

NORTH CAROLINA REGISTER

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October 15, 2019

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NORTH CAROLINA REGISTER
Publication Schedule for January 2019 – December 2019

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
33:13	01/02/19	12/06/18	01/17/19	03/04/19	03/20/19	04/18/19	05/01/19	09/29/19
33:14	01/15/19	12/19/18	01/30/19	03/18/19	03/20/19	04/18/19	05/01/19	10/12/19
33:15	02/01/19	01/10/19	02/16/19	04/02/19	04/22/19	05/16/19	06/01/19	10/29/19
33:16	02/15/19	01/25/19	03/02/19	04/16/19	04/22/19	05/16/19	06/01/19	11/12/19
33:17	03/01/19	02/08/19	03/16/19	04/30/19	05/20/19	06/20/19	07/01/19	11/26/19
33:18	03/15/19	02/22/19	03/30/19	05/14/19	05/20/19	06/20/19	07/01/19	12/10/19
33:19	04/01/19	03/11/19	04/16/19	05/31/19	06/20/19	07/18/19	08/01/19	12/27/19
33:20	04/15/19	03/25/19	04/30/19	06/14/19	06/20/19	07/18/19	08/01/19	01/10/20
33:21	05/01/19	04/09/19	05/16/19	07/01/19	07/22/19	08/15/19	09/01/19	01/26/20
33:22	05/15/19	04/24/19	05/30/19	07/15/19	07/22/19	08/15/19	09/01/19	02/09/20
33:23	06/03/19	05/10/19	06/18/19	08/02/19	08/20/19	09/19/19	10/01/19	02/28/20
33:24	06/17/19	05/24/19	07/02/19	08/16/19	08/20/19	09/19/19	10/01/19	03/13/20
34:01	07/01/19	06/10/19	07/16/19	08/30/19	09/20/19	10/17/19	11/01/19	03/27/20
34:02	07/15/19	06/21/19	07/30/19	09/13/19	09/20/19	10/17/19	11/01/19	04/10/20
34:03	08/01/19	07/11/19	08/16/19	09/30/19	10/21/19	11/21/19	12/01/19	04/27/20
34:04	08/15/19	07/25/19	08/30/19	10/14/19	10/21/19	11/21/19	12/01/19	05/11/20
34:05	09/03/19	08/12/19	09/18/19	11/04/19	11/20/19	12/19/19	01/01/20	05/30/20
34:06	09/16/19	08/23/19	10/01/19	11/15/19	11/20/19	12/19/19	01/01/20	06/12/20
34:07	10/01/19	09/10/19	10/16/19	12/02/19	12/20/19	01/16/20	02/01/20	06/27/20
34:08	10/15/19	09/24/19	10/30/19	12/16/19	12/20/19	01/16/20	02/01/20	07/11/20
34:09	11/01/19	10/11/19	11/16/19	12/31/19	01/21/20	02/20/20	03/01/20	07/28/20
34:10	11/15/19	10/24/19	11/30/19	01/14/20	01/21/20	02/20/20	03/01/20	08/11/20
34:11	12/02/19	11/06/19	12/17/19	01/31/20	02/20/20	03/19/20	04/01/20	08/28/20
34:12	12/16/19	11/21/19	12/31/19	02/14/20	02/20/20	03/19/20	04/01/20	09/11/20

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 18 – BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners of Electrical Contractors intends to adopt the rules cited as 21 NCAC 18B .0212, .0408, amend the rules cited as 21 NCAC 18B .0303, .0404, and repeal the rule cited as 21 NCAC 18B .0901.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www.ncbeec.org/>

Proposed Effective Date: July 1, 2020

Public Hearing:

Date: December 12, 2019

Time: 8:30 a.m.

Location: 3101 Industrial Dr., Suite 206, Raleigh, NC 27619

Reason for Proposed Action: *The Legislature has passed Senate Bill 88 prompting the Board to make a new rule, proposed as 21 NCAC 18B .0408 to address electricians in schools. The Legislature has passed House Bill 770 prompting the Board to make a new rule, proposed as 21 NCAC 18B .0212 to address the required recognition by Boards of apprenticeships and training experiences. Furthermore, the Board proposed the repeal of 21 NCAC 18B .0901 to address the change in requirements for denial of a license to consist of a number of factors rather than only those listed in the current rule. Rules 21 NCAC 18B .0303 and 21 NCAC 18B .0404 are proposed to be amended to keep up with the cost of living by increasing license fees as well as increasing the project value limits.*

Comments may be submitted to: Tim Norman, 3101 Industrial Dr., Suite 206, Raleigh, NC 27619; phone (919) 733-9042; fax (919) 733-6105

Comment period ends: December 16, 2019

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules

Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SUBCHAPTER 18B - BOARD'S RULES FOR THE IMPLEMENTATION OF THE ELECTRICAL

SECTION .0200 - EXAMINATIONS

21 NCAC 18B .0212 APPRENTICE TRAINING

Applicants for examination or license based upon apprentice training pursuant to G.S. 93B-8.6 shall receive credit for such apprenticeship experience consistent with all applicants as set forth in 21 NCAC 18B .0202(b)(1) or 21 NCAC 18B .0202(b)(2).

Authority G.S. 87-42; 87-44; 93B-3; 93B-8.6.

SECTION .0300 - DEFINITIONS AND EXPLANATIONS OF TERMS APPLICABLE TO LICENSING

21 NCAC 18B .0303 ELECTRICAL INSTALLATION: PROJECT: PROJECT VALUE-LIMITATION

For the purpose of implementing G.S. 87-43.3 pertaining to the limited and intermediate electrical contracting license classifications, the following provisions shall apply:

- (1) Electrical Installation. Electrical work is construed to be an electrical installation when the work is made or is to be made:
 - (a) in or on a new building or structure;
 - (b) in or on an addition to an existing building or structure;
 - (c) in or on an existing building or structure, including electrical work in connection with lighting or power rewiring or with the addition or

- replacement of machines, equipment or fixtures; or
 - (d) in an area outside of buildings or structures, either overhead or underground or both.
- (2) Project. An electrical installation is construed to be a separate electrical contracting project if all the following conditions are met:
 - (a) the installation is, or will be, separate and independently supplied by a separate service, feeder, or feeder system;
 - (b) the installation is for:
 - (i) an individual building or structure which is separated from other buildings or structures by a lot line or, if located on the same lot with other buildings or structures, is physically separated from such other buildings or structures by an open space or an area separation fire wall;
 - (ii) an individual townhouse single-family dwelling unit constructed in a series or group of attached units with property lines separating such units;
 - (iii) an individual tenant space in a mall-type shopping center;
 - (iv) an addition to an existing building or structure;
 - (v) an existing building or structure, including electrical work in connection with lighting or power rewiring or with the addition or replacement of machines, equipment, or fixtures; or
 - (vi) an outdoor area either overhead or underground or both;
 - (c) the negotiations or bidding procedures for the installation are carried out in a manner totally separate and apart from the negotiations or bidding procedures of any other electrical installation or part thereof;
 - (d) except for additions, alterations, repairs, or changes to a pre-existing electrical installation, no electrical interconnection or relationship exists between the installation and any other electrical installation or part thereof; and
 - (e) a separate permit is required to be obtained for each individual building

structure or outdoor area involved from the governmental agency having jurisdiction.

If a question is raised by a party at interest or if requested by the Board or Board's staff for any reason, the owner or the awarding authority or an agent of either shall furnish to the Board, and to the inspections department having jurisdiction, a sworn affidavit confirming that the conditions set forth in Sub-Items (2)(a) through (e) of this Rule are satisfied or the project will be treated as a single project.

- (3) Relationship of Plans and Specifications to Definition of Project. Even though the electrical work may not fully comply with each condition set out in Item (2) of this Rule, the entire electrical work, wiring, devices, appliances or equipment covered by one set of plans or specifications shall be construed as a single electrical contracting project by the Board.

- (4) Project Value Limitation. In determining the value of a given electrical contracting project, the total known or reasonable estimated costs as determined by the Board of all electrical wiring materials, equipment, fixtures, devices, and installation shall be included in arriving at this value, regardless whether a third party such as an owner or general contractor furnishes all or part of same, and regardless of the form or type of contract or subcontract involved.

- (a) if the total cost of the wiring, materials, etc., including that furnished by others, plus the total cost of the installation involved, will be more than ~~fifty~~ sixty thousand dollars ~~(\$50,000)~~ (\$60,000) but not more than one hundred ~~thirty~~ fifty thousand dollars ~~(\$130,000)~~ (\$150,000), then only an electrical contractor holding either an intermediate or unlimited license shall be eligible to submit a proposal or engage in the project.

- (b) if the total cost of the wiring, materials, etc., including that furnished by others, plus the total cost of the installation involved, will exceed one hundred ~~thirty~~ fifty thousand dollars ~~(\$130,000)~~ (\$150,000), then only an electrical contractor holding an unlimited license shall be eligible to submit a proposal or engage in the project.

If a given electrical contracting project is subdivided into two or more contracts or subcontracts for any reason, then the total value of the combined contracts or subcontracts that may be awarded to or accepted by any one licensee of the Board must be within the total project value in accordance with this Rule.

The Board's staff shall make a determination of what constitutes a project in any given situation, and any party at interest may appeal any staff determination to the Board for a final binding decision.

Authority G.S. 87-42; 87-43; 87-43.3.

SECTION .0400 - LICENSING REQUIREMENTS

21 NCAC 18B .0404 ANNUAL LICENSE FEES

(a) The fee for issuance of license, reissuance of license, or license renewal in the various license classifications shall be as follows:

LICENSE FEE SCHEDULE	
CLASSIFICATION	LICENSE FEE
<u>Limited</u>	\$ 85.00
<u>Limited</u>	\$ 95.00
<u>Intermediate</u>	\$130.00
<u>Intermediate</u>	\$140.00
<u>Unlimited</u>	\$180.00
<u>Unlimited</u>	\$190.00
<u>SP-SFD</u>	\$ 85.00
<u>SP-SFD</u>	\$ 95.00
<u>Special Restricted</u>	\$ 85.00
<u>Special Restricted</u>	\$ 95.00

(b) License fees shall be made payable to the Board. Payment shall accompany any license or license renewal application filed with the Board.

Authority G.S. 87-42; 87-44.

21 NCAC 18B .0408 SCHOOL, HOSPITAL AND NONPROFIT ELECTRICAL CONTRACTORS AND SEPARATE EMPLOYMENT

Consistent with the provisions of G.S. 87-43.1(5a), the provisions of 21 NCAC 18B .0402(b) and 21 NCAC 18B .0403(b) do not apply to an individual who is employed full-time by a local Board of Education, Hospital or non-profit organization, while such individual is obligated to be regularly on active duty, as defined by 21 NCAC 18B .0301 at said place of employment and complies with the supervision requirements of 21 NCAC 18B .0907(c). The provisions of 21 NCAC 18B .0907, 21 NCAC 18B .0908 and 21 NCAC 18B .0909 continue to apply.

Authority G.S. 87-42; 87-44; 87-43.1(5a).

SECTION .0900 - VIOLATIONS AND CONTESTED CASE HEARINGS

21 NCAC 18B .0901 APPLICANTS CONVICTED OF CRIMES

Authority G.S. 87-42; 87-43.3; 87-43.4; 87-47(a1)(4).

**CHAPTER 63 - SOCIAL WORK CERTIFICATION
LICENSURE BOARD**

Notice is hereby given in accordance with G.S. 150B-21.2 that the Social Work Certification and Licensure Board intends to adopt the rule cited as 21 NCAC 63 .0215.

Link to agency website pursuant to G.S. 150B-19.1(c):
www.ncswboard.org

Proposed Effective Date: February 1, 2020

Public Hearing:

Date: November 1, 2019

Time: 10:00 a.m.

Location: 1207 S. Cox St., Suite F, Asheboro, NC

Reason for Proposed Action: *Implements procedure by which applicants can obtain a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining licensure.*

Comments may be submitted to: *Elizabeth N. Pope, NC Social Work Certification and Licensure Board, 1207 S. Cox St., Suite F, Asheboro, NC 27203; phone (336) 625-1679; fax (336) 625-4246; email epope@ncswboard.org*

Comment period ends: December 16, 2019

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact (>= \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SECTION .0200 - CERTIFICATION

21 NCAC 63 .0215 PETITION FOR PREDETERMINATION

(a) General. Pursuant to G.S. 93B-8.1(b6), any person with a criminal history may petition the Board at any time for a predetermination of whether the individual's criminal history likely will disqualify the individual from obtaining a license, in accordance with this Rule. Petition forms and instructions may be found on the Board's website at <https://www.ncswboard.org>.

(b) Petition Procedure. To petition the Board under this Rule, a person must submit to the Board's office a petition for predetermination that contains all of the following information:

- (1) The person's full name;
- (2) The last four digits of the person's social security number;
- (3) The person's current residential address;
- (4) The person's current mailing address;
- (5) A complete and accurate nationwide criminal history record report from a reporting service designated by the Board, the cost of which shall be borne by the petitioner; and
- (6) For each crime identified in the criminal history record report, the following information:
 - (A) Whether the crime was a felony or misdemeanor;
 - (B) The date that the crime occurred;
 - (C) The date the person was convicted of, or plead guilty or nolo contendere to, the crime;
 - (D) The age of the person at the time of the crime;
 - (E) The circumstances surrounding the commission of the crime;
 - (F) The sentence imposed for the crime;
 - (G) The period of time during which the person was incarcerated for the crime;
 - (H) The period of time during which the person was on probation or parole for the crime;
 - (I) Any documentation related to the person's rehabilitation or employment since the date of the crime;

(J) Whether the person has undergone any rehabilitative drug or alcohol treatment since the date of the crime;

(K) Whether a Certificate of Relief has been granted regarding the crime, pursuant to G.S. 15A-173.2; and

(L) Any affidavits or other written documents, including character references, for the person.

(7) An affirmation under oath that the person has read the Instructions for Submitting a Petition for Predetermination and the statutes and rules governing the practice of social work and that the information contained in the petition is true and accurate.

Incomplete petitions will not be considered by the Board. If incomplete petitions received by the Board are not made complete within 30 days of receipt, the incomplete petitions will be returned to the person from whom the request was made.

(c) Petition Fee. A non-refundable petition fee of forty-five dollars (\$45.00) shall accompany each petition. This fee may be paid by certified bank check or money order made payable to the North Carolina Social Work Certification and Licensure Board. Cash shall not be accepted.

(d) Delegation of Authority for Predetermination. The Board delegates authority for rendering predeterminations under this Rule to a committee of the Board that is tasked with reviewing disciplinary matters, the members of which shall be determined by the Board Chair or their designee.

Authority G.S. 90B-11; 93B-8.1.

Note from the Codifier: The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th day.
This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Rule-making Agency: *Wildlife Resources Commission*

Rule Citation: *15A NCAC 10F .0317 and .0327*

Effective Date: *October 1, 2019*

Date Approved by the Rules Review Commission: *September 19, 2019*

Reason for Action: *A serious and unforeseen threat to the public health, safety or welfare.*

A no wake zone, shore to shore, within 85 yards north and south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge, is needed to mitigate water safety hazards during a NCDOT bridge construction project. Additionally, the temporary rule includes a no wake zone surrounding a boathouse and marina at 712 Berry Hill Drive in Norwood, NC. Increased boater activity surrounding newer commercial activities at this marina necessitates this amendment.

The WRC has statutory authority (G.S. 150B-21.1(a)(7)) to establish no wake zones through temporary rulemaking procedures.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0317 STANLY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters and portions of waters described as follows:

- (1) ~~Narrows Reservoir, otherwise known as Badin Lake; and Badin Lake.~~
- (2) ~~Lake Tillery: Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.~~
- (2) Lake Tillery.
 - (A) Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.
 - (B) The waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry Hill Drive in Norwood.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of a regulated area described in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

(d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated area described in Paragraph (a) of this Rule:

(e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing this Rule.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0327 MONTGOMERY COUNTY

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

- (1) Badin Lake.
 - (A) the cove west of Lakeshore Drive and east of Strand Drive, southeast of a line at the mouth of the cove from a point on the east shore at 35.49242 N, 80.09241 W to a point on the west shore at 35.49242 N, 80.09241 W;
 - (B) Lake Forest Drive Cove shore to shore, west of a point 50 yards east of the fueling site at the marina at 35.48739 N, 80.10918 W;
 - (C) Garr Creek shore to shore, north of a line beginning at a point on the east shore at 35.47952 N, 80.13633 W to a point on the west shore at 35.47946 N, 80.13932 W; and
 - (D) the channel between Beyer's Island and the mainland, shore to shore beginning at a line from a point on Beyer's Island at 35.49102 N, 80.10221 W to a point on the mainland at 35.49230 N, 80.10241 W, ending at a line westward, from a point on Beyer's Island at 35.48988 N,

- (2) Lake Tillery.
- (A) 80.10573 W to a point on the mainland at 35.49077 N, 80.10702 W.
- (B) the waters within 50 yards of the boat ramp in the south end of Woodrun Cove at 35.33113 N, 80.06277 W;
- (C) Carolina Forest Cove shore to shore and the waters within 50 yards of the boat ramps and boat slips at the end of Arroyo Drive in Carolina Forest Community, from a point on the south shore at 35.36276 N, 80.05386 W, northeast to a point on the north shore at 35.36405 N, 80.05304 W; ~~and~~
- (C) Lilly's Bridge Boating Access Area shore to shore, from line 25 feet north of the SR 1110 bridge otherwise known as Lillys Bridge Road at a point on the east shore at 35.23223 N, 80.06166 W, to a point on the west shore at 35.23289 N, 80.06318 W, to a line 200 feet southwest of the Lilly's Bridge Boating Access Area, from a point on the east shore at 35.23067 N; 80.06262 W, to a point on the west shore at 35.23156 N; ~~80.06437 W.~~ 80.06437 W; and
- (3) Tuckertown Reservoir.

- (b) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.
- (c) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any regulated area described in Paragraph (a) of this Rule.
- (d) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of the regulated areas described in Paragraph (a) of this Rule.
- (e) Placement of Markers. The Board of Commissioners of Montgomery County shall be the designated agency for placement of the markers implementing Parts (a)(1)(A), (B), (C), (2)(A) and (B), and Subparagraph (a)(3) of this Rule. The North Carolina Wildlife Resources Commission is the designated agency for placement and maintenance of the markers implementing Part (a)(2)(C) of this Rule.
- (f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

Authority G.S. 75A-3; 75A-15.

This Section contains information for the meeting of the Rules Review Commission September 19, 2019 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeff Hyde (Chair)
Robert A. Bryan, Jr.
Margaret Currin
Brian P. LiVecchi
W. Tommy Tucker, Sr.

Appointed by House

Jeanette Doran (1st Vice Chair)
Andrew P. Atkins
Anna Baird Choi (2nd Vice Chair)
Paul Powell
Garth Dunklin

COMMISSION COUNSEL

Amber Cronk May (919) 431-3074
Amanda Reeder (919) 431-3079
Ashley Snyder (919) 431-3081

RULES REVIEW COMMISSION MEETING DATES

October 17, 2019 November 21, 2019
December 19, 2019 January 16, 2020

RULES REVIEW COMMISSION MEETING MINUTES

September 19, 2019

The Rules Review Commission met on Thursday, September 19, 2019, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Brian LiVecchi, and Tommy Tucker.

Staff members present were Commission Counsel Amber Cronk May, Ashley Snyder, and Amanda Reeder; and Julie Brincefield, Alex Burgos, and Dana McGhee.

The meeting was called to order at 9:00 a.m. with Chairman Dunklin presiding.

Chief Administrative Law Judge, the Honorable Julian Mann, addressed the Commission. Judge Mann introduced the Honorable Paul Newby, Senior Associate Justice of the North Carolina Supreme Court, to the Commission.

Justice Newby administered the oath of office to new Commissioner, the Honorable Tommy Tucker.

Chairman Dunklin read into the record the statement of economic interest for Tommy Tucker, which stated there was no actual conflict of interest.

Chairman Dunklin read the notice required by G.S. 163A-159 and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the August 15, 2019 meeting. There were none and the minutes were approved as distributed.

The Chairman notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow up matter for DHHS/ Division of Health Benefits and Permanent Rules for Criminal Justice Education and Training Standards Commission.

FOLLOW UP MATTERS**Board of Elections**

The agency is addressing the objection for 08 NCAC 10B .0103. No action was required by the Commission.

Social Services Commission

10A NCAC 06S .0101, .0102, .0203, .0204, .0301, .0302, .0402, .0403, .0404, .0405, .0501, .0508; and 06T .0201 - The agency is addressing the objections from the August meeting. No action was required by the Commission.

Chairman Dunklin introduced OAH extern Alyssa Wright, to the Commission.

DHHS/ Division of Health Benefits

10A NCAC 23G .0304 was approved with Commissioner LiVecchi voting against.

Matthew Cochran, with Ott Cone and Redpath, speaking in opposition to the rule, addressed the Commission.

Shazia Keller, the rulemaking coordinator for the agency, addressed the Commission.

Prior to the review of the rule from the DHHS/ Division of Health Benefits, Commissioner Tucker recused himself and did not participate in any discussion or vote concerning the rule because he may have a conflict.

Commission for the Blind

The agency is addressing the objections for 10A NCAC 63C .0203, .0204, .0403, and .0601. No action was required by the Commission.

Social Services Commission

10A NCAC 67A .0101, .0201, .0202; 68 .0103, .0104, .0105, .0106, .0202, .0203, .0204, .0205, .0206, .0208, .0301, and .0303; 69 .0602, .0604, .0605; and 72 .0101. In accordance with G.S. 150B-21.12(d), the agency requested that the Rules be returned. Because the objections were to language currently in the code, these Rules will be removed from the NCAC.

Department of Justice

At the June meeting, the RRC voted pursuant to G.S. 150B-21.9 to ask the Office of State Budget and Management to determine if the adoption of 12 NCAC 02I .0306 has a substantial economic impact and therefore requires a fiscal note. The RRC is awaiting a response from the Office of State Budget and Management. No action was required by the Commission.

Environmental Management Commission 15A NCAC 02B

15A NCAC 02B .0101, .0103, .0104, .0106, .0108, .0110, .0201, .0202, .0203, .0204, .0205, .0206, .0208, .0211, .0212, .0214, .0215, .0216, .0218, .0219, .0220, .0221, .0222, .0223, .0224, .0225, .0226, .0227, .0228, .0230, .0231, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0313, .0314, .0315, .0316, .0317 - The agency is addressing the technical change requests from the August meeting. No action was required by the Commission.

Environmental Management Commission 15A NCAC 02B, 02H

15A NCAC 02B .0402, .0403, .0404, .0406, .0407, .0408, .0501, .0502, .0503, .0504, .0505, .0506, .0508, .0511; 02H .0101, .0102, .0103, .0105, .0106, .0107, .0108, .0109, .0111, .0112, .0113, .0114, .0115, .0116, .0117, .0118, .0120, .0121, .0124, .0125, .0127, .0138, .0139, .0140, .0141, .0142, .0143, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .1201, .1202, .1203, .1204, .1205, .1206 - The agency is addressing the objections from the July meeting. No action was required by the Commission.

Board of Dietetics/Nutrition

The agency is addressing the objections for 21 NCAC 17 .0101 and .0303. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)**Department of Administration**

All rules were unanimously approved except for 01 NCAC 05B .1520.

The Commission objected to 01 NCAC 05B .1520 in accordance with G.S. 150B-21.10 for lack of statutory authority and ambiguity.

The Commission objected to this Rule for lack of statutory authority as none of the cited authority in the history note of this Rule provides the Department authority to promulgate rules regarding the "debarment" of a vendor as eligibility and

ineligibility requirements for vendors are specifically set forth in Statute. Specifically, G.S. 143-59.1 and 143-59.2 address eligibility of vendors. G.S. 143-59.1 sets forth eligibility requirements for foreign vendors. G.S. 143-59.2 indicates when vendors are prohibited from contracting with the State. Because none of the cited authority in the History Note of this Rule gives specific authority regarding debarment or eligibility requirements of vendors, the Commission determined that the agency does not have the authority to create additional grounds for debarment and ineligibility beyond the circumstances set forth in Statute.

Additionally, the Commission objected to this Rule for ambiguity. Specifically, Paragraph (a) of this Rule states that the "SPO may debar the vendor from receiving an award under a State Contract or conducting further business with the State for up to a one-year term in accordance with this Rule." However, while this Rule does provide circumstances upon which this determination may be applicable, this Rule does not provide factors that the SPO is to use in determining whether and for how long a Vendor will be debarred.

Further, it is unclear in Subparagraph (b)(1) what "deliberate failure without good cause" means and how it is to be determined.

Board of Agriculture

02 NCAC 02D .0209 was unanimously approved.

Criminal Justice Education and Training Standards Commission

All rules were unanimously approved. 12 NCAC 09F .0313 was approved contingent upon a technical change to Paragraph (a) to change the term "public school unit" to "local school administrative unit as defined in G.S. 115C-5(6)" and to state that the requirements of Paragraph (a) will govern the memorandum. The technical change was subsequently received.

Ameshia A. Cooper, with the Attorney General's office and representing the agency, addressed the Commission.

Alcoholic Beverage Control Commission

14B NCAC 15B .1013 was unanimously approved.

Private Protective Services Board

The Commission extended the period of review for 14B NCAC 16 .0110, .0805, .0806, .0807, .0808, .0809, .0904, and .0906 in accordance with G.S. 150B-21.10. It did so in response to a request from the agency to extend the period in order to allow the agency additional time to address technical change requests.

The Commission objected to 14B NCAC 16 .0804, .0901, and .0909 in accordance with G.S. 150B-21.10.

The Commission objected to 14B NCAC 16 .0804 for lack of statutory authority and ambiguity. Specifically, the Commission found that Paragraph (a) of the rule states that there shall be "such further investigation of the applicant as deemed necessary." The rule does not say who will deem the investigation necessary, nor how the necessity will be determined. The Commission found that this language was ambiguous. In Paragraph (b), the rule states that any denial of the registration by the Director will be subject to review of the Board. However, G.S. 74C-13(f) requires the Board to determine whether to issue or deny an applicant for a firearm registration permit. The agency did not cite to any authority for the Director to issue a denial such that it is reviewable by the Board, nor any authority of the Board to delegate this decision. Therefore, the Commission found that the agency lacks statutory authority for this Paragraph.

The Commission objected to Rules 14B NCAC 16 .0901 and .0909 for lack of statutory authority. Specifically, both rules require applicants seeking licensure pursuant to G.S. 93B-15.1 (military trained applicants and spouses of those individuals) to submit application fees. The assessment of an application fee against those individuals is forbidden by G.S. 93B-15.1(k). The Commission found that the agency does not have authority to charge these fees in either rule.

Wildlife Resources Commission 15A NCAC 10B, 10F

All rules were unanimously approved.

Wildlife Resources Commission 15A NCAC 10H

All rules were unanimously approved.

Commission for Public Health

15A NCAC 18A .2816 was unanimously approved.

Board of Certified Public Accountant Examiners

21 NCAC 08F .0105 was unanimously approved.

Board of Cosmetic Art Examiners

All rules were unanimously approved with the following exceptions: The Commission objected to 21 NCAC 14H .0101 and .0102 in accordance with G.S. 150B-21.10.

The Commission objected to 21 NCAC 14H .0101 and .0102 for lack of statutory authority as the only cited authority has been repealed.

Prior to the review of the rules from the Board of Cosmetic Art Examiners, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the rules because of a conflict.

Board of Dental Examiners

All rules were unanimously approved with the following exceptions: The Commission extended the period of review for 21 NCAC 16V .0101 and .0102. It did so in response to a request from the agency to extend the period in order to allow the agency additional time to address technical change requests.

State Board of Opticians

All rules were unanimously approved with the following exceptions: The Commission extended the period of review for 21 NCAC 40 .0104, .0209, .0314, .0319, and .0325. It did so in response to a request from the agency to extend the period in order to allow the agency additional time to address technical change requests.

The Commission objected to 21 NCAC 40 .0109, .0321, and .0323 in accordance with G.S. 150B- 21.10 as follows:

The Commission objected to 21 NCAC 40 .0109 for lack of statutory authority, ambiguity, and necessity. Specifically, the Commission objected to Paragraph (b) for lack of statutory authority for use of the language “eligible to vote;” Paragraph (d) for ambiguity related to the make-up of the Election Committee; Paragraph (e) for ambiguity, lack of statutory authority, and necessity related to the nomination process; and Paragraph (f) for lack of statutory authority and necessity for requiring the governor to make appointments to Board vacancies.

The Commission objected to 21 NCAC 40 .0321 for lack of statutory authority and ambiguity. Specifically, the Commission objected to ambiguity for failure to list the Board’s factors for determining or provide a list of the “minimum equipment specified by the Board,” the “curriculum approved by the board,” “any test required by the Board,” and for failure to delineate the scope or purpose of the on-site inspection requirement. The Commission objected for lack of statutory authority for failure to limit the Board’s inspections to ensuring compliance with a training program.

The Commission objected to 21 NCAC 40 .0323 for ambiguity. Specifically, the rule is unclear because it does not provide any guidance regarding under what circumstances the Board will conduct a background check. Additionally, the use of the term “applicants” is ambiguous.

Prior to the review of the rules from the State Board of Opticians, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides legal advice to the Board on rulemaking.

LOG OF FILINGS (TEMPORARY RULES)**Wildlife Resources Commission**

15A NCAC 10F .0317 and .0327 were unanimously approved.

EXISTING RULES REVIEW**DHHS – Division of Health Service Regulation**

10A NCAC 14E - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than November 30, 2020 pursuant to G.S. 150B-21.3A(d)(2).

Commission for Public Health

15A NCAC 18A –The Commission voted to have the agency come to a later meeting with a detailed schedule to support its requested readoption date.

Virginia Niehaus, the rulemaking coordinator for the agency, addressed the Commission.

COMMISSION BUSINESS

The Commission voted to approve the Administrative Rule Style Guide for circulation to rulemaking coordinators as a tool to provide guidance to rulemaking coordinators.

Gerry Cohen, who wrote the Style Guide, addressed the Commission.

The Commission's Bylaws require that elections be held at the September meeting.

The following members were elected as officers:

Jeff Hyde was elected Chairman.

Jeanette Doran was elected 1st Vice-Chair.

Anna Baird Choi was elected 2nd Vice-Chair.

The meeting adjourned at 11:04 a.m.

The next regularly scheduled meeting of the Commission is Thursday, October 17, 2019 at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Garth Dunklin, Chair

September 19, 2019

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Shazia Keller	DHB
Virginia Niehaus	DPH/CPH
Nadine Pfeiffer	DHHS/DHSR
Hannah Feunigan	NC DOT
Larry Mitchell	DHHS/DPH
Ameshia A. Cooper	NC DOS / CJ Comm.
Sue M. Hodgins	State Bd of Opticians
Shannon Gerger	Dept Admin
Chissy Wagner	NCPA + CS
John P. Barkley	DOJ P., CPH, DHHS
Lynda Elliott	NC State Reg. Cosmetic Arts
Nancy Lauer	Duke University
Kirsten Overdahl	Duke University
Vikki Crause	NC Child
Tom Vitagliano	NC Child
Danica Bertley	Dental Board
Bob Brooks	NC APEX OF CPA Exam
EMMA WELLBAUM	Duke University
WALKER REAGAN	ABC Comm
Michelle O'Leary	Duke
Steven Conks	CS Standards

RULES REVIEW COMMISSION

September 19, 2019

Rules Review Commission
Meeting
Please **Print** Legibly

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**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

September 19, 2019

Nadine Pfeiffer, Rulemaking Coordinator
DHHS – Division of Health Service Regulation
2701 Mail Service Center
Raleigh, North Carolina 27699-2701

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **10A NCAC 14E**

Dear Ms. Pfeiffer:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the September 19, 2019 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than November 30, 2020.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Amber May
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION
PERIODIC RULE REVIEW
June 20, 2019
APO Review: August 24, 2019
Total: 3**

HHS - Health Service Regulation, Division of

Rule	Determination
<u>10A NCAC 14E .0105</u>	Necessary with substantive public interest
<u>10A NCAC 14E .0312</u>	Necessary with substantive public interest
<u>10A NCAC 14E .0316</u>	Necessary with substantive public interest

LIST OF APPROVED PERMANENT RULES
September 19, 2019 Meeting

ADMINISTRATION, DEPARTMENT OF

<u>Definitions</u>	01 NCAC 05A .0112
<u>Confidentiality</u>	01 NCAC 05B .0103
<u>Copies of Specifications</u>	01 NCAC 05B .0207
<u>Qualified Products List</u>	01 NCAC 05B .0208
<u>Confidentiality</u>	01 NCAC 05B .0210
<u>Electronic, Facsimile, and Telephone Offers</u>	01 NCAC 05B .0303
<u>Recall of Offers</u>	01 NCAC 05B .0304
<u>Public Opening</u>	01 NCAC 05B .0305
<u>Late Offers, Modifications, or Withdrawals</u>	01 NCAC 05B .0306
<u>Extension of Acceptance Time</u>	01 NCAC 05B .0308
<u>Evaluation</u>	01 NCAC 05B .0309
<u>Notification of Award</u>	01 NCAC 05B .0310
<u>Tabulations and Abstracts</u>	01 NCAC 05B .0313
<u>Advertisement Requirements</u>	01 NCAC 05B .0316
<u>Mandatory Conferences/Site Vists</u>	01 NCAC 05B .0317
<u>Rejection or Cancellation of Offers</u>	01 NCAC 05B .0501
<u>Public Record</u>	01 NCAC 05B .0502
<u>Negotiation</u>	01 NCAC 05B .0503
<u>Extension of Contract Termination Dates</u>	01 NCAC 05B .1108
<u>Use</u>	01 NCAC 05B .1201
<u>Confidentiality</u>	01 NCAC 05B .1501
<u>Change in Corporate Structure</u>	01 NCAC 05B .1507
<u>Use of Purchasing Power for Private Gain</u>	01 NCAC 05B .1510
<u>Anticompetitive, Deceptive, and Fraudulent Practices</u>	01 NCAC 05B .1511
<u>Advertising</u>	01 NCAC 05B .1516
<u>Protest Procedures</u>	01 NCAC 05B .1519
<u>Faithful Performance</u>	01 NCAC 05B .1521
<u>Reciprocal Preference</u>	01 NCAC 05B .1522
<u>Relationship of Consultant to State</u>	01 NCAC 05D .0209

AGRICULTURE, BOARD OF

<u>Admission Rules</u>	02 NCAC 20B .0104
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HHS - HEALTH BENEFITS, DIVISION OF

<u>Change In Situation</u>	10A NCAC 23G .0304
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CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Certification Training for School Resource Officers</u>	12 NCAC 09B .0313
<u>Topical Areas</u>	12 NCAC 09F .0102
<u>Instructor Responsibilities</u>	12 NCAC 09F .0105

ALCOHOLIC BEVERAGE CONTROL COMMISSION

<u>Refund Offers</u>	14B NCAC 15B .1013
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WILDLIFE RESOURCES COMMISSION

<u>Wildlife Taken for Depredations</u>	15A NCAC	10B	.0106
<u>Catawba, Iredell, Lincoln, and Mecklenburg Counties</u>	15A NCAC	10F	.0307
<u>Onslow County</u>	15A NCAC	10F	.0320
<u>McDowell County</u>	15A NCAC	10F	.0339
<u>City of Rocky Mount - Rocky Mount Millpond Dam Safety Zone</u>	15A NCAC	10F	.0370
<u>Definitions and General Requirements for Captivity License</u>	15A NCAC	10H	.1401
<u>Captivity License for Rehabilitation</u>	15A NCAC	10H	.1402
<u>Captivity License for Holding</u>	15A NCAC	10H	.1403
<u>Minimum Standards Captivity License for Holding</u>	15A NCAC	10H	.1404
<u>Captivity License Revocation and Enforcement</u>	15A NCAC	10H	.1405
<u>Form an Captivity Licenses</u>	15A NCAC	10H	.1406

PUBLIC HEALTH, COMMISSION FOR

<u>Lead Poisoning Hazards in Child Care Centers</u>	15A NCAC	18A	.2816
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CERTIFIED PUBLIC ACCOUNTANT EXAMINERS, BOARD OF

<u>Conditioning Requirements</u>	21 NCAC	08F	.0105
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COSMETIC ART EXAMINERS, BOARD OF

<u>Ventilation and Light</u>	21 NCAC	14H	.0302
<u>Licensees and Students</u>	21 NCAC	14H	.0401
<u>Disinfection Procedures</u>	21 NCAC	14H	.0403
<u>Operations of Schools of Cosmetic Art</u>	21 NCAC	14P	.0113
<u>Continuing Education</u>	21 NCAC	14R	.0105
<u>New School Applications</u>	21 NCAC	14T	.0102
<u>All Cosmetic Art Schools</u>	21 NCAC	14T	.0201
<u>Permanent Records, Forms and Documentation</u>	21 NCAC	14T	.0502
<u>Cosmetic Art Curricula</u>	21 NCAC	14T	.0601
<u>Cosmetology Curriculum</u>	21 NCAC	14T	.0602
<u>Apprentice Cosmetology Curriculum</u>	21 NCAC	14T	.0603
<u>Esthetics Curriculum</u>	21 NCAC	14T	.0604
<u>Manicuring Curriculum</u>	21 NCAC	14T	.0605
<u>Natural Hair Care Curriculum</u>	21 NCAC	14T	.0606
<u>Cosmetology Teacher Trainee Curriculum</u>	21 NCAC	14T	.0607
<u>Esthetic Teacher Trainee Curriculum</u>	21 NCAC	14T	.0608
<u>Manicurist Teacher Trainee Curriculum</u>	21 NCAC	14T	.0609
<u>Natural Hair Care Teacher Curriculum</u>	21 NCAC	14T	.0610
<u>Online Instruction</u>	21 NCAC	14T	.0611
<u>Instruction Guidelines</u>	21 NCAC	14T	.0612
<u>School Operations/Licensure Maintenance</u>	21 NCAC	14T	.0701
<u>Expiration of Student Credit</u>	21 NCAC	14T	.0703

DENTAL EXAMINERS, BOARD OF

<u>Definitions</u>	21 NCAC	16A	.0101
<u>Suspension of Authority to Expend Funds</u>	21 NCAC	16A	.0105
<u>Examination Required; Exemptions</u>	21 NCAC	16B	.0101
<u>Board Approved Examinations</u>	21 NCAC	16B	.0303

RULES REVIEW COMMISSION

<u>Licensure</u>	21 NCAC 16C .0101
<u>General Permitted Functions of Dental Assistant I</u>	21 NCAC 16H .0201
<u>Limited Exception for Assisting Hygienists</u>	21 NCAC 16H .0208
<u>Fee for Late Filing and Duplicate License</u>	21 NCAC 16I .0106
<u>Right to Hearing</u>	21 NCAC 16N .0501
<u>Subpoenas</u>	21 NCAC 16N .0603
<u>Disciplinary Factors</u>	21 NCAC 16N .0607
<u>Training for Public Health Hygienists</u>	21 NCAC 16W .0102

OPTICIANS, STATE BOARD OF

<u>Location and Function</u>	21 NCAC 40 .0101
<u>Fees</u>	21 NCAC 40 .0108
<u>Duty to Provide Direct Supervision</u>	21 NCAC 40 .0212
<u>Licensure Examination Fees</u>	21 NCAC 40 .0302
<u>Licensure Examination and Re-Examination</u>	21 NCAC 40 .0303
<u>License Renewal Information</u>	21 NCAC 40 .0320

LIST OF APPROVED TEMPORARY RULES
September 19, 2019 Meeting

WILDLIFE RESOURCES COMMISSION

<u>Stanly County</u>	15A NCAC 10F .0317
<u>Montgomery County</u>	15A NCAC 10F .0327

CONTESTED CASE DECISIONS

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 919-431-3000.

OFFICE OF ADMINISTRATIVE HEARINGS**Chief Administrative Law Judge****JULIAN MANN, III****Senior Administrative Law Judge****FRED G. MORRISON JR.****ADMINISTRATIVE LAW JUDGES**

Melissa Owens Lassiter
Don Overby
J. Randall May
David Sutton
Tenisha Jacobs

A. B. Elkins II
Selina Malherbe
J. Randolph Ward
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>Published</u>			
19	CPS	03265	8/29/2019	Rickey D Jones	v.	NC Crime Victims Compensation Commission	Malherbe
19	DHR	02031	8/2/2019	Bryan D Eudy	v.	Division of Health Benefits	Malherbe
19	DHR	03152	8/6/2019	Jesse Verduzco	v.	NC Department of Health and Human Services, Food and Nutrition Services	Malherbe
19	DOJ	01472	8/26/2019	Ennis Brendon Covington	v.	NC Private Protective Services Board	Lassiter
19	DOJ	01501	8/29/2019	Wilton J Ellis	v.	NC Sheriffs Education and Training Standards Commission	Sutton
19	DOJ	02307	8/14/2019	Matthew Scott Tucker	v.	NC Private Protective Services Board	Overby
19	DOJ	02309	8/14/2019	Jeremy Douglas Reese	v.	NC Alarm Systems Licensing Board	Overby
18	EHR	07390; 07391	8/12/2019	Gwendolyn Smuts; Marvin A Tignor	v.	Dept of Environmental Quality	Ward
19	INS	01936	8/28/2019	Mitchell Todd Smith	v.	NC State Health Plan A Division of the Department of State Treasurer	Lassiter
				<u>Unpublished</u>			
19	ABC	03204	8/16/2019	<u>Kreshnik Hakanjin</u>	v.	NC ABC Commision	Mann

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19	ABC	03350	8/26/2019	<u>NC Alcoholic Beverage Control Commission</u>	v.	FG EL Tequila LLC T/A El Tequila Mexican Restaurant	Ward
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18	CPS	05430	8/29/2019	<u>Elizabeth Stevenson</u>	v.	Crime Victims Compensation Commission	Bawtinhimer
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18	CSE	06874	8/28/2019	<u>Llewellyn K Borders</u>	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
18	CSE	07090	8/20/2019	<u>Brian Jay Flynn</u>	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
19	CSE	02029	8/7/2019	<u>Mark A Spears</u>	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
19	CSE	02045	8/6/2019	<u>Keondre E Blair</u>	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
19	CSE	02381	8/27/2019	<u>Paul Scott Pressley</u>	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	May
19	CSE	03149	8/19/2019	<u>Curtis L Pugh</u>	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
19	CSE	03630	8/16/2019	<u>Frank Watkins</u>	v.	Wake County Child Support	Lassiter
19	CSE	03994	8/19/2019	<u>Melvin G Wilcox III</u>	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
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18	DHR	04495	8/28/2019	<u>Als Line of Care Inc D/B/A Magnolia House Retirement Center (License No HAL-053-026)</u>	v.	NC Department of Health and Human Services, Division of Health Service Regulation Adult Care Licensure Section	Ward
19	DHR	00362	8/2/2019	<u>Mother Goose Day Care and Preschool LLC</u>	v.	NC Dept of Health and Human Services, Div of Child Development and Early Education	Overby
19	DHR	01112	8/6/2019	<u>Jennifer E Smith Joe D Cooper</u>	v.	McDowell County Environmental Health Section	Sutton
19	DHR	01711	8/19/2019	<u>Stanlina Williams-Koroma</u>	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Jacobs
19	DHR	02274	8/14/2019	<u>Justine Ducrocq</u>	v.	NC Department of Health and Human Services	Jacobs
19	DHR	02792	8/5/2019	<u>E C Canada & Associates Inc</u>	v.	Special Nutrition Programs Nutrition Services Branch Division of Public Health Womens and Childrens Health Section	Overby
19	DHR	02908	8/19/2019	<u>Marcia Playmate Amy Kromah 60002543</u>	v.	NC Department of Health and Human Services, Division of Child Development and Early Education	Malherbe
19	DHR	03019	8/2/2019	<u>Gregory Lewis</u>	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Malherbe

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19	DHR	03021	8/16/2019	<u>Anita Williams</u>	v.	State of North Carolina Department of Health and Humans Services Division of Health Service Regulation	Lassiter
19	DHR	03295	8/6/2019	<u>Patricia Correll</u>	v.	NC Department of Health and Human Services, Division of Social Services	May
19	DHR	03529	8/15/2019	<u>Estate of Lois McLain Marie R Gaskins</u>	v.	HMS Medicaid Recovery Section	Bawtinheimer
19	DHR	03667	8/23/2019	<u>Michelle Summers</u>	v.	NC Department of Health and Human Services, Division of Child Development and Early Education	Overby
19	DHR	03771	8/19/2019	<u>Zaka Ullah</u>	v.	Health and Human Services	Ward
19	DHR	03917	8/26/2019	<u>Kenya Rodgers Helping Many Lives LLC</u>	v.	Trillium Health Resources Katie Hewitt	Bawtinheimer
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18	DOJ	07766	8/22/2019	<u>Anthony Raymond Negrete</u>	v.	North Carolina Alarm Systems Licensing Board	Overby
19	DOJ	02752	8/8/2019	<u>Martia Antoinette Wilson</u>	v.	NC Criminal Justice Education and Training Standards Commission	Overby
19	DOJ	02983	8/6/2019	<u>Kenneth Paul Leonard</u>	v.	NC Sheriffs Education and Training Standards Commission	May
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19	EHR	00653	8/16/2019	<u>Clarke Utilities Inc Joel Clark</u>	v.	NC Department of Environmental Quality, Division of Water Quality	Mann
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19	INS	03880	8/23/2019	<u>Joseph Marlette</u>	v.	North Carolina State Health Plan	Ward
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19	MIS	02217	8/16/2019	<u>Robert jr Wilson and Neadella S Wilson Trustee ET AL</u>	v.	Trustee Services of Carolina LLC ET AL Substitute Trustee Matthew J Herrle ET AL c/o Brock & Scott PLLC ET AL	Jacobs
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19	OSP	02216	8/21/2019	<u>Mark E Duncan</u>	v.	North Carolina Department of Public Safety	Malherbe
19	OSP	04214	8/29/2019	<u>Cynthia Gray</u>	v.	University of North Carolina at Charlotte	Malherbe
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19	SAP	01731	8/1/2019	<u>North Carolina Substance Abuse Professional Practice Board</u>	v.	William Faulkner	Sutton
				-			
19	UNC	02272	8/14/2019	<u>Shannon Brooks</u>	v.	UNC Healthcare	Jacobs