence of rehabilitation will be considered upon application.

(b7) A predetermination made under subsection (b6) of this section that a petitioner's criminal history would likely prevent them from licensure is not a final agency decision and shall not entitle the individual to any right to judicial review under Article 4 of Chapter 150B of the General Statutes.

(b8) A predetermination made under subsection (b6) of this section that a petitioner is eligible for a license shall be binding if both of the following apply:

1. The petitioner applies for licensure and fulfills all other requirements for the occupational license.
2. The applicant's submitted criminal history was correct and remains unchanged at the time of application for a license.

(c) The board may deny licensure to an applicant who refuses. If a board requires an applicant to consent to a criminal history record check or use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories, the board may deny licensure to an applicant who refuses to consent.

(c1) Nothing in this section or in G.S. 93B-1 shall be construed as authorizing an occupational licensing board or a State agency licensing to authorize a board to require an applicant to consent to a criminal history record check or use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories as a condition of granting or renewing a license.

(d) This section does not apply to The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs’ Education and Training Standards Commission."

SECTION 3. G.S. 130A-440.1 reads as rewritten:


(a) Vision Screening Required for Children Entering Kindergarten. – Every child in this State entering kindergarten in the public schools, beginning with the 2007-2008 school year, schools shall obtain vision screening in accordance with vision screening standards adopted by the Governor's Commission on Early Childhood Vision Care. Within 180 days of the start of the school year, the parent of the child shall present to the school principal or the principal's designee certification that the child has, within the past 12 months, obtained vision screening conducted by a licensed physician, optometrist, physician assistant, nurse practitioner, registered nurse, orthoptist, or a vision screener certified by Prevent Blindness North Carolina, or a comprehensive eye examination performed by an ophthalmologist or optometrist. The health assessment transmittal form required pursuant to G.S. 130A-440 qualifies as certification that the child has obtained the required vision screening. All providers conducting vision screening shall provide each parent in writing the results of the vision screening on forms bearing the signature of the provider supplied to the provider by the Governor's Commission on Early Childhood Vision Care. The provider shall also orally communicate this information to the parent and shall take reasonable steps to ensure that the parent understands the information communicated. In the instance where a child enters the first grade without having been enrolled...
in a kindergarten program requiring a vision screening, the requirements for vision screening under this subsection shall apply.

comprehensive eye examination pursuant to the terms of this section not more than six months prior to the date of school entry.

(a1) Comprehensive Eye Examination. – For children who receive and fail to pass a vision screening as required under subsection (a) of this section, a comprehensive eye examination is required. If a public school teacher, administrator, or other appropriate school personnel has reason to believe that a child enrolled in kindergarten through third grade is having problems with vision, the school personnel may recommend to the child's parent that the child have a comprehensive eye examination. Notification to the parent shall also inform the parent that funds may be available from the Governor's Commission on Early Childhood Vision Care to pay providers for the examination, including corrective lenses.

The comprehensive eye examination shall be conducted by a duly licensed optometrist or ophthalmologist. The comprehensive eye examination conducted pursuant to this section shall consist of a complete and thorough examination of the eye and shall include the following:

(1) Measurement of visual acuity.
(2) Ocular alignment and motility.
(3) Depth perception – stereopsis.
(4) Fusion.
(5) Slit lamp examination of the lid margins, conjunctivae, cornea, anterior chamber, iris, and crystalline lens.
(6) Examination of the ocular adnexa, the anterior segment, and pupils.
(7) Cycloplegic refraction and dilated fundus examination.

Health assessment vision screening under G.S. 130A-440 is not a comprehensive eye examination for purposes of this section.

(b) Repealed by Session Laws 2006-240, s. 1(a), effective August 13, 2006.

(c) The results of a comprehensive eye examination conducted under this section shall be included on the comprehensive eye examination transmittal form developed by the Commission pursuant to G.S. 143B-216.75 and shall contain a summary of the comprehensive eye examination performed by the optometrist or ophthalmologist. Any treatment recommendations by the optometrist or ophthalmologist, such as spectacles for schoolwork, shall appear in the summary and school health card. The provider shall present a signed transmittal form to the parent upon completion of the examination. The parent shall submit the transmittal form to the school in accordance with this section.

(d) Repealed by Session Laws 2006-240, s. 1(a), effective August 13, 2006.

(e) G.S. 130A-441, 130A-442, and 130A-443, pertaining to health assessments, apply to comprehensive eye examinations required under this section.

(f) No child shall be excluded from attending school for a parent's failure to obtain a comprehensive eye examination required under this section. If a parent fails or refuses to obtain a comprehensive eye examination or to provide the certification of a comprehensive eye examination, the school shall send a written reminder to the parent of required eye examinations and shall include information about funds that may be available from the Governor's Commission on Early Childhood Vision Care.

(g) In adopting standards for vision screening under this section and as required under G.S. 130A-440, the Commission shall take into account the resources necessary to comply with the standards and, if standards will require additional resources, shall mitigate the impact on resources without compromising vision screening effectiveness.

(h) As used in this section, the term "parent" means the parent, guardian, or person standing in loco parentis."
SECTION 4.(a) Section 7(c) of S.L. 2022-73, as amended by Section 5.2(a) of S.L. 2022-72, reads as rewritten:

"SECTION 7.(c) This section is effective when it becomes law and applies to vacancies occurring on or after that date."

SECTION 4.(b) This section is effective retroactively to July 11, 2022.

SECTION 5.(a) The introductory language of Section 15.3(f) of S.L. 2022-74 reads as rewritten:

"SECTION 15.3.(f) G.S. 112-275(c1)- G.S. 113-275(c1) reads as rewritten:

SECTION 5.(b) This section becomes effective July 1, 2023.

SECTION 6.(a) Section 20.4(b) of S.L. 2022-74 reads as rewritten:

"SECTION 20.4.(b) G.S. 147-69.2(22)- G.S. 147-69.22(a)(22) and G.S. 147-69.6A are repealed."

SECTION 6.(b) This section is effective retroactively to July 1, 2022.

SECTION 7.(a) The introductory language of Section 39.16 of S.L. 2022-74 reads as rewritten:

"SECTION 39.16. Section 39.15A(b) of S.L. 2021-180 reads as rewritten:

SECTION 7.(b) This section is effective retroactively to July 1, 2022.

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.