

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 46 .0301

**DEADLINE FOR RECEIPT: Monday, December 9, 2024**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Can you explain your statutory authority to set staffing requirements for local health departments? I see that G.S. 130A-34.1(e) gives CPH the authority to “adopt rules establishing accreditation standards for local health departments”, of which, the standards shall include at least “the local health department’s facilities and administration”. Does staffing fall within the scope of this authority?*

*Is there any issue with requiring a local health department to hire someone who is “authorized as [an] agent of the State”?*

*In (1), line 10, add “an” between “as” and “agent”.*

*In (1), line 11, capitalize “state” if referring only to the State of North Carolina.*

*In (2)(a), line 17, add “and” between “active” and “unencumbered”.*

*In (2)(a), lines 17-18, I’m assuming the reference to 21 NCAC 36 means that the nurse must be licensed in the State of North Carolina? I don’t believe there’s anything in Chapter 36 that permits an out of state nurse to practice without a license here (thinking along the lines of pro hac vice for attorneys), but I think it would be best to clarify in your rule.*

*In (2)(c), line 37, what does it mean for the course to “align” with the ANA’s Scope and Standards of Practice? What specifically are you requiring?*

*I don’t think the incorporation by reference of Public Health Nursing: Scope and Standards of Practice, 3<sup>rd</sup> edition is correct. G.S. 150B-21.6 requires that you state where the material is located, and at what cost. You haven’t stated the cost.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel

Date submitted to agency: November 21, 2024

10A NCAC 46 .0301 is amended as published in 39:05 NCR 209-210 as follows:

### SECTION .0300 - LOCAL HEALTH DEPARTMENT STAFF

#### 10A NCAC 46 .0301 MINIMUM STANDARD HEALTH DEPARTMENT: STAFFING

In addition to meeting the requirements in 10A NCAC 48B .0103, to be accredited pursuant to G.S. 130A-34.1, a local health department shall meet the following requirements:

- (1) The local health department shall employ a full-time health director who meets the requirements of G.S. 130A-40, director, a full-time public health nurse who meets the requirements of Item (2) of this Rule, a full-time registered environmental health specialist who is authorized as agent of the state in accordance with 15A NCAC 01O .0100, sanitarian, and a full-time administrative assistant. secretary. For purposes of this Rule, full-time means the employee is employed to work a standard work week of the local health department. ~~However, the local health department may share a local health director with one or more other local health departments.~~
- (2) All ~~local health department~~ public health nurses employed by a local health department shall: shall ~~either:~~
  - (a) Hold an active unencumbered license to practice as a registered nurse in accordance with 21 NCAC 36, which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at <http://reports.oah.state.nc.us/ncac.asp>. Have a nursing degree from a baccalaureate school accredited by the National League for Nursing or the Commission on Collegiate Nursing Education; or
  - (b) ~~Complete within one year of employment with the health department~~ an introductory course in principles and practices of public health and public health nursing sponsored by the Department and Department. The curriculum for the course shall be developed by the Department with input from local health departments and schools of nursing. Public health nurses employed by a local health department after the effective date of this Rule shall complete the introductory course within one year of employment with the local health department. Public health nurses employed by a local health department on the effective date of this Rule who have not completed the introductory course or who completed it prior to January 1, 2023 shall complete the introductory course by December 31, 2027; and nursing.
  - (c) Complete within three years of first publication each public health nursing refresher course sponsored by the Department following the public health nurse's completion of the introductory course required in Sub-item (2)(b) of this Rule. Refresher courses shall be published on the Division of Public Health's website at <https://www.dph.ncdhhs.gov/local-health-departments> and align with the American Nurses Association's Public Health

1                    Nursing: Scope and Standards of Practice, 3rd edition and any subsequent amendments or  
2                    editions, which is incorporated by reference and available at  
3                    [https://www.nursingworld.org/nurses-books/public-health-nursing-scope-and-standards-](https://www.nursingworld.org/nurses-books/public-health-nursing-scope-and-standards-of-prac/)  
4                    [of-prac/](https://www.nursingworld.org/nurses-books/public-health-nursing-scope-and-standards-of-prac/).

5  
6    *History Note:*    *Authority G.S. 130A-5(3); 130A-9; 130A-34.1;*  
7                    *Eff. February 1, 1976;*  
8                    *Readopted Eff. December 5, 1977;*  
9                    *Amended Eff. July 1, 1985;*  
10                  *Transferred and Recodified from 10 NCAC 12 .0101 Eff. April 4, 1990;*  
11                  *Amended Eff. October 1, 2008; September 1, 1990;*  
12                  *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5,*  
13                  *~~2016.~~ 2016.*  
14                  *Amended Eff. January 1, 2025.*