

NORTH CAROLINA REGISTER

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April 1, 2020

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Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2020 – December 2020

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
34:13	01/02/20	12/06/19	01/17/20	03/02/20	03/20/20	04/16/20	05/01/20	09/28/20
34:14	01/15/20	12/19/19	01/30/20	03/16/20	03/20/20	04/16/20	05/01/20	10/11/20
34:15	02/03/20	01/10/20	02/18/20	04/03/20	04/20/20	05/21/20	06/01/20	10/30/20
34:16	02/17/20	01/27/20	03/03/20	04/17/20	04/20/20	05/21/20	06/01/20	11/13/20
34:17	03/02/20	02/10/20	03/17/20	05/01/20	05/20/20	06/18/20	07/01/20	11/27/20
34:18	03/16/20	02/24/20	03/31/20	05/15/20	05/20/20	06/18/20	07/01/20	12/11/20
34:19	04/01/20	03/11/20	04/16/20	06/01/20	06/22/20	07/16/20	08/01/20	12/27/20
34:20	04/15/20	03/24/20	04/30/20	06/15/20	06/22/20	07/16/20	08/01/20	01/10/21
34:21	05/01/20	04/09/20	05/16/20	06/30/20	07/20/20	08/20/20	09/01/20	01/26/21
34:22	05/15/20	04/24/20	05/30/20	07/14/20	07/20/20	08/20/20	09/01/20	02/09/21
34:23	06/01/20	05/08/20	06/16/20	07/31/20	08/20/20	09/17/20	10/01/20	02/26/21
34:24	06/15/20	05/22/20	06/30/20	08/14/20	08/20/20	09/17/20	10/01/20	03/12/21
35:01	07/01/20	06/10/20	07/16/20	08/31/20	09/21/20	10/15/20	11/01/20	03/28/21
35:02	07/15/20	06/23/20	07/30/20	09/14/20	09/21/20	10/15/20	11/01/20	04/11/21
35:03	08/03/20	07/13/20	08/18/20	10/02/20	10/20/20	11/19/20	12/01/20	04/30/21
35:04	08/17/20	07/27/20	09/01/20	10/16/20	10/20/20	11/19/20	12/01/20	05/14/21
35:05	09/01/20	08/11/20	09/16/20	11/02/20	11/20/20	12/17/20	01/01/21	05/29/21
35:06	09/15/20	08/24/20	09/30/20	11/16/20	11/20/20	12/17/20	01/01/21	06/12/21
35:07	10/01/20	09/10/20	10/16/20	11/30/20	12/21/20	01/21/21	02/01/21	06/28/21
35:08	10/15/20	09/24/20	10/30/20	12/14/20	12/21/20	01/21/21	02/01/21	07/12/21
35:09	11/02/20	10/12/20	11/17/20	01/04/21	01/20/21	02/18/21	03/01/21	07/30/21
35:10	11/16/20	10/23/20	12/01/20	01/15/21	01/20/21	02/18/21	03/01/21	08/13/21
35:11	12/01/20	11/05/20	12/16/20	02/01/21	02/22/21	03/18/21	04/01/21	08/28/21
35:12	12/15/20	11/20/20	12/30/20	02/15/21	02/22/21	03/18/21	04/01/21	09/11/21

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.



State of North Carolina

ROY COOPER
GOVERNOR

MARCH 10, 2020

EXECUTIVE ORDER NO. 116

**DECLARATION OF A STATE OF EMERGENCY TO COORDINATE RESPONSE
AND PROTECTIVE ACTIONS TO PREVENT THE SPREAD OF COVID-19**

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has warned of the high public health threat posed by COVID-19 globally and in the United States and has deemed it necessary to prohibit or restrict travel to areas designated by the CDC; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 319 of the Public Health Service Act; and

WHEREAS, the North Carolina Department of Health and Human Services ("NCDHHS") confirmed multiple cases of COVID-19 in North Carolina as of March 10, 2020; and

WHEREAS, NCDHHS has organized a Public Health Incident Management Team to manage the public health impacts of COVID-19 in this state; and

WHEREAS, health insurance companies have begun to waive the costs for COVID-19 testing and are encouraged to continue to ensure ease of access to health care for diagnostics and treatment without regard to the issue of cost or a patient's ability to pay; and

WHEREAS, first responders and health care professionals remain integral to ensuring the state is best situated to respond to and mitigate the threat posed by COVID-19 and such first responders and health care professionals should have the availability of all necessary personal protective equipment and continue to follow all necessary response protocols; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the undersigned to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the congregation of persons in public places or buildings; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise other such functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the undersigned has authority to requisition state property and state resources to utilize state services, equipment, supplies and facilities in response to a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the undersigned may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 and similar rules should be waived for essentials, as defined in N.C. Gen. Stat. § 166A-19.70(f)(3), for assisting in the restoration of utility services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or crops ready to be harvested, the Governor shall direct the North Carolina Department of Public Safety ("DPS") to temporarily suspend weighing vehicles used to transport livestock, poultry or crops to include timber ready to be harvested; and

WHEREAS, 49 C.F.R. § 390.23 allows the governor of a state to suspend the rules and regulations under 49 C.F.R. §§ 390-399 for up to thirty (30) days if the governor determines that an emergency condition exists; and

WHEREAS, the undersigned, in consultation with the Secretary of NCDHHS, has determined it is necessary and appropriate to act to ensure that COVID-19 remains controlled and that residents and visitors in North Carolina remain safe and secure; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. State of Emergency

I hereby declare a State of Emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19) for the State of North Carolina based on the public health emergency posed by COVID-19.

The emergency area, as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b) is the State of North Carolina (the "Emergency Area").

Section 2. Application

All state and local government entities and agencies are ordered to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan (the "Plan").

Section 3. Delegation of Authority

I delegate to Erik A. Hooks, the Secretary of the North Carolina Department of Public Safety ("DPS"), or his designee, the power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Secretary Hooks, or his designee, shall implement the Plan in coordination with the Secretary of the Department of Health and Human Services, Dr. Mandy Cohen, and the State Health Director, Dr. Elizabeth Tilson.

Section 4. Exercise of Powers

Further, Secretary Hooks, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. §§ 143B-602 and 166A-19.11.

Section 5. Maximum Hours of Service

In order to ensure adequacy and location of supplies and resources to respond to COVID-19, DPS, in conjunction with the North Carolina Department of Transportation ("DOT"), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381, if the driver is transporting medical supplies and other equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19, through the duration of the State of Emergency or until further notice.

Section 6. Height and Weight Restrictions

DPS, in conjunction with DOT, shall waive certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles throughout the Emergency Area involved in transporting medical supplies and other equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19. Furthermore, pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles throughout the Emergency Area used to transport medical supplies and other equipment in support of the Plan or other efforts to address the public health threat posed by COVID-19. Furthermore, pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles used to transport livestock, poultry, or crops to include timber ready to be harvested and feed to livestock and poultry in the Emergency Area.

Section 7. Unwaived Size and Weight Restrictions

- I. Notwithstanding the waivers set forth above in Section 6, size and weight restrictions and penalties have not been waived under the following conditions:
 - a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
 - b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
 - c. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination's length exceeds seventy-five (75) feet from bumper to bumper.
 - d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (i) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters, 1.5 inches wide and (ii) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. When operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet 6 inches in width.
- II. Vehicles subject to this Executive Order shall adhere to the following conditions:
 - a. The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This Order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.
 - b. The waiver of regulations under Title 49 of the Code of Federal Regulations ("Federal Motor Carrier Safety Regulations") does not apply to the Commercial Drivers' License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.
 - c. Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are limited to medical supplies and other equipment to be used in support of the Plan or other efforts to address the public health threat posed by COVID-19.
- III. The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 5 through 8 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 8. Additional Transportation Waivers

Vehicles subject to this Executive Order shall be exempt from the following registration requirements:

- a. The requirement to obtain a temporary trip permit and pay the associated \$50.00 fee listed in N.C. Gen. Stat. § 105-449.49.
- b. The requirement of filing a quarterly fuel tax return as the exemption in N.C. Gen. Stat. § 105-449.45(b)(1) applies.
- c. The registration requirements under N.C. Gen. Stat. § 20-382.1 concerning intrastate for hire authority and N.C. Gen. Stat. § 20-382 concerning interstate for-hire authority; however, vehicles shall maintain insurance as required as required by law.
- d. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

Section 9. Consumer Protection

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38.

I further hereby encourage the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report price gouging as well as unfair and deceptive trade practice under Chapter 75 of the North Carolina General Statutes to the public.

Section 10. Task Force

I hereby memorialize the establishment of the Governor's Novel Coronavirus Task Force on COVID-19 ("Task Force"). The Director of Emergency Management and the State Health Director shall continue to serve as co-chairs of the Task Force. The Task Force shall continue to work with state, local, and federal partners in responding to challenges posed by COVID-19.

Section 11. State Employee Policy Guidance

- a. I hereby authorize hiring of temporary employees and contractors to support NCDHHS and local health departments in responding to the threats posed by COVID-19.
- b. I hereby authorize the State Health Director to monitor areas of concentration of COVID-19 and make recommendations regarding travel restrictions for travel of state employees conducting state business. Agencies shall have the authority to cancel, restrict or postpone travel of state employees as needed to protect the wellbeing of others. Agencies are urged to cancel travel to restricted areas (as defined by the Division of Public Health of NCDHHS and the CDC). Exceptions to travel restrictions may be needed based on the unique circumstances or job duties of state employees.

Section 12. Public Health Surveillance and Control Measures

Notwithstanding the public health authorities in place under Chapter 130A of the North Carolina General Statutes, I hereby order the State Health Director to work with local health directors to implement public health surveillance and control measures where appropriate for individuals who have been diagnosed with or are at risk of contracting COVID-19 in order to control or mitigate spread of the disease. I hereby order the State Health Director to utilize all authorities under N.C. Gen. Stat. Chapter 130A to obtain information and records necessary to prevent, control, or investigate COVID-19.

Section 13. Laboratory Testing

I hereby order the State Health Director to work with the State Laboratory of Public Health to maximize the availability of laboratory testing for COVID-19.

I further encourage private laboratories and universities to take all reasonable steps to expand COVID-19 testing capacity.

Section 14. Right of Entry and Disinfection for Local Health Departments and NCDHHS Secretary

With the concurrence of the Council of State and notwithstanding the public health authorities in place under Chapter 130A of the North Carolina General Statutes, I hereby grant local health departments, the Secretary of NCDHHS, and Division of Public Health employees serving the Secretary of NCDHHS' agents, and on her direction, a right of entry into public places for the purposes of assisting with or investigating potential COVID-19 cases or exposure and requiring cleaning and disinfecting measures to help control transmission of COVID-19.

Section 15. Cleaning of Regulated Facilities

With the concurrence of the Council of State, I hereby waive restrictions related to the type of product or chemical concentration used to control COVID-19 at facilities whose sanitation is regulated by NCDHHS, if conducted and handled in a safe manner and approved by the local health department in consultation with the Division of Public Health of NCDHHS. The State Health Director may issue additional orders or regulations consistent with the state's Public Health Law to regulate the sanitation of public facilities regulated by NCDHHS or local health departments.

Section 16. Out of State Health Care Licensure and Additional Testing Resources

With the concurrence of the Council of State, I hereby temporarily waive North Carolina licensure requirements for health care and behavioral health care personnel who are licensed in another state, territory, or the District of Columbia to provide health care services within the Emergency Area.

With the concurrence of the Council of State, and in the interest of alleviating immediate human suffering, nothing in Subchapters 32B, 32M, or 32S of Article 21 of the North Carolina Administrative Code shall be interpreted to prevent physicians, nurse practitioners, and physician assistants from issuing a standing order for qualified agents or employees who are working under the direct supervision of a physician, physician assistant or nurse practitioner to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing.

Section 17. Federal Support

I further direct Secretary Hooks, or his designee, to seek assistance from any and all agencies of the United States Government as may be needed to address the emergency and seek reimbursement for costs incurred by the state in responding to this emergency.

Section 18. Local County Public Health Aid Funding Formula

With the concurrence of the Council of State, I hereby grant the Secretary of NCDHHS, or her designee, the authority to waive the formula requirements of 15A NCAC 18A .2901 and adjust aid-to-county funding, if a local health department's resources are diverted in response to COVID-19.

Section 19. Access to State Funds

I hereby order access to the State Emergency Response and Disaster Relief Fund to the extent necessary to cover costs associated with responding to this State of Emergency as provided in N.C. Gen. Stat. § 166A-19.42, including but not limited to the substance of this Executive Order.

Section 20. Purchase and Contract Regulation Waivers

With the concurrence of the Council of State, I hereby temporarily waive Sections .0301 through .0317 of Chapter 5B in Title 1 in the North Carolina Administrative Code to the extent necessary to permit NCDHHS, DPS, and local governmental entities to enter into contracts to secure resources and equipment needed to respond to COVID-19.

In addition to the provisions in Section 11, I further order all components of state government to expedite and prioritize the leasing of real property, including but not limited to, laboratories and health care facilities in order to provide the state with the resources needed to address COVID-19.

Section 21. Cost Sharing Reduction

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), I hereby direct NCDHHS and the North Carolina Department of Insurance to immediately work with health insurance plans operating in the state to identify any burdens for testing for COVID-19 as well as access to prescription drugs and telehealth services, as needed, in order to reduce cost-sharing (including, but not limited to, co-pays, deductibles, or coinsurance) to zero for all medically necessary screening and testing for COVID-19.

Section 22. Clinical Coverage Policy

With the concurrence of the Council of State, and in order to provide the immediate relief of human suffering, I hereby temporarily waive the regulatory requirements and suspend the enforcement of the statutory requirements under N.C. Gen. Stat. § 108A-54.2 for modifications of Medicaid Clinical Coverage Policy.

I order the NCDHHS, Division of Health Benefits to create coverage policies necessary for Medicaid and Health Choice Beneficiaries to receive medically necessary services for testing and treatment of COVID-19 and to create coverage policies or modify existing policies that will allow beneficiaries to continue to receive necessary services without disruption during the State of Emergency.

Section 23. Inapplicability of Section 166A-19.30(c)

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

Section 24. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of DPS, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 25. Effective Date


This Executive Order is effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 10th day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



Department of Environmental Quality - Postponed Public Hearings

The public hearings scheduled for revised log fumigation rules on Tuesday, March 17, 2020 in Raleigh and on Wednesday, March 18, 2020 in Wilmington, have been postponed based on the current guidance to avoid gatherings of over 100 people to help minimize the spread of COVID-19.

The proposed rules for log fumigation; 15A NCAC 02D .0546, *Control of Emissions from Log Fumigation Operations*, and 15A NCAC 02D .1104, *Toxic Air Pollutant Guidelines*; were published in North Carolina Register, Volume 34, Issue 15 on February 3, 2020.

The Department of Environmental Quality press release can be found at <https://deq.nc.gov/news/press-releases/2020/03/13/postponed-public-hearings-revised-log-fumigation-rules>

The public hearings will be rescheduled to a future date. Due to uncertainty in rescheduling, the Division of Air Quality is extending the comment period to April 17, 2020 and may extend further at the appropriate time.

ADDITIONAL WAYS TO SUBMIT COMMENTS:

- Email comments to DAQ.publiccomments@ncdenr.gov. Please type “Revised Log Fumigation” in the subject line.
- Mail written comments to:

Patrick Knowlson
N.C. Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641

The proposed rule, amendment, and fiscal note are available online at <https://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>

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 04 – DEPARTMENT OF COMMERCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commerce - Division of Employment Security intends to adopt the rules cited as 04 NCAC 24A .0501-.0504; 24D .0703, and amend the rules cited as 04 NCAC 24A .0104, .0206; 24B .0601; 24C .0210, .0301; 24D .0601, .0702, .0901, .1002 and .1401.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://des.nc.gov/des-proposed-rules>

Proposed Effective Date: August 1, 2020

Public Hearing:

Date: May 1, 2020

Time: 10:00 a.m.

Location: Teleconference: 1 (888) 204-5984, Access Code: 3069171

Reason for Proposed Action: In compliance with G.S. 96-40, Rule 24A .0104 is proposed for amendment to add a centralized address for filing protests or appeals from a Result of Investigation. Rule 24A .0206 is proposed for amendment to centralize payment information for consistency. Rule 24A .0501 is proposed for adoption to formalize DES's longstanding process whereby parties may submit written requests for hearing records related to pending appeals or contested cases. Rule 24A .0502 is proposed for adoption to set forth the criteria for indigent parties to obtain hearing transcripts. Rule 24A .0503 is proposed for adoption to formalize the already existing and longstanding procedures for paying for hearing records. Rule 24A .0504 is proposed for adoption to formalize the longstanding process for disclosing records related to pending appeals or contested cases. Rule 24B .0601 is proposed for amendment to provide an address for claimants to file requests for waivers overpayment repayment. Rule 24C .0210 is proposed for amendment to add the term "competent" that is used in G.S. 96-4(q) and 96-15(i). Rule 24C .0301 is proposed for amendment to clarify who may represent various entities in administrative proceedings. Rule 24D .0601 is proposed for amendment to comply with changes made to G.S. 96-9.15 in Session Laws 2018-94. Rule 24D .0702 is proposed for amendment to clarify the procedure for transferring experience rating to a successor employer. Rule 24D .0703 is proposed for adoption to set forth the procedure for DES's redetermination of an assigned tax rate when it receives late notice of a transfer. Rule 24D .0901 is proposed for amendment to clarify the time period and address for appealing a Result of Investigation. Rule 24D .1002 is proposed for amendment to set forth the time period for filing an appeal of a ruling on a request to review and redetermine an employer's tax rate. Rule 24D .1401 is proposed for amendment to inform customers that required forms can be obtained on DES's website.

Comments may be submitted to: Sheena J. Cobrand, Division of Employment Security-Legal Services Section, Post Office Box 25903, Raleigh, NC 27611-5903; fax (919) 715-7194; email des.rules@nccommerce.com

Comment period ends: June 5, 2020

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

CHAPTER 24 - EMPLOYMENT SECURITY

SUBCHAPTER 24A – GENERAL

SECTION .0100 – GENERAL

04 NCAC 24A .0104 ADDRESSES FOR FILING CLAIMS, APPEALS, EXCEPTIONS, REQUESTS OR PROTESTS

(a) Claimants shall file a claim for unemployment insurance benefits by internet on DES's website, or by telephone.

- (1) The telephone number for DES's Customer Call Center for filing a new initial claim or inquiring about an existing claim is (888) 737-0259.
- (2) The telephone number for filing weekly certifications is (888) 372-3453.

(b) Appeals from a Determination by Adjudicator shall be filed with the Appeals Section in SCUBI, by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 27967, Raleigh, North Carolina 27611-7967.

- (2) The facsimile number is (919) 857-1296.
- (3) The email address is des.public.appeals@nccommerce.com.
- (4) Correspondence and appeals submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) Appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the appeal, the docket or issue identification number of the determination being appealed, the claimant's identification number, the names of the claimant and employer, each reason for the appeal, the name of the individual filing the appeal, the official position of an individual filing the appeal on behalf of the party, and a telephone number.

(c) Appeals of a Non-Fraud Overpayment Determination shall be filed with the Benefits Integrity Unit in SCUBI, by mail, or facsimile.

- (1) The mailing address is Post Office Box 27967, Raleigh, North Carolina 27611-7967.
- (2) The facsimile number is (919) 857-1296.
- (3) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the appeal, the docket or identification number of the determination being appealed, the claimant's identification number, the names of the claimant and employer, each reason for the appeal, the name of the individual filing the appeal, the official position of an individual filing the appeal on behalf of the party, and a telephone number.
- (5) Any questions regarding the contents of a Non-Fraud Overpayment Determination shall be directed to the Benefits Integrity Unit by telephone to (919) 707-1338, facsimile at (919) 857-1296, or email at des.ui.bpc@nccommerce.com.

(d) Appeals of a Fraud Overpayment Determination shall be filed with the Benefits Integrity Unit in SCUBI, by mail, or facsimile.

- (1) The mailing address is Post Office Box 27967, Raleigh, North Carolina 27611-7967.
- (2) The facsimile number is (919) 857-1296.
- (3) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the appeal, the docket or identification number of the determination being appealed, the claimant's identification number, the names of the claimant and employer, each reason for the

appeal, the name of the individual filing the appeal, the official position of an individual filing the appeal on behalf of the party, and a telephone number.

- (5) Any questions regarding the contents of a Fraud Overpayment Determination shall be directed to the Benefits Integrity Unit by telephone to (919) 707-1338, facsimile at (919) 857-1296, or email at des.ui.bpc@nccommerce.com.

(e) Appeals of a Monetary Determination denying a protest to a Wage Transcript and Monetary Determination shall be filed with the Tax Administration Section in SCUBI, by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 26504, Raleigh, North Carolina 27611-6504.
- (2) The facsimile number is (919) 733-1255.
- (3) The email address is des.tax.customerservice@nccommerce.com.
- (4) Correspondence and appeals submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) Appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the appeal, the docket or identification number of the determination being appealed, the claimant's identification number, the names of the claimant and employer, each reason for the appeal, the name of the individual filing the appeal, the official position of an individual filing the appeal on behalf of the party, and a telephone number.
- (6) Any questions regarding the contents of a determination denying a protest to a Wage Transcript and Monetary Determination shall be directed to the Wage Records Unit of the Tax Administration Section by telephone to (919) 707-1191, facsimile at (919) 733-1255, or email at des.tax.customerservice@nccommerce.com.

(f) Protests of a Wage Transcript and Monetary Determination shall be filed with the Tax Administration Section in SCUBI, by mail, or facsimile.

- (1) The mailing address is Post Office Box 26504, Raleigh, North Carolina 27611-6504.
- (2) The facsimile number is (919) 733-1255.
- (3) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Protests shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the protest, the docket or identification number of the determination being protested, the claimant's identification number, the names of the claimant and employer, each reason for the protest, the name of the individual filing the protest, the official position of an individual

- filing the protest on behalf of the party, and a telephone number.
- (5) Any questions regarding the contents of a Wage Transcript and Monetary Determination shall be directed to the Wage Records Unit by telephone to (919) 707-1191, facsimile at (919) 733-1255, or email at des.tax.customerservice@nccommerce.com.
- (g) Petitions for Waiver of Overpayment shall be filed with the Benefits Integrity Unit in SCUBI, by mail, or facsimile.
- (1) The mailing address is Post Office Box 27967, Raleigh, North Carolina 27611-7967.
- (2) The facsimile number is (919) 857-1296.
- (3) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Petitions shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the petition, docket or identification number of the overpayment determination, the claimant's identification number, the name of the claimant, each reason for the request to waive repayment of the overpayment, the name of the individual filing the petition, the official position of an individual filing the petition on behalf of the party, and a telephone number.
- (h) Claimant appeals of a North Carolina Department of Revenue (NCDOR) Offset Letter shall be filed with the Benefits Integrity Unit in SCUBI, by mail, or facsimile.
- (1) The mailing address is Post Office Box 27967, Raleigh, North Carolina 27611-7967.
- (2) The facsimile number is (919) 857-1296.
- (3) Correspondence regarding a claimant's NCDOR Offset Letter submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the appeal, the docket or identification number of the offset letter being appealed, the claimant's identification number, the name of the claimant, each reason for the appeal, the name of the individual filing the appeal, the official position of an individual filing the appeal on behalf of the party, and a telephone number.
- (5) Any questions regarding the contents of a claimant's NCDOR Offset Letter shall be directed to the Benefits Integrity Unit by telephone to (919) 707-1338, facsimile at (919) 857-1296, or email at des.ui.bpc@nccommerce.com.
- (i) Employer appeals of a North Carolina Department of Revenue (NCDOR) Offset Letter for outstanding tax debts shall be filed with the Tax Administration Section by mail or facsimile.
- (1) The mailing address is Post Office Box 26504, Raleigh, NC 27611-6504.
- (2) The facsimile number is (919) 733-1255.
- (3) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the appeal, the docket or identification number of the offset letter, the name of the employer, each reason for the appeal, the name of the individual filing the appeal, the official position of an individual filing the appeal on behalf of the party, and a telephone number.
- (5) Any questions regarding the contents of an employer's NCDOR Offset ~~Letter~~ Letter for outstanding tax debts shall be directed to the Tax Administration Section by facsimile at (919) 733-1255, or email at des.tax.customerservice@nccommerce.com.
- (j) Claimant Requests for Reevaluation under the Treasury Offset Program (TOP) shall be filed with the Benefits Integrity Unit in SCUBI, by mail, or facsimile.
- (1) The mailing address is Post Office Box, 27967, Raleigh, North Carolina 27611-7967.
- (2) The facsimile number is (919) 857-1296.
- (3) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Requests shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the request, the docket or identification number of the TOP notice, the claimant's identification number, the name of the claimant, each reason for the request, the name of the individual filing the request, the official position of an individual filing the request on behalf of the party, and a telephone number.
- (5) Claimant questions regarding TOP shall be directed to a Recovery Specialist by telephone to (919) 707-1338, or email at des.ui.bpc@nccommerce.com.
- (k) Employer Requests for Reevaluation under the Treasury Offset Program (TOP) shall be filed with the Tax Administration Section by mail or facsimile.
- (1) The mailing address is Post Office Box 26504, Raleigh, North Carolina 27611-6504.
- (2) The facsimile number is (919) 733-1255.
- (3) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Requests shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the request, the docket or identification number of the TOP notice, the name of the employer, each reason for the request, the name of the

individual filing the request, the official position of an individual filing the request on behalf of the party, and a telephone number.

- (5) Employer questions regarding TOP shall be directed to the Tax Administration Section by telephone to (919) 707-1150, facsimile at (919) 733-1255, or email at des.tax.customerservice@nccommerce.com.

(l) Appeals from an Appeals Decision shall be filed with the Board of Review in SCUBI, by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 28263, Raleigh, North Carolina 27611-8263.
- (2) The facsimile number is (919) 733-0690.
- (3) The email address is des.ha.appeals@nccommerce.com.
- (4) Correspondence and appeals submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) Appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the appeal, the docket or issue identification number of the determination being appealed, the claimant's identification number, the names of the claimant and employer, each reason for the appeal, the name of the individual filing the appeal, the official position of an individual filing the appeal on behalf of the party, and a telephone number.

(m) Protests or appeals of adequacy determinations shall be filed with the Claims Unit in SCUBI, by mail, or facsimile.

- (1) The mailing address is Post Office Box 27967, Raleigh, North Carolina. 27611-7967.
- (2) The facsimile number is (919) 857-1296.
- (3) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Protests or appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the protest or appeal, the docket or identification number of the determination being protested or appealed, the name of the employer, each reason for the protest or appeal, the name of the party filing the protest or appeal, the official position of an individual filing the protest or appeal on behalf of the party, and a telephone number.

(n) Protests or appeals of a Tax Liability Determination shall be filed with the Tax Administration Section by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 26504, Raleigh, NC 27611-6504.
- (2) The facsimile number is (919) 715-7197.
- (3) The email address is des.tax.customerservice@nccommerce.com.
- (4) Correspondence and protests or appeals submitted by email outside the SCUBI system

shall not include social security numbers or employer account numbers.

- (5) Protests or appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the protest or appeal, the docket or identification number of the determination being appealed, the claimant's identification number, the names of the claimant and employer, each reason for the protest or appeal, the name of the individual filing the protest or appeal, the official position of an individual filing the protest or appeal on behalf of the party, and a telephone number.

(o) Protests or appeals of a Tax Rate Assignment shall be filed with the Tax Administration Section by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 26504, Raleigh, NC 27611-6504.
- (2) The facsimile number is (919) 733-1255.
- (3) The email address is des.tax.customerservice@nccommerce.com.
- (4) Correspondence and protests or appeals submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) Protests or appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the protest or appeal, the docket or identification number of the rate assignment, the name and address of the employer, the employer's account number, each reason for the protest or appeal, the name of the individual filing the protest or appeal, the official position of an individual filing the protest or appeal on behalf of the party, and a telephone number.

(p) Protests or appeals of Audit Results shall be filed with the Tax Administration Section by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 26504, Raleigh, NC 27611-6504.
- (2) The facsimile number is (919) 733-1255.
- (3) The email address is des.tax.customerservice@nccommerce.com.
- (4) Correspondence and protests or appeals submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) Protests or appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the protest or appeal, the docket or identification number of the result being protested or appealed, the name of the employer, each reason for the protest or appeal, the name of the individual filing the protest or appeal, the official position of an individual filing the protest or appeal on behalf of the party, and a telephone number.

(q) Protests or appeals of Tax Assessments shall be filed with the Tax Administration Section by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 26504, Raleigh, NC 27611-6504.
- (2) The facsimile number is (919) 733-1255.
- (3) The email address is des.tax.customerservice@nccommerce.com.
- (4) Correspondence and protests or appeals submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) Protests or appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the protest or appeal, the docket or identification number of the assessment being protested or appealed, the name of the employer, each reason for the protest or appeal, the name of the individual filing the protest or appeal, the official position of the individual filing the protest or appeal on behalf of the party, and a telephone number.

(r) Exceptions to a Tax Opinion shall be filed with the Board of Review by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 28263, Raleigh, North Carolina 27611-8263.
- (2) The facsimile number is (919) 715-7193.
- (3) The email address is BOR@nccommerce.com.
- (4) Correspondence and exceptions submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) Exceptions shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the exceptions, the docket or identification number of the tax opinion, the claimant's identification number, the names of the claimant and employer, the name of the individual filing the exceptions, each reason for the exceptions, the official position of an individual filing the exceptions on behalf of the party, and a telephone number.

(s) Requests for non-charging of benefits to an employer's account, and protests or appeals of benefit charges to an employer's account shall be filed with the Claims Unit in SCUBI, by mail, or facsimile.

- (1) The mailing address is Post Office Box 27967, Raleigh, North Carolina 27611-7967.
- (2) The facsimile number is (919) 857-1296.
- (3) Correspondence, requests, protests, or appeals submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Requests for non-charging and protests or appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the request, the docket or employer's identification number,

the name of the employer, each reason for the request, the name and official position of the individual filing the request, protest, or appeal, on behalf of the party, and a telephone number.

(t) Requests for seasonal determinations and protests or appeals of a Denial of Seasonal Assignment shall be filed with the Tax Administration Section by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 26504, Raleigh, NC 27611-6504.
- (2) The facsimile number is (919) 715-7197.
- (3) The email address is des.tax.customerservice@nccommerce.com.
- (4) Correspondence and protests or appeal submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) Protests or appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the protest or appeal, the docket or identification number of the denial being appealed, the name of the employer, each reason for the protest or appeal, the name of the individual filing the protest or appeal, the official position of an individual filing the protest or appeal on behalf of the party, and a telephone number.

(u) Transmittal of interstate work search records and photo identification shall be filed with the Claims Unit by mail or facsimile.

- (1) The mailing address is Post Office Box 27967, Raleigh, North Carolina 27611-7967.
- (2) The facsimile number is (919) 857-1296.

(v) Requests for oral arguments or to reschedule oral arguments shall be filed with the Board of Review in SCUBI, by mail, facsimile, or email.

- (1) The mailing address is Post Office Box 28263, Raleigh, North Carolina 27611-8263.
- (2) The facsimile number is (919) 733-0690.
- (3) The email address is des.ha.appeals@nccommerce.com.
- (4) Correspondence and requests for oral arguments submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Requests for oral arguments shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the request, the docket or issue identification number of the decision being appealed, the claimant's identification number, the names of the claimant and employer, the name and official position of the individual filing the request on behalf of the party, a telephone number, and a statement that a copy of the request was served on the opposing party, if one exists.

(w) Employers may file requests for compromise of tax debts with DES's Tax Administration Section by mail, facsimile, or email.

- (1) The address is Post Office Box 26504, Raleigh, NC 27611-6504.
- (2) The facsimile number is (919) 733-1255.
- (3) The email address is des.tax.customerservice@nccommerce.com.
- (4) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) The letter shall contain the date of the request, the name of the employer, the name and official position of the individual filing the election on behalf of the employer, and a telephone number.

(x) Employers electing to pay reimbursements for benefits, rather than contributions, shall submit written notice of their election to DES's Tax Administration Section by mail, facsimile, or email.

- (1) The address is Post Office Box 26504, Raleigh, NC 27611-6504.
- (2) The facsimile number is (919) 733-1255.
- (3) The email address is des.tax.customerservice@nccommerce.com.
- (4) Correspondence submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (5) The letter shall contain the date of the notice of election, the name and address of the employer, the name and official position of the individual filing the election on behalf of the employer, and a telephone number.

(y) Employers shall make payments to DES by credit card, money order, electronic check, business check with funds drawn from a U.S. financial institution, cashier's check from a U.S. financial institution, automated clearing house (ACH) credit, or cash.

- (1) Payments made by money order, business check, cashier's check, or cash shall be sent by mail or delivery service to DES's Tax Administration Section, Post Office Box 26504, Raleigh, NC 27611-6504, or by delivery to an agent of DES designated to accept payments in accordance with G.S. 96-10.
- (2) Payments by electronic transmission shall be made on DES's website.
- (3) Payments by ACH credit shall be initiated by employers through their U.S. financial institution.

(z) Claimants shall make payments to DES by cashier's check from a U.S. financial institution, by personal check with funds drawn from a U.S. financial institution, by money order, or by credit card.

- (1) Payments by mail or delivery service shall be sent to the Benefit Payment Control (BPC) Unit, Post Office Box 25903, Raleigh, NC 27611-5903.
- (2) Payments by credit card shall be made on DES's website, or by calling BPC at (919) 707-1338.

(aa) Payment of fees for transcripts shall be made by money order, cashier's check from a U.S. financial institution, or by personal or business check with funds drawn from a U.S. financial institution.

- (1) An agency of state or federal government, a county, or a municipality may pay fees by draft.
- (2) Payment shall be sent by mail to DES's Office of Finance & Budget, Post Office Box 25903, Raleigh, NC 27611-5903.

(bb) Protests or appeals from a Result of Investigation shall be filed with the Legal Services Section ATTN: Chief Counsel, by mail or facsimile.

- (1) The mailing address is Post Office Box 25903, Raleigh, NC 27611-5903.
- (2) The facsimile number is (919) 733-8745.
- (3) Correspondence and protests or appeals submitted by email outside the SCUBI system shall not include social security numbers or employer account numbers.
- (4) Protests or appeals shall be filed by a party or a party's legal representative as defined in 04 NCAC 24A .0105 and shall contain the date of the protest or appeal, the docket or identification number of the determination or result being appealed, the claimant's identification number, the names of the claimant and employer, each reason for the protest or appeal, the name of the individual filing the protest or appeal, the official position of an individual filing the protest or appeal on behalf of the party, and a telephone number.
- (5) Questions regarding Results of Investigation shall be directed to the Legal Services Section by telephone to (919) 707-1025, or facsimile to (919) 733-8745.

Authority G.S. 75-62; 96-4; 96-9.6; 96-9.8; 96-10; 96-10.1; 96-14.1; 96-15; 96-17; 96-18; 96-40; 20 C.F.R. 603.4; 20 CFR 603.8.

SECTION .0200 - REQUESTS FOR DOCUMENTS AND PUBLIC RECORDS UNRELATED TO CONTESTED CLAIM

04 NCAC 24A .0206 METHOD OF PAYMENT

~~(a) Fees shall be paid by money order, personal or business check with funds drawn from a U.S. financial institution, or cashier's check from a U.S. financial institution.~~

~~(b) An agency of state or federal government, a county, or a municipality may pay fees by draft.~~

~~(c) Payments shall be mailed to the North Carolina Department of Commerce, Division of Employment Security, ATTN: Finance and Budget, Post Office Box 25903, Raleigh, North Carolina 27611-5903.~~

Payment of fees for the release of records unrelated to a pending matter or contested case shall be made to DES in accordance with 04 NCAC 24A .0104(aa).

Authority G.S. 96-4; 20 CFR 603.8.

**SECTION .0500 - REQUESTS FOR DOCUMENTS,
HEARING RECORDINGS, AND TRANSCRIPTS
RELATED TO PENDING APPEAL OR CONTESTED
CASE**

**04 NCAC 24A .0501 WRITTEN REQUEST
REQUIRED**

(a) A party requesting a copy of file documents, a digital recording of a hearing, or a written transcript of a hearing in a matter where an appeal is pending shall submit the request in writing.

(b) A party's written request for a copy of the file documents, digital recording of the hearing, or written transcript of the hearing shall include:

- (1) the name and address of the party making the request;
- (2) the claimant's name, if applicable;
- (3) the employer's name, if applicable;
- (4) the docket or issue identification number of the case;
- (5) the date or approximate date that the record was made;
- (6) the person or office that made the record; and
- (7) the name and address to which the record shall be sent.

(c) When a party has requested a written transcript, any other party with appeal rights to the proceeding may request a copy of the transcript. The request shall meet the requirements of Paragraphs (a) and (b) of this Rule.

(d) The request may accompany or be included in an appeal letter. Requests may also be submitted to the Legal Services Section, ATTN: Request for Hearing Record by mail to Post Office Box 25903, Raleigh, North Carolina, 27611-5903, or by facsimile to (919) 733-8745.

(e) Requests for file documents, digital recordings, or hearing transcripts from any individual or entity who is not a party with appeal rights in the proceeding shall be evaluated pursuant to Section .0200 of this Subchapter.

(f) Requests for file documents, digital recordings, or hearing transcripts in a matter where appeal rights have expired and the decision became final shall be made in accordance with Section .0200 of this Subchapter.

Authority G.S. 96-4; 96-15; 20 CFR 603.5.

04 NCAC 24A .0502 INDIGENCY

(a) A party who is unable to provide payment assurance with a written transcript request pursuant to 04 NCAC 24A .0501 may proceed in forma pauperis. The party may obtain a transcript if the request is accompanied by a written affidavit stating that he or she is unable to advance the required costs, and proof pursuant to Paragraph (b) of this Rule.

(b) The Chief Counsel or designee shall authorize release of the transcript to an indigent if the person submits the required affidavit and meets one or more of the following criteria:

- (1) receives electronic food and nutrition benefits;
- (2) receives Work First Family Assistance;
- (3) receives Supplemental Security Income (SSI);

- (4) is represented by a legal services organization that has as its primary purpose the furnishing of legal services to indigent persons;
- (5) is represented by private counsel working on behalf of or under the auspices of a legal services organization in accordance with Subparagraph (4) of this Paragraph; or
- (6) is represented by private counsel under a written agreement to provide pro bono legal services.

Authority G.S. 1-110; 96-4; 96-15.

04 NCAC 24A .0503 INVOICE AND FEES

(a) A party who requests a copy of the file documents or a digital recording in a pending appeal or contested case under this Section shall be provided with the file documents and digital recording free of charge.

(b) A request for a written transcript of the hearing shall include payment assurance by stating that the requesting party will pay the fee for the transcript as provided in 04 NCAC 24A .0501. Payment is due upon receipt, but no more than 15 days after the date that the transcript was mailed or transmitted to the party.

(c) A party who requests a written transcript of a hearing but does not provide payment assurance in accordance with 04 NCAC 24A .0501 or the required affidavit and proof in accordance with 04 NCAC 24A .0501 shall receive a digital recording of the hearing free of charge.

(d) A party who requests a written transcript of a hearing with payment assurance as set forth in 04 NCAC 24A .0501 shall receive a written transcript. An invoice for the fees charged by DES shall accompany the transcript and shall not exceed the lesser of sixty-five cents per page or sixty-five dollars (\$65.00) per transcript pursuant to G.S. 96-15(f).

(e) Payment for transcripts under this Section shall include the invoice number and be made in accordance with 04 NCAC 24A .0104(aa).

Authority G.S. 96-4; 96-15; 20 CFR 603.8.

**04 NCAC 24A .0504 DISCLOSURE OF RECORDS
RELATED TO PENDING APPEAL OR CONTESTED
CASE**

(a) The Chief Counsel or designee shall transmit a copy of the requested record to the requesting party by mail, unless the party requests or authorizes delivery by electronic transmission or delivery service in accordance with 04 NCAC 24A .0103.

(b) A party who files an appeal to the superior court from a decision of the Board of Review regarding the rights, liabilities, and status of an employer and complies with the requirements of G.S. 96-4 shall receive a copy of the transcript, papers, evidence, and assignment of errors free of charge when it is transmitted to the court in accordance with G.S. 96-4(q).

(c) A party who files a petition for judicial review and complies with the requirements of G.S. 96-15 shall receive a copy of the transcript and entire record under review free of charge when it is transmitted to the court in accordance with G.S. 96-15(h).

Authority G.S. 96-4; 96-15; 20 CFR 603.5.

SUBCHAPTER 24B - BENEFITS

**SECTION .0600 – UNEMPLOYMENT INSURANCE
BENEFIT OVERPAYMENTS**

**04 NCAC 24B .0601 NOTICE REQUIREMENT FOR
OVERPAYMENT**

(a) A determination by DES finding an overpayment of benefits to a claimant shall contain:

- (1) the date the determination was mailed or sent to the claimant by electronic transmission;
- (2) reasons for the overpayment;
- (3) the statutory authority under G.S. 96-18(g)(3) for seeking repayment of the overpayment;
- (4) notice that the claimant may protest the overpayment determination and instructions on how to protest the overpayment determination as provided in 04 NCAC 24A .0104(c); and
- (5) notice that the claimant may file a request for waiver of the overpayment in the same manner as ~~prescribed under Subparagraph (4) of this Rule, provided in 04 NCAC 24A .0104(g).~~

(b) A determination notifying a claimant of an overpayment of benefits caused by the reversal of a previous decision that found the claimant eligible or not disqualified to receive benefits shall contain the same information contained in Subparagraphs (a)(1) through (3) of this Rule, and shall:

- (1) have no protest rights;
- (2) notify the claimant that the overpayment may only be protested by appealing the underlying decision that ruled the claimant ineligible or disqualified for benefits; and
- (3) notify the claimant that DES shall not consider a request to waive repayment of an overpayment while an appeal of the underlying decision that resulted in the overpayment is pending, or until the underlying decision that resulted in the overpayment is final.

Authority G.S. 96-4; 96-15; 96-18.

**SUBCHAPTER 24C - INITIAL APPEALS FROM
DETERMINATION**

SECTION .0200 – INITIAL APPEALS HEARING

04 NCAC 24C .0210 HEARSAY

(a) Hearsay evidence shall be accepted as ~~credible~~ competent evidence only when it:

- (1) falls within the statutory or common law exceptions to the hearsay rules; or
- (2) has an equivalent indicia of trustworthiness as competent evidence; and
- (3) is more probative on the point for which it is offered than any other evidence which the party offering the hearsay could reasonably be expected to procure.

(b) The Appeals Referee may permit the parties to file an affidavit at the time of the ~~hearing in the same manner as applicable to other hearsay evidence.~~ hearing.

Authority G.S. 8C, Art. 8; 96-4; 96-15.

**SECTION .0300 - LEGAL REPRESENTATION FOR
INITIAL APPEALS**

**04 NCAC 24C .0301 ADMINISTRATIVE
PROCEEDINGS**

(a) An individual who is a party to a proceeding may represent himself or herself before an Appeals Referee.

(b) A partnership ~~or association~~ may be represented by an employee or any of its members, the partners.

(c) A corporation may be represented by an ~~officer.~~ officer, employee, or agent as defined in G.S. 32C-1-102.

(d) An association may be represented by an employee or any of its members.

~~(d)(e)~~ Any party may be represented by a legal representative as defined in 04 NCAC 24A .0105.

Authority G.S. 84; 96-4; 96-15; 96-17.

SUBCHAPTER 24D - TAX ADMINISTRATION

SECTION .0600 - REPORTS

**04 NCAC 24D .0601 GENERAL FORMAT OF
REPORTS AND FORMS AND METHODS OF
SUBMISSION**

(a) The following shall file the ~~portion of the required~~ Employer's Quarterly Tax and Wage Report (Form NCUI 101) ~~that contains the name, social security number, and gross wages of each employee on magnetic or electronic media using a compact disk, disks, online remote tax filing, or upload of data file electronic transmission via the internet format: at des.nc.gov, or paper returns.~~

- (1) employers with ~~25~~ 10 or more employees in any one calendar quarter; and
- (2) other entities, including agents reporting on behalf of employers, who file reports for a client employer with a total of ~~25~~ 10 or more employees in any one calendar quarter.

(b) ~~Quarterly~~ The Employer's Quarterly Tax and Wage Reports (~~Form NCUI 101~~) shall contain the:

- (1) quarter for which the wages are being reported;
- (2) employer's account number;
- (3) tax rate assigned by DES;
- (2) date that the NCUI 101 was due to DES;
- (3) total amount of taxable wages paid to employees in accordance with G.S. 96-9.3;
- (4) total amount of wages that exceed the taxable wages;
- (5) total amount of tax due for the quarter;
- (6) total amount of interest due for the quarter;
- (7) amount of late filing penalty in accordance with G.S. 96-10, if applicable;

- (8) amount of late payment penalty in accordance with G.S. 96-10, if applicable;
- (9) name, social security number, and gross wages of each employee;
- (10) name, title, telephone number, and signature of the individual submitting the NCUI 101 on behalf of the employer; and
- (11) date that form is submitted to DES.

~~the individual employees' wages section and wage summary section.~~

(c) Employers, including agents, who file an Employer's Quarterly Tax and Wage Report for a client employer with less than ~~25~~ 10 total employees in any one calendar quarter ~~may~~ shall use compact disks, electronic transmission via DES's website, or magnetic or electronic media reporting. ~~compact disks, DES's website, Employers with less than 25 employees may also file paper returns.~~

(d) ~~A magnetic or electronic media wage report from agents~~ Agents reporting on behalf of employers with less than 10 employees may submit compact disks, electronic transmissions via DES's website, or paper returns that contain information from multiple employers.

Authority G.S. 96-4; 96-9.15.

SECTION .0700 – TRANSFER OF EXPERIENCE RATING TO RELATED ENTITY SUCCESSOR ACCOUNT

04 NCAC 24D .0702 REQUIREMENTS FOR TRANSFER OF EXPERIENCE

(a) A successor employer shall ~~submit~~ use the following information ~~to DES~~ when requesting a partial transfer of experience rating:

- (1) the total three-year taxable payroll ending June 30th prior to the last computation date for the transferring employer; and
- (2) the total three-year taxable payroll ending June 30th prior to the last computation date for the transferring employer, relating to the severable portion acquired.

(b) ~~Notwithstanding~~ Notwithstanding Paragraph (a) of this Rule, an alternate three-year payroll may be used when the severed or retained unit was not operated by the transferring employer during the three-year period ending June 30th prior to the last computation date.

(c) A successor employer that acquires the experience rating account, either total or partial, shall be liable for accrued benefits and acquire related rights based on the transferring employer's employment prior to the acquisition. Benefit charges to the transferring or successor employer shall be made in accordance with the percentage used to transfer the experience rating account, based on wages paid prior to the transfer.

(d) The requirements of this Section shall apply to transfers mandated by law, and those requiring DES's approval pursuant to G.S. 96-11.7.

(e) DES shall issue a written determination of whether there was a partial or total transfer of an experience rating account when a request for a transfer of experience rating account is made by a successor employer.

(f) A successor employer's completion and submission of an Application for Partial Transfer of Experience Rating Account (Form NCUI 603) for a transfer pursuant to G.S. 96-11.7(b) within two years of the date that part of the organization, trade, or business was transferred, with the information described in Paragraph (a) of this Rule, and by any means set forth in 04 NCAC 24A .0104(o) shall satisfy the requirements of this Rule.

~~(e)(g)~~ The successor employer's completion and submission of Form NCUI 603 for a transfer pursuant to G.S. 96-11.7(c) within 30 days of the mailing date of the written determination that part of the organization, trade, or business was transferred, with the information described in Paragraph (a) of this Rule, and by any means set forth in accordance with Rule 04 NCAC 24A .0104(o) shall satisfy the requirements of this Rule.

(h) Form NCUI 603 shall contain:

- (1) the date that part of the organization, trade, or business was transferred;
- (2) the percent of the payroll transferred to the successor;
- (3) the percent of the payroll retained by the predecessor;
- (4) whether the successor employer is related to the predecessor employer;
- (5) the predecessor employer's name and account number;
- (5) the name, title, and signature of individual signing the form on behalf of the predecessor employer;
- (6) the date that individual signed the form on behalf of the predecessor employer;
- (7) the successor employer's name and account number;
- (8) the name, title, and signature of individual signing the form on behalf of the successor employer; and
- (9) the date that individual signed the form on behalf of the successor employer.

(i) A successor employer that disagrees with a determination that there was a partial or total transfer of an experience rating account, or with the tax rate set forth in the determination, may file a written protest of the determination and request a hearing.

- (1) The protest shall be filed with DES's Tax Administration Section within 30 days from the date that the determination is mailed pursuant to 04 NCAC 24A .0104(o), as for protests of a Tax Rate Assignment.
- (2) Hearings requested pursuant to this Section shall be conducted as set forth in 04 NCAC 24F .0303.

Authority G.S. 96-4; 96-10; 96-11.7.

04 NCAC 24D .0703 LATE NOTICE OF TRANSFER

(a) The following definitions shall apply in this Rule:

- (1) A related transfer means as defined in G.S. 11.7(c).
- (2) An "unrelated transfer" means transfers other than those defined in G.S. 11.7(c).

(b) A successor employer shall notify DES of an unrelated transfer within two years of the date that part of the organization, trade, or business was transferred in accordance with G.S. 96-11.7(b) and 04 NCAC 24D .0702. If a successor employer does not notify DES within two years of the date that part of the organization, trade, or business was transferred, and later requests a redetermination of its tax rate, DES shall not approve the transfer, and shall notify the employer in writing.

(c) A successor employer shall notify DES of a related transfer within 10 days of the date that part of the organization, trade, or business was transferred in accordance with G.S. 96-11.7(c) and pursuant to 04 NCAC 24D .0702. If a successor employer does not notify DES of a related transfer within 10 days of the date that part of the organization, trade, or business was transferred, and later requests a redetermination of its tax rate, DES shall recalculate the tax rate back to the date of acquisition, or January 1 of the year in which it received notice of the transfer, whichever is later.

Authority G.S. 96-4; 96-10; 96-11.7.

SECTION .0900 - SPECIAL TAX INVESTIGATIONS

04 NCAC 24D .0901 SPECIAL TAX INVESTIGATIONS

(a) When it is discovered by a representative of DES that a claimant is alleging that he or she was an employee and the employer is alleging that the claimant was not an employee, the matter shall be referred to DES's Assistant Secretary in writing.

(b) The Assistant Secretary, on behalf of DES, shall refer the matter to the Tax Administration Section for an investigation. Upon receipt of the findings of the investigation, the Assistant Secretary shall issue a Result of Investigation by the Tax Administration Section. The Result of Investigation shall be in writing and mailed to each party to the controversy pursuant to 04 NCAC 24A .0103.

(c) The Result of Investigation shall provide notice of each party's rights for filing an appeal to obtain a hearing before the Board of Review, and the 10-day time period from the date of mailing within which an appeal shall be filed pursuant to ~~04 NCAC 24A .0104(a)~~; 04 NCAC 24A .0104(bb).

(d) Appeal hearings pursuant to this Section shall be upon order of the Board of Review and conducted pursuant to 04 NCAC 24F .0303.

Authority G.S. 96-4; 96-9.2.

SECTION .1000 - REQUESTS AND HEARINGS TO REVIEW AND REDETERMINE TAX RATE

04 NCAC 24D .1002 DIVISION'S OBLIGATIONS

(a) DES shall review the employing unit's request to review and redetermine its tax rate and all available facts, and shall issue a written ruling. The ruling shall be mailed to the employing unit's address as set forth in 04 NCAC 24A .0103 and include the following:

- (1) whether the application was granted or denied;
- (2) the applicable legal authority, with specific citations, for the ruling;

- (3) the mailing date of the notice;
- (4) a statement containing the employer's right to appeal the notice; and
- (5) the time period within which an appeal may be filed.

(b) The employing unit may file ~~an~~ a written appeal of the ruling and request a hearing.

- (1) The appeal shall be filed with DES's Tax Administration Section within 30 days of the mailing date of the redetermination ruling pursuant to 04 NCAC 24A .0104(o).
- (2) Hearings requested pursuant to this Section shall be conducted as set forth in 04 NCAC 24F .0303.

Authority G.S. 96-4; 96-9.2.

SECTION ~~.1400~~ - RECORDS ~~.0600~~ - FORMS

~~04 NCAC 24D .1401~~ 04 NCAC 24A .0601 OFFICIAL FORMS

(a) Unless otherwise provided, all employer forms referenced under the rules of this Chapter are available at des.nc.gov, or by contacting the Employer Call Center (ECC) as follows:

- (1) mailing address is Post Office Box 26504, Raleigh, North Carolina 27611;
- (2) phone number is (919) 707-1150;
- (3) facsimile number is (919) 715-0780; or
- (4) email address is des.tax.customerservice@nccommerce.com.

(b) Unless otherwise provided, all claimant forms referenced under the rules of this Chapter are available at des.nc.gov, or by contacting the Customer Call Center (CCC) as follows:

- (1) mailing address is P.O. Box 25903, Raleigh, NC 27611-5903;
- (2) phone number is (888) 737-0259;
- (3) facsimile number is (919) 250-4315; or
- (4) email address is des.ui.customerservice@nccommerce.com.

Authority G.S. 96-4; 96-16.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 09B .0101, .0202, .0301; 09G .0302, and .0307.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>

Proposed Effective Date: *October 1, 2020*

Public Hearing:

Date: *August 12, 2020*

Time: *10:00 a.m.*

Location: Wake Technical Community College Public Safety Training Center, 321 Chapanoke Rd., Raleigh, NC 27502

Reason for Proposed Action: *To provide clarity regarding when and to who an officer should report charges. School Director must include the orientation class roster with the course post-delivery. To prohibit instructors, school directors, and qualified assistants from being involved with students. To provide clarity regarding when and to who a correctional officer or probation/parole officer should report charges.*

Comments may be submitted to: Charminique D. Williams, PO Box Drawer 149, Raleigh, NC 27602

Comment period ends: August 12, 2020

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

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT; EDUCATION; AND TRAINING

SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT

12 NCAC 09B .0101 MINIMUM STANDARDS FOR CRIMINAL JUSTICE OFFICERS

Every criminal justice officer who is employed in or has received a conditional offer of employment for a certified position employed by an agency in North Carolina shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;

- (3) be of good moral character pursuant to G.S. 17C-10 and as evidenced by the following:
 - (a) not having been convicted of a felony;
 - (b) not having been convicted of a misdemeanor as defined in 12 NCAC 09B .0111(1) for five years or the completion of any corrections supervision imposed by the courts, whichever is later;
 - (c) not having been convicted of an offense ~~that~~ that would prohibit the possession of a firearm or ammunition, under 18 U.S.C. 922, incorporated by reference with subsequent amendments and editions (found at no cost at (<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18-partI-chap44-sec922.pdf>), (<https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf>); ~~would prohibit the possession of a firearm or ammunition;~~
 - (d) having submitted to and produced a negative result on a drug test within 60 days of employment or any in-service drug screening required by the appointing agency that meets the certification standards of the Department of Health and Human Services for Federal Workplace Drug Testing Programs. A list of certified drug testing labs that meet this requirement may be obtained, at no cost, at (<https://www.samhsa.gov/programs-campaigns/drug-free-workplace/guidelines-resources/drug-testing/certified-lab-list>);
 - (e) submitting to a background investigation consisting of the verification of age and education and a criminal history check of local, state, and national files;
 - (f) being truthful in providing information to the appointing agency and to the Standards Division for the purpose of obtaining probationary or general certification;
 - (g) not having pending or outstanding felony charges that, if convicted of such charges, would disqualify the applicant from holding such certification, pursuant to ~~North Carolina General Statute~~ G.S. 17C-13; and

- (h) not engage in any conduct that brings into question the truthfulness or credibility of the officer, or involves "moral turpitude." "Moral ~~turpitude~~" Turpitude " is conduct that is contrary to justice, honesty, or morality, including conduct as defined in: In re Willis 288 ~~re Willis~~, 299 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); ~~in re~~ State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); ~~in~~ In re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); ~~in~~ In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions that cite these cases as authority.
- (4) have been fingerprinted and a search made of local, state, and national files to disclose any criminal record;
- (5) have been examined and certified by a licensed surgeon, physician, physician assistant, or nurse practitioner to meet physical requirements necessary to properly fulfill the officer's particular responsibilities and shall have produced a negative result on a drug screen administered according to the following specifications:
 - (a) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other reliable initial and confirmatory tests as may, from time to time, be authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
 - (b) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;
 - (c) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites;
 - (d) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions (found at no cost at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>);
- (e) the test conducted shall be not more than 60 days old, calculated from the time when the laboratory reports the results to the date of employment;
- (f) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples;
- (6) have been administered a psychological screening examination by a clinical psychologist or psychiatrist licensed to practice in North Carolina or by a clinical psychologist or psychiatrist authorized to practice in accordance with the rules and regulations of the United States Armed Forces within one year prior to employment by the employing agency to determine the officer's mental and emotional suitability to properly fulfill the responsibilities of the position;
- (7) have been interviewed personally by the ~~Department~~ department head or ~~his~~ the department head representative or representatives to determine such things as the applicant's appearance, demeanor, attitude, and ability to ~~communicate~~; and make the following notifications:
 - ~~(8)(a)~~ within 30 days of the qualifying event notify the Standards Division and the appointing department head in writing of all criminal offenses ~~that for which~~ the officer is arrested for or charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI).
 - (b) within 30 days of the qualifying event notify the Standards Division and the appointing department head in writing of all criminal offenses for which the ~~officer with~~, pleads no contest ~~to~~, pleads guilty ~~to~~ or of which the officer is found guilty. guilty of as well as Domestic Violence Orders (SOB) that are issued by a judicial official. This shall include ~~all criminal offenses except minor traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI); and shall specifically include any offense of Driving Under The Influence (DUI) or Driving While~~

~~Impaired (DWI). A minor traffic offense is defined, for purposes of this Subparagraph, as an offense for which the maximum punishment allowable by law is 60 days or less. Other offenses under Chapter 20 (Motor Vehicles) of the General Statutes of North Carolina or similar laws of other jurisdictions which shall be reported to the Standards Division expressly include G.S. 20-139 (persons under influence of drugs), G.S. 20-28(b)(driving while license permanently revoked or permanently suspended), and G.S. 20-166 (duty to stop in event of accident). The notifications required under this Subparagraph shall be in writing and shall specify the nature of the offense, the court in which the case was handled, the date of the arrest or criminal charge, the final disposition, and the date thereof. The notifications required under this Subparagraph shall be received by the Standards Division within 30 days of the date of arrest or charge and of case disposition. The requirements of this Subparagraph shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applicants for certification. Officers required to notify the Standards Division under this Subparagraph shall also make the same notification to their employing or appointing executive officer within 20 days of the date the case was disposed of in court. The executive officer, provided he has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of all arrests or criminal charges and final dispositions within 30 days of the date the case was disposed of in court. Receipt by the Standards Division of a single notification, from either the officer or the executive officer, shall be sufficient notice for compliance with this Subparagraph.~~

- (c) within 30 days of the date the case was disposed of in court, the department head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;

- (d) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the department head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.

- (8) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this subparagraph shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the department head, shall be sufficient notice for compliance with this Item.

- (9) notify the Standards Division within 30 days of being notified that because of the officer's lack of honesty, truthfulness, or credibility, the officer may not testify in court as a law enforcement officer. This provision shall apply only to notifications:

- (a) made in writing by a superior court judge, district court judge, federal judge, district attorney, assistant district attorney, United States Attorney, Assistant United States Attorney, or the officer's department head, or

- (b) made in open court by a superior court judge, district court judge, or federal judge. The officer's notification to the Standards Division shall be in writing and shall state who notified the officer that the officer may not testify in court as a law enforcement officer and when the officer was so notified. An officer required to notify the Standards Division under this subparagraph shall make the same notification to his or her department head within thirty days of being notified that he or she may not testify in court as a law enforcement officer. A department head who is notified that an officer in his or her agency has been notified that the officer may not testify in court as a law enforcement officer shall also notify the Standards Division within thirty days of the department head's receipt

of such notice. Receipt by the Standards Division of a single notification, from either the officer or the department head, shall be sufficient notice for compliance with this Item.

Authority G.S. 17C-6; 17C-10.

**SECTION .0200 – MINIMUM STANDARDS FOR
CRIMINAL JUSTICE SCHOOLS AND CRIMINAL
JUSTICE TRAINING PROGRAMS OR COURSES OF
INSTRUCTION**

**12 NCAC 09B .0202 RESPONSIBILITIES OF THE
SCHOOL DIRECTOR**

(a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the School Director shall:

- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
- (2) Select and schedule instructors who are certified by the Commission;
- (3) Provide each instructor with a current Commission course outline and all necessary additional information concerning the instructor's duties and responsibilities;
- (4) Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course Management Guide and provide him or her access to the most current version of the Course Management Guide;
- (5) Review each instructor's lesson plans and other instructional materials for conformance to Commission standards and to minimize repetition and duplication of subject matter;
- (6) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;
- (7) Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by the school to be necessary or appropriate for:
 - (A) effective course delivery;
 - (B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
 - (C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;
- (8) If appropriate, recommend housing and dining facilities for trainees;
- (9) Administer the course delivery in accordance with Commission procedures and standards, give consideration to advisory guidelines issued

- by the Commission, and ensure that the training offered is safe and effective;
- (10) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been delegated. The comprehensive final examination shall be administered by the Criminal Justice Education and Training Standards Commission; and
- (11) Report the completion of each presentation of a Commission-certified criminal justice training course to the Commission.
- (12) All forms required for submission to the Commission are located on the Agency's website: <http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>.

(b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified Basic Law Enforcement Training Course, the School Director shall:

- (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training Course Management Guide as published by the North Carolina Justice Academy;
- (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as three one-week breaks until course requirements are completed;
- (3) Schedule only specialized instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;
- (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for ~~each~~ every six trainees while actively engaged in a practical performance exercise;
- (5) Schedule one specialized instructor certified by the Commission for ~~each~~ every eight trainees while actively engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques;"
- (6) Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
- (7) Not less than ~~15~~ 30 days before commencing delivery of the Basic Law Enforcement

- Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation ~~as set out in~~ pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the state comprehensive exam, and include the following attachments:
- (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments; and
 - (B) a copy of any rules and requirements for the school. A copy of such rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;
- (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, and that the delivery is ~~objective-based~~, objective-based, documented by, and consistent with a Commission-approved lesson plan. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation ~~(Form F-16)~~, (Form F-16) and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;
- (9) Administer or designate a staff person to administer appropriate tests during course delivery:
 - (A) to determine and record the level of trainee comprehension and retention of instructional subject- matter;
 - (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
 - (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of this Subchapter; and
 - (10) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:
 - (A) a "Student Course Completion" form for each individual enrolled on the day of orientation; ~~and~~
 - (B) a "Certification and Test Score Release" ~~form~~ form;
 - (C) the "Police Office Physical Ability Test (POPAT) Post-Course" final form; and
 - (D) Orientation class enrollment roster.
- (c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified "Criminal Justice Instructor Training Course," the School Director shall:
- (1) Schedule course presentation to include a minimum of 40 78 hours of instruction during the time period the class is taught until course requirements are completed, ~~each week during consecutive calendar weeks until course requirements are completed;~~
 - (2) Schedule at least one evaluator for each six trainees, as follows:
 - (A) no evaluator shall be assigned more than six trainees during a course delivery;
 - (B) each evaluator, as well as the instructors, shall have completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
 - (C) each instructor and evaluator shall document successful participation in a program presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery

- of the instructor training course and trainee ~~evaluation; evaluation.~~
- (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following attachments:
 - (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;
 - (B) the names and last four digits of the social security numbers of all instructors and evaluators; and
 - (C) a copy of any rules, and requirements for the school; and
 - (4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report [Form F-10B(ITC)] containing the following:
 - (A) class enrollment roster;
 - (B) a course schedule with the designation of instructors and evaluators utilized in delivery;
 - (C) scores recorded for each trainee on the ~~80~~ 70 minute skill presentation; and
 - (D) designation of trainees who completed the course in its entirety and whom the School Director finds to be competent to instruct.

(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified ~~radar, radar and time distance, time distance, or lidar~~ RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall:

- (1) select and schedule speed measurement instrument instructors who are certified by the Commission as instructors for the specific speed measurement instruments in which the trainees are to receive instruction as follows:
 - (A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
 - (B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and
 - (C) require each instructor to sign each individual form and submit the original to the School Director;
- (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A (SMI)] that shall contain a period of course delivery including the proposed starting date, course location,

requested date and location for the administration of the state exam, and the number of trainees to be trained on each type of approved speed measurement instrument. The Director of the Standards Division shall review the request and notify the School Director within thirty business days if the request is approved or denied; and

- (3) upon completing delivery of the Commission-certified course, and not more than 10 days after the conclusion of a school's offering of a certified ~~radar, radar and time distance, time distance, or lidar~~ RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)]. This report shall include the original motor-skill examination form(s) completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

Authority G.S. 17C-6.

SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS

(a) A person participating in a Commission-certified criminal justice training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification, or Professional Lecturer Certification as outlined in Rules .0302, .0304 and .0306 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accordance with the requirements of this Section and as stated on the applicant's Request for Instructor Certification Form.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specialized areas. Such competence shall include remaining current in the instructor's area of expertise, which shall be demonstrated by attending and completing all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual; and
- (5) revoking the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain competent in the person's areas of expertise;
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Instructor Training Manual" as found in Rule .0209 of this Subchapter;
- (4) has failed to follow specific guidelines outlined in the "Basic Law Enforcement Training Course Management Guide" as found in Rule .0205 of this Subchapter;
- (5) has demonstrated unprofessional personal conduct in the delivery of Commission approved or mandated Commission mandated training. For the purposes of this Subparagraph, unprofessional personal conduct is identified as: means an act that is: job related conduct that constitutes a violation of State or federal law; conviction or commission of a criminal offense, as set out in 12 NCAC 09A .0204; the willful violation of Rules of this Chapter; conduct that is detrimental to instruction in the Commission's mandated courses; the abuse of a client or student whom the instructor is teaching or supervising or falsification of an instructor application or in other employment documentation. For purposes of this Chapter, conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment, thus impeding the students' ability to learn;

(A) job-related conduct that constitutes a violation of state or federal law;

(B) a conviction or commission of a criminal offense, as set out in 12 NCAC 09A.0204;

(C) the willful violation of rules of this Chapter;

(D) conduct that is detrimental to instruction in the Commission's mandated courses. Conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment;

(E) the physical and/or verbal abuse of a client or student who the instructor is teaching or supervising; or

(F) falsification of an instructor application or other employment documentation;

(6) is an instructor, School Director, or Qualified Assistant; is involved in the instruction of (for instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the instructor, School Director, or Qualified Assistant has a close personal, familial, financial, dating, or sexual relationship, even if consensual; and fails to take immediate and appropriate corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant to notify his or her managing personnel in writing of the relationship and requires the instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the relationship exists;

(A) the written notice to managing personnel shall include:

(i) School/agency name;

(ii) Name of course;

(iii) Name of the instructor, School Director, or Qualified Assistant;

(iv) Name of student;

(v) Name of managing personnel; and

(vi) Nature of the relationship.

(B) the written notice from the school/agency managing personnel to the Standards Division shall be submitted within 10 days of receipt of notice from the instructor, School Director, or Qualified Assistant and shall include:

(i) School/agency name;

(ii) Name of course;

(iii) Name of the instructor, School Director, or Qualified Assistant;

(iv) Name of student;

(v) Name of managing personnel;

(vi) Nature of the relationship; and

(vii) Explanation of action taken to ensure the named instructor, School Director, or Qualified Assistant is not in violation of this Rule;

(7)(6) has demonstrated instructional incompetence;

(8)(7) has knowingly and willfully obtained or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;

(9)(8) has failed to meet or ~~involve moral turpitude~~ maintain good moral character as defined in: In

re Willis, 288 N.C. 1, 215 S.E.2d 771, appeal ~~dismissed~~ dismissed, 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to discharge the duties of a criminal justice instructor;

(10)(9) has failed to deliver training in a manner consistent with the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102;

(11)(10) has knowingly and willfully aided or attempted to aid any person in obtaining qualification or certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program by deceit, fraud, or misrepresentation;

(12)(11) has committed or been convicted of an offense which could result in the denial, suspension, or revocation of an officer's law enforcement certification, pursuant to 12 NCAC 09G .0504; or

(13)(12) has knowingly made a material misrepresentation of any information required for certification or accreditation.

(f) When a person certified as a law enforcement officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs' Commission), the North Carolina Department of Insurance, Office of State Fire Marshal, Fire Rescue Commission (Fire Commission), Office of Emergency Medical Services North Carolina Company/Campus Police Program; or a North Carolina, out of state or federal approving, certifying or licensing agency; has been denied certification or had his or her certification suspended or revoked by their respective Commission, or agency the State or local law enforcement officer shall report the suspension or revocation to the Criminal Justice Standards Division within five days. He or she shall also have his or her General Instructor Certification (if applicable) automatically suspended or revoked for the same time period as his or her respective Commission certification.

(1) This suspension or revocation of the General Instructor certification shall also include suspension or revocation to any Commission recognized ~~Specialized~~ specialized or additional instructor certification, as outlined in 12 NCAC 09B .0304.

(2) If the term of suspension or revocation exceeds the expiration date of the instructor's initial certification expiration date, he or she shall forfeit their certifications as a General Instructor and Specialized Instructor and shall be required to obtain certification pursuant to

the requirements of Rule .0302 of this Section before any instruction may be delivered in any Commission-approved or mandated training, including the completion of a subsequent General Instructor's training course in its entirety.

(3) If the term of suspension or revocation does not exceed the expiration date of the instructor's initial certification expiration date, the instructor shall be reinstated as a General Instructor only upon reinstatement of his or her law enforcement officer certification by the Commission. The terms of renewal for the existing General Instructor and Specialized Instructor certifications shall remain subject to all renewal requirements pursuant to 12 NCAC 09B .0303(d) by the next immediate expiration date.

Authority G.S. 17C-6.

SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION

SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND INSTRUCTORS

12 NCAC 09G .0302 NOTIFICATION OF CRIMINAL CHARGES/CONVICTIONS

~~(a) Every person employed and certified as a correctional officer or probation/parole officer shall make the following notifications: notify the Standards Division of all criminal offenses for which the officer is charged, arrested, pleads no contest, pleads guilty, or of which the officer is found guilty. Criminal offenses shall include all felony offenses and shall include those misdemeanor offenses delineated in 12 NCAC 09G .0102.~~

(1) within 30 days of the qualifying event notify the Standards Division and the appointing department head in writing of all criminal offenses for which the officer is charged or arrested;

(2) within 30 days of the qualifying event notify the Standards Division and the appointing department head in writing of all criminal offenses for which the officer pleads no contest, pleads guilty, or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

(3) within 30 days of service, officers shall notify the Standards Division of all Domestic Violence Protective Order (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;

~~(b) The notifications required under this Rule shall be in writing, specify the nature of the offense, the court in which the case was handled, the date of arrest or criminal charge, the final disposition,~~

~~and the date thereof. The notifications required under this Paragraph shall be received by the Standards Division within 30 days of the date the case was disposed of in court.~~

~~(c) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission.~~

~~(d) Officers required to notify the Standards Division under this Rule shall also make the same notification to their employing or appointing executive officer within 20 days of the date the case was disposed of in court. The executive officer, provided he or she has knowledge of the officer's arrest(s), criminal charge(s), or final disposition(s), shall also notify the Standards Division of all arrests or criminal convictions within 30 days of the date of the arrest and within 30 days of the date the case was disposed of in court. Receipt by the Standards Division of a single notification, from either the officer or the executive officer, shall be sufficient notice for compliance with this Rule.~~

- ~~(4) within 30 days of the date the case was disposed of in court, the department head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition; and~~
- ~~(5) within 30 days of the issuance of a Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the department head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.~~

The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Subparagraph shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the department head, shall be sufficient notice for compliance with this Subparagraph.

Authority G.S. 17C-6.

12 NCAC 09G .0307 CERTIFICATION OF INSTRUCTORS

(a) A person participating in a Commission-accredited corrections training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification or Specialized Instructor Certification or Professional Lecturer Certification as outlined in Rules .0308, .0310, and .0311 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accord with the requirements of this Section and as stated on the applicant's Request for Instructor Certification Form.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his/her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and completing any instructor all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the ~~Rules~~ rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual; or
- (5) revoking the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain currently knowledgeable in the person's areas of expertise by failing to attend trainings as required by the rules in this Chapter.
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Basic Instructor Training Manual" as found in 12 NCAC 09G.0414;
- (4) has failed to follow specific guidelines outlined in the basic corrections officers' training manual set out in Rules .0411 through .0416 of this Subchapter;
- (5) has demonstrated unprofessional personal conduct in the delivery of ~~commission-mandated~~ Commission approved or mandated training. For the purposes of this Subparagraph, unprofessional personal conduct ~~means an act that is:~~ is identified as: job related conduct which constitutes a violation of State or federal law; conviction or commission of a criminal offense, as set out in 12 NCAC 09G .0504; the willful violation of Rules of this Chapter; conduct that is detrimental to instruction in the Commission's mandated courses; the abuse of a client or student whom the instructor is teaching or supervising; falsification of an instructor application or in other employment documentation;

(A) job-related conduct that constitutes a violation of state or federal law;

(B) conviction or commission of a criminal offense as set out in 12 NCAC 09G. 0504;

- (C) the willful violation of rules of this Chapter;
- (D) conduct that is detrimental to instruction in the Commission's mandated courses. For purposes of this Chapter, conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment, thus impeding the students' ability to learn;
- (E) the physical and/or verbal abuse of a client or student who the instructor is teaching or supervising; or
- (F) falsification of an instructor application or other employment documentation;
- (6) is an instructor, School Director, or Qualified Assistant; is involved in the instruction of (for instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the instructor, School Director, or Qualified Assistant has a close personal, familial, financial, dating, or sexual relationship, even if consensual; and fails to take immediate and appropriate corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant to notify his or her managing personnel in writing of the relationship and requires the instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the relationship exists:
- (A) the written notice to managing personnel shall include:
- (i) School/agency name;
 - (ii) Name of course;
 - (iii) Name of the instructor, School Director, or Qualified Assistant;
 - (iv) Name of student;
 - (v) Name of managing personnel; and
 - (vi) Nature of the relationship.
- (B) the written notice from the school/agency managing personnel to the Standards Division shall be submitted within 10 days of receipt of notice from the instructor, School Director, or Qualified Assistant and shall include:
- (i) School/agency name;
 - (ii) Name of course;
 - (iii) Name of the instructor, School Director, or Qualified Assistant;
 - (iv) Name of student;
 - (v) Name of managing personnel;
- (vi) Nature of the relationship; and
- (vii) Explanation of action taken to ensure the named instructor, School Director, or Qualified Assistant is not in violation of this Rule;
- ~~(6)~~(7) has demonstrated instructional incompetence;
- ~~(7)~~(8) has knowingly and willfully obtained, or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;
- ~~(8)~~(9) has failed to meet or maintain good moral character as defined in: In re Willis, 288 N.C. 1, 215 S.E.2d 771, appeal ~~dismissed~~ dismissed, 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to discharge the duties of a criminal justice instructor;
- ~~(9)~~(10) has committed or been convicted of an offense which could result in the denial, suspension, or revocation of an officers certification pursuant to Rules .0204 or .0504 of this Subchapter;
- ~~(10)~~(11) has knowingly made a material misrepresentation of any information required for certification or accreditation.
- (f) When a person certified as an officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs' Commission), the North Carolina Department of Insurance, Office of State Fire Marshal, Fire Rescue Commission (Fire Commission), Office of Emergency Medical Services and the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency; has been denied certification or had his or her certification suspended or revoked by their respective Commission or agency the officer shall report the suspension or revocation to the Criminal Justice Standards Division within five days. They shall also have their General Instructor certification (if applicable) automatically suspended or revoked for the same time period as their respective Commission certification.
- (1) This suspension or revocation of the General Instructor certification shall also include suspension or revocation to any Commission recognized ~~Specialized~~ specialized or additional instructor certification, as outlined in Rule .0310 of this Section.
 - (2) If the term of suspension or revocation exceeds the expiration date of the instructor's initial certification expiration date, they shall forfeit their certifications as a General Instructor and Specialized Instructor and shall be required to obtain certification pursuant to the

requirements of Rule .0304 of this Section before any instruction may be delivered in any Commission-approved or mandated training, including the completion of a subsequent General Instructor's training course in its entirety.

- (3) If the term of suspension or revocation does not exceed the expiration date of the instructor's initial certification expiration date, the instructor shall be reinstated as a General Instructor only upon reinstatement of his or her law enforcement officer certification by the Commission. The terms of renewal for the existing General Instructor and Specialized Instructor certifications shall remain subject to all renewal requirements pursuant to Rule .0309(c) of this Section by the next expiration date.

Authority G.S. 17C-6; 17C-10.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 09B .0209, .0410; 09G .0313, and .0414.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>

Proposed Effective Date: January 1, 2021

Public Hearing:

Date: August 12, 2020

Time: 10:00 a.m.

Location: Wake Technical Community College Public Safety Training Center, 321 Chapanoke Rd. Raleigh, NC 27502

Reason for Proposed Action: Update instructor training courses.

Comments may be submitted to: Charminique D. Williams, PO Box Drawer 149, Raleigh, NC 27602

Comment period ends: August 12, 2020

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

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

- (a) The ~~instructor training~~ Instructor Training course required for ~~general instructor~~ General Instructor certification shall consist of a minimum of ~~78 90 hours of instruction presented during a continuous period of not more than two weeks.~~ instructions.
- (b) Each ~~instructor training~~ Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the ~~function~~ functions of a criminal justice instructor.
- (c) Each ~~instructor training~~ Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | | |
|------|---|----------------------|
| (1) | Orientation and Pre-Test | 3 4 Hours |
| (2) | Instructional Systems Design (ISD) | 6 8 Hours |
| (3) | Law Enforcement Instructor Liabilities and Legal Responsibilities | 3 Hours |
| (4) | Criminal Justice Instructional Leadership | 4 Hours |
| (5) | Lesson Plan Preparation: Professional Resources | 3 Hours |
| (6) | Lesson Plan Development and Formatting | 4 Hours |
| (7) | Adult Learning | 6 4 Hours |
| (8) | Instructional Styles and Platform Skills | 5 8 Hours |
| (9) | Classroom Management | 3 4 Hours |
| (10) | Active Learning: Demonstration and Practical Exercises | 6 8 Hours |
| (11) | The Evaluation Process of Learning | 4 5 Hours |
| (12) | Audio Visual Aids | 4 6 Hours |
| (13) | Student 8-Minute Introductions and Video Critique | 5 Hours |

- (14) Student Performance: First 35-Minute Presentation 6 Hours
Second 35-Minute Presentation 6 Hours
Final 70-Minute Presentation and Review 8 Hours

- (15) Course Closing and Post-test 2 1/2 Hours

(d) The Instructor Course shall be completed in one of the following two methods:

- (1) Completion of all topics specified in Paragraph (c) of this Rule within a 15 day period; or
- (2) Individual may complete topics contained in Subparagraph (c)(3), (c)(4), and (c)(5) of this Rule by either in-person or online delivery via a Commission-accredited delivery site within 60 days prior to the delivery of topics specified in Subparagraph (c)(1), (c)(2), and (c)(6) thru (c)(15) of this Rule.

(e) The "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be purchased at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Drawer 99
Salemberg, North Carolina 28385

Authority G.S. 17C-6.

SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING

12 NCAC 09B .0410 CRIMINAL JUSTICE INSTRUCTOR TRAINING COURSE

(a) To successfully complete the "Criminal Justice Instructor Training Course" the trainee shall:

- (1) satisfactorily complete all of the required ~~coursework, specifically including each of the introductory trainee presentations with videotaping, playback, and critique as specified in the "Instructor Training Manual" as published by the North Carolina Justice Academy.~~ course work pursuant to 12 NCAC 09B .0209. All trainee presentations shall have met the criteria and conditions specified in the course orientation of the "Instructor Training Manual;" Manual as published by the North Carolina Justice Academy. and
- (2) attain the passing score on each performance area as specified in the course abstract of the "Instructor Manual" for the final written lesson plan and final 70-minute presentation.

(b) Should a trainee fail to meet the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be

authorized one opportunity to correct either of these deficiencies by the end of the ~~original two-week~~ course.

Authority G.S. 17C-6; 17C-10.

SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION

SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND INSTRUCTORS

12 NCAC 09G .0313 CORRECTIONS INSTRUCTOR TRAINING COURSE

(a) To successfully complete Corrections Instructor Training, the trainee shall:

- (1) satisfactorily complete all of the required ~~course work, specifically including each of the trainee presentations with videotaping, playback, and critique as specified work pursuant to 12 NCAC 09B .0209 in the "Basic Instructor Training Manual" as published by the North Carolina Justice Academy.~~ All trainee presentations shall have met the criteria and conditions specified in the course orientation of the "Basic Instructor Training Manual;" "Instructor Training Manual, as published by the North Carolina Justice Academy;"
- (2) attain the minimum score on each performance area as specified in the course abstract of ~~the "Basic Instructor Manual"~~ Instructor Training Manual for the final written lesson plan and final ~~80-minute~~ 70-minute presentation; and
- (3) ~~achieve a score of 75 percent correct answers on the comprehensive written examination.~~

(b) If a trainee fails to meet the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the ~~original two-week~~ course.

Authority G.S. 17C-6.

SECTION .0400 – MINIMUM STANDARDS FOR TRAINING OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICER, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE

12 NCAC 09G .0414 INSTRUCTOR TRAINING

(a) The ~~instructor training~~ Instructor Training course required for ~~general instructor~~ General Instructor certification shall consist of a minimum of ~~78~~ 90 hours of ~~instruction presented during a continuous period of not more than two weeks.~~ instruction.

(b) Each ~~instructor training~~ Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the ~~function~~ functions of a criminal justice instructor.

(c) Each ~~instructor training~~ Instructor Training course shall include the ~~following identified topic areas~~ areas, delivery methods, and minimum instructional hours for each area; pursuant to 12 NCAC 09B .0209(c) and (d).

- (1) ~~Orientation and Pre-test;~~ 3 hours
- (2) ~~Instructional Systems Design (ISD);~~ 6 hours
- (3) ~~Law Enforcement Instructor Liabilities and Legal Responsibilities;~~ 3 hours
- (4) ~~Criminal Justice Instructional Leadership~~ 4 hours
- (5) ~~Lesson Plan Preparation: Professional Resources;~~ 3 hours
- (6) ~~Lesson Plan Development and Formatting~~ 4 hours
- (7) ~~Adult Learning;~~ 6 hours
- (8) ~~Instructional Style and Platform Skills;~~ 5 hours
- (9) ~~Classroom Management;~~ 3 hours
- (10) ~~Active Learning: Demonstration and Practical Exercises;~~ 6 hours
- (11) ~~The Evaluation Process of Learning;~~ 4 hours
- (12) ~~Principles of Instruction: Audio Visual Aids;~~ 4 hours
- (13) ~~Student 8 Minute Introduction and Video Critique; and~~ 5 hours
- (14) ~~Student Performance:~~
~~First 35 Minute Presentation;~~ 6 hours
~~Second 35 Minute Presentation; and~~ 6 hours
~~Final 70 Minute Presentation and Review;~~ 8 hours
- (15) ~~Course Closing and Post Test~~ 2 hours

(d) The "Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as the basic curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division
 North Carolina Department of Justice
 1700 Tryon Park Drive Post Office Drawer 149
 Raleigh, North Carolina 27602

and may be purchased at the cost of printing and postage from the North Carolina Justice Academy at the following address:

North Carolina Justice Academy
 Post Office Drawer 99
 Salemburg, North Carolina 28385

Authority G.S. 17C-6.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Alcoholic Beverage Control Commission intends to adopt the rule cited as 14B NCAC 15C .1307, amend the rules cited as 14B NCAC 15C .1301, .1303, .1304, and repeal the rule cited as 14B NCAC 15C .1305.

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): <https://abc.nc.gov/>

Proposed Effective Date: August 1, 2020

Public Hearing:

Date: May 13, 2020

Time: 10:00 a.m.

Location: ABC Commission Hearing Room, 400 East Tryon Road, Raleigh, NC 27610

Reason for Proposed Action: *To amend and adopt rules applicable to spirituous liquor tastings conducted by spirituous liquor special event permittees at certain special events and at certain ABC stores as necessitated by amendments to G.S. 18B-1114.7 enacted in S.L. 2019-182, Sec. 6. The amendments to 14B NCAC 15C .1301 consolidate all definitions in Section .1300 into a single rule, define a permit holder's authorized agent, and define a consumer tasting event conducted in an ABC store. The amendments to 14B NCAC 15C .1303 delete the requirement for designated tasting areas and the requirement that spirituous liquor used at non-ABC store tastings be purchased from an ABC store. The amendments to 14B NCAC 15C .1304 establish the procedure for designation of a permit holder's authorized agent for purposes of conducting tastings. The repeal of 14B NCAC 15C .1305 is part of the consolidation of definitions into 14B NCAC 15C .1301. The adoption of 14B NCAC 15C .1307 defines the local board's authority to allow ABC store tastings, establishes a process for ensuring reasonable opportunities to all spirituous liquor special event permittees to conduct tastings in ABC stores, establishes proof of purchase from an ABC store of spirituous liquor served at ABC store tastings, and establishes reporting requirements for permittees and local boards of tastings conducted in ABC stores.*

Comments may be submitted to: Walker Reagan, 400 East Tryon Road, Raleigh, NC 27610; phone (919) 779-8367; fax (919) 661-6765; email walker.reagan@abc.nc.gov

Comment period ends: June 1, 2020

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

CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION

SUBCHAPTER 15C - INDUSTRY MEMBERS: RETAIL/INDUSTRY MEMBER RELATIONSHIPS: SHIP CHANDLERS: AIR CARRIERS: FUEL ALCOHOL

SECTION .1300 – SPIRITUOUS LIQUOR TASTING SPECIAL EVENT PERMITS

14B NCAC 15C .1301 DEFINITIONS

As used in G.S. 18B-1114.7 and in this Section:

- (1) "Advertising specialties" means coasters, shot glasses, bottle or can openers, cork screws, ash trays, shopping bags, individual can coolers, hats, caps, visors, t-shirts (without collars or buttons), and key chains.
- ~~(+)(2)~~ "Charitable, nonprofit organization" means a nonprofit organization that is a charitable organization as defined in G.S. 1-539.11(1).
- (3) "Consumer tasting event" means any time a single spirituous liquor special event permittee provides samples of spirituous liquor to a consumer in an ABC store pursuant to G.S. 18B-1114.7(c).
- ~~(2)(4)~~ "Local fund-raiser" means a special event sponsored or cosponsored by a local government, a local charitable, nonprofit organization, or a local political organization for the purpose of raising funds for a governmental, charitable, or political purpose.
- (5) "Permit holder's authorized agent" means an individual authorized in writing by the spirituous liquor special event permittee to conduct a consumer tasting or consumer tasting event pursuant to the permittee's spirituous liquor special event permit. The individual shall be responsible for the management on the site of the consumer tasting and consumer tasting event, and the supervision of the permittee's or agent's employees or independent contractors offering or pouring tasting samples at the consumer tasting or consumer tasting event.
- (6) "Point-of-sale advertising materials" means advertising that is located where the spirituous liquor product is displayed or sampled. Advertising materials may include signs, posters, banners, and decorations that bear

product advertising matter. Point-of-sale advertising materials as used in this Section shall not include items listed in 14B NCAC 15C .0711(c).

~~(3)(7)~~ "Special event" means either:

- (a) an event the spirituous liquor special event permittee participates in that is a trade show, convention, street festival, holiday festival, agricultural festival, balloon race, local fund-raisers, or other similar events approved pursuant to Rule .1302 of this Section, that is for a limited duration of no more than 10 days and organized or sponsored by a person other than the spirituous liquor special event permittee; or
- (b) an event of limited duration of no more than 60 days at a shopping mall that is organized and sponsored by the shopping mall or an association of shopping mall merchants as part of a promotion or sale for all merchants in the shopping mall.

Authority G.S. 18B-100; 18B-207; 18B-1114.7.

14B NCAC 15C .1303 TASTINGS HELD FOR CONSUMERS

- ~~(a) Tasting Area Designation. Tastings permitted pursuant to a spirituous liquor special event permit shall only be conducted within a designated tasting area, delineated by vertical markings no less than 24 inches in height that the consumer would recognize as indicating the boundaries that physically separate the tasting area from the remainder of the special event. Consumers shall not be permitted to take tasting samples outside the designated tasting area. The permittee shall ensure that designated tasting area signs are displayed at the permittee's tastings serving tables and at the entrances and exits to the designated tasting area, with lettering of at least two inches in height, informing consumers that they must be 21 years of age to participate in the tastings and that no tasting samples are allowed to be taken out of the designated tasting area. A designated tasting area may include one or more permittees. A special event may have multiple designated tasting areas. If a tasting is conducted pursuant to an event where the event sponsor holds an ABC permit for that event, the area for conducting the tasting shall be limited to the area of the event covered by the ABC permit. If the tasting is conducted pursuant to this Section at an event where the event sponsor does not hold an ABC permit, the area for conducting the tasting shall be limited to the area allocated or assigned by the event sponsor for the exclusive use of the permittee conducting the tasting.~~
- (b) Each permittee conducting a tasting may give each consumer tasting samples up to the limits set forth in ~~G.S. 18B-1114.7(b)(3);~~ G.S. 18B-1114.7(b)(3) or (c)(4), as applicable.
- ~~(c) Training. Any A spirituous liquor special event permittee shall ensure that any employee or agent of a the permittee who will be conducting or supervising any tasting conducted pursuant to a~~

spirituous liquor special event permit ~~shall be given training, including: has completed training that includes:~~

- (1) identification of potential underage consumers;
- (2) recognition of fictitious identification;
- (3) identification of consumers who are visibly intoxicated;
- (4) service of correct sample sizes; and
- (5) methods to ensure compliance with G.S. 18B-1114.7 in accordance with Rule .1304 of this Section.

(d) ~~Consumption prohibited.~~ The permittee, the permittee's agent, or employee shall not be in the ~~designated tasting area for conducting the tasting~~ after consuming alcoholic beverages except under the following conditions:

- (1) the permittee, agent, or employee is off duty for the remainder of that day or night during which the individual consumes any alcoholic beverage;
- (2) the permittee, agent, or employee is out of uniform when uniforms are required to be worn while performing any on duty services; and
- (3) the permittee, agent, or employee shall not perform any ~~on-duty services of any nature related to the business of the permit~~ while or after consuming alcoholic beverages.

(e) ~~Limitations.~~ Spirituous ~~liquors~~ liquor provided as for tastings pursuant to a spirituous liquor special event permit shall not be mixed with any other alcoholic or non-alcoholic beverage. No non-alcoholic beverages, other than unflavored water, shall be made available or accessible to the consumer by the permittee in the designated tasting area. ~~area for conducting the tasting.~~

(f) ~~Source of spirituous liquor.~~ All spirituous liquor used for ~~tasting samples given in accordance with this Rule shall be purchased by the permittee from an ABC store.~~

Authority G.S. 18B-100; 18B-207; 18B-1114.7.

14B NCAC 15C .1304 SPECIAL EVENT COMPLIANCE PROCEDURE

(a) ~~The~~ Either the permittee to whom the spirituous liquor special event permit was issued ~~issued, or the permit holder's authorized agent,~~ must be present in the ~~designated tasting area where the tasting is conducted at the time the tastings occur.~~ tasting occurs. A copy of the spirituous liquor special event permit shall be on display in the ~~designated tasting area where the tasting is conducted.~~ A copy of the authority of the permit holder's authorized agent to act on behalf of the permittee shall be present at the tasting event. ~~and A copy of the spirituous liquor special event permit and a copy of the authority of the permit holder's authorized agent to act on behalf of the permittee shall be made available to law enforcement agents upon request.~~

(b) For other special events approved by the Commission pursuant to Rule .1302 of this Section, a copy of the Commission's approval shall be kept ~~in the designated tasting area during at the tasting for~~ the duration of the tastings and made available to law enforcement agents upon request.

(c) A spirituous liquor special event permit holder shall maintain a written procedure establishing the method to be used by the permit holder and the permit holder's employees or agents to

ensure compliance with the requirements of G.S. 18B-1114.7(b)(3), (4), and ~~(5); (5), and (c)(4).~~ A copy of the written procedure shall be available ~~in the designated tasting area at the tasting~~ to the permit holder's employees and designated agents and shall be made available ~~in the designated tasting area at the tasting~~ to law enforcement agents upon request.

(d) A copy of the written procedure required pursuant to Paragraph (c) of this Rule shall be:

- (1) maintained for one year following the tasting;
- (2) included as part of the consumer tasting record maintained in accordance with G.S. 18B-1114.7(b)(10); and
- (3) made available upon request to the Commission and law enforcement agents pursuant to G.S. 18B-502.

Authority G.S. 18B-100; 18B-201; 18B-1114.7.

14B NCAC 15C .1305 SPECIAL EVENT SALE OF BRANDED MERCHANDISE, POINT-OF-SALE ADVERTISING MATERIALS AND ADVERTISING SPECIALTIES

Authority G.S. 18B-100; 18B-207; 18B-1114.7.

14B NCAC 15C .1307 ABC STORE SPIRITUOUS LIQUOR TASTINGS

(a) Local boards shall determine whether to allow tastings to be conducted in any of their ABC stores. The ABC store, date, and times for any tastings authorized by the local board shall be set by the local board. Tastings do not have to be conducted every week or in all ABC stores operated by the local board. The schedule set by the local board for tastings can vary from week to week.

(b) If a local board authorizes consumer tasting events to be held in a specific ABC store, permission shall be granted on a first-come, first-serve basis to a permittee to conduct a consumer tasting event at that ABC store at a specific date and time established by the local board. This permission shall be subject to the permission being withdrawn by the ABC store not later than 30 days prior to the scheduled time of the event, upon the receipt of a request from another permittee that has conducted fewer consumer tasting events in the ABC store within a previous 12-month period than the permittee originally granted permission. A superseding request for the same date and time must be received in writing by the local board before the close of business on the last business day prior to 30 days prior to the previously approved request date.

(c) In addition to the requirements set forth in G.S. 18B-1114.7(c)(7), a permit holder shall include with the notice a copy of the local board's written approval for the permit holder to conduct a consumer tasting event at a specific time and location. Written approval by the local board may be by email. For purposes of G.S. 18B-1114.7(c)(7)c., the list shall include the product codes of the specific spirituous liquor products available for tasting.

(d) Proof of purchase of spirituous liquor from any ABC store shall be by receipts issued by an ABC store. Permittees shall maintain receipts of purchases of spirituous liquor used in tastings for a period of six months from the date the spirituous liquor is

first used for tastings pursuant to G.S. 18B-1114.7. Spirituous liquor purchased from an ABC store for use in tastings conducted in accordance with this Section may be used for multiple tastings at multiple locations.

(e) At the time of the completion of a tasting, the permittee shall submit to the local board in writing the name of the permittee that conducted the consumer tasting event, the names of all employees or agents of the permittee who were present at the tasting, and the name of each product available for tasting at the consumer tasting event. A local board that authorizes consumer tasting events shall maintain for a period of three years a list of all consumer tasting events conducted in each of its stores by date, name of the permittee that conducted the consumer tasting event, name of all employees or agents of the permittee who were present at the tasting, and name of each product available for tasting at the consumer tasting event.

Authority G.S. 18B-100; 18B-207; 18B-1114.7.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10H .1003.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: *November 1, 2020*

Public Hearing:

Date: *May 6, 2020*

Time: *10:00 a.m.*

Location: *Please click this link to join the webinar: <https://zoom.us/j/811125225>, or join by telephone: 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free) Webinar ID: 811 125 225*

Reason for Proposed Action: *15A NCAC 10H .1003 – Records - This Rule is proposed for amendment to institute taxidermy reporting requirements pursuant to the establishment of the taxidermy cervid certification requirement and to update the title to read as Records and Reporting Requirements.*

Comments may be submitted to: *Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org*

Comment period ends: *June 1, 2020*

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**

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10H - REGULATED ACTIVITIES

SECTION .1000 - TAXIDERMY

15A NCAC 10H .1003 RECORDS AND REPORTING REQUIREMENTS

(a) Licensed taxidermists shall keep records of each wildlife specimen delivered and contained within his or her place of business. Records shall include:

- (1) the species and sex of the specimen;
- (2) the date the specimen was delivered;
- (3) the name and address of the person delivering the specimen;
- (4) the name and address of the person responsible for take of the specimen, if different;
- (5) the date and location of the take;
- (6) the big game harvest authorization number, if applicable; and
- (7) the date and disposition of the mounted specimen.

Records shall be maintained chronologically by the date the specimen was delivered. Records shall be retained by the taxidermist for one year following expiration of the taxidermy license and shall be made available for inspection by any agent of the Wildlife Resources Commission.

(b) The records required by the United States Fish and Wildlife Service under its taxidermy permit regulations for migratory game birds, as set forth in 50 CFR 21.24, which is hereby incorporated by reference including subsequent amendments and editions, shall satisfy this Rule, and can be accessed at no cost at www.ecfr.gov.

(c) Licensed taxidermists required by G.S. 113-273(k) to obtain the taxidermy cervid certification shall report the following information of each wildlife specimen of the family Cervidae delivered and contained within his or her place of business to the Wildlife Resources Commission on a form available at www.ncwildlife.org:

- (1) the county or parish, state, Canadian province, or foreign country where the take occurred;

- (2) the big game harvest authorization number or equivalent out-of-state number; and
 (3) the species of each cervid.

(d) The information required to be reported in Paragraph (c) of this Rule shall be received by the Commission prior to the renewal of a taxidermy cervid certification.

Authority G.S. 113-134; 113-273.

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10L .0101-.0104, amend the rule cited as 15A NCAC 10G .0601, and readopt with substantive changes the rule cited as 15A NCAC 10B .0114.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: October 1, 2020

Public Hearing:

Date: May 7, 2020

Time: 10:00 a.m.

Location: Please click this link to join the webinar: <https://zoom.us/j/185501507>, or join by telephone: 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free) Webinar ID: 185 501 507

Reason for Proposed Action:

15A NCAC 10L .0100s - Wildlife Conservation Land Program - Session Law 2018-95 extended the reduced property tax assessment for wildlife conservation land that creates and is actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation or wildlife activities. These proposed permanent rules address the activities and inspection requirements for this statutory expansion. They will replace temporary Rule 10L .0101 Wildlife Reserve, adopted by the Commission at its October 2019 meeting.

15A NCAC 10B .0114 - Dog Training And Field Trials- This rule is part of the 2017 periodic review, with a re-adoption deadline of December 30, 2022. It is amended to provide for the issuance of Field Trial Permits via the online portal at ncwildlife.org. Organizational and technical changes are also proposed.

15A NCAC 10G .0601 - Totally Disabled License Eligibility - This Rule is proposed for amendment to provide an alternative method for certification of a qualifying disability. Organizational and clarifying changes are also proposed.

Comments may be submitted to: Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

Comment period ends: June 1, 2020

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

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

15A NCAC 10B .0114 DOG TRAINING AND FIELD TRIALS

(a) For purposes of 15A NCAC 10B and 10D, the following definitions apply:

- (1) "Commission-sanctioned field trial" means a field trial ~~that, pursuant to a written request from the sponsoring organization, that has been authorized in writing and scheduled for occurrence by an authorized representative of~~ by the Wildlife Resources Commission. Commission and for which a Field Trial Permit has been issued.
- (2) "Active participant" means ~~a person~~ an individual participating in a field trial who handles dogs or uses a firearm.
- (3) "Field Trial Permit" means the permit issued by the Wildlife Resources Commission that authorizes an individual to hold a commission-sanctioned field trial for dogs in accordance with governing laws and the Rules of the Commission.

(b) Individuals desiring to conduct a commission-sanctioned field trial shall obtain a Field Trial Permit from the Wildlife Resources Commission at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606.

~~(b)(c) Each person~~ Individuals using wildlife to train or run dogs shall possess a North Carolina hunting license.

~~(c)(d) A person serving as judge of a commission-sanctioned field trial is exempted~~ An individual who is serving as a judge of a

commission-sanctioned field trial shall be exempt from any license requirements. ~~Judges of non-sanctioned~~ An individual who is serving as a judge of a non-sanctioned field trials trial using wildlife shall possess a North Carolina hunting license.

~~(d)(e)~~ Except as ~~exempted~~ provided in Paragraph ~~(e)(f)~~ of this Rule, the following ~~applies~~ license requirements shall apply to active participants in field trials:

- (1) North Carolina residents participating in any field trial that uses wildlife shall have a N.C. hunting license;
- (2) non-residents participating in a commission-sanctioned field trial that uses wildlife shall possess a N.C. hunting license or a hunting license from his or her state of residence; and
- (3) non-residents participating in other types of field trials that use wildlife shall possess a N.C. hunting license

~~(e)(f)~~ Persons Notwithstanding Paragraph (e) of this Rule, an individual without a license may participate in commission-sanctioned field trials for beagles conducted without firearms on private field trial areas that ~~are fenced in accordance with~~ meet the fencing requirements specified in G.S. 113-276(k).

~~(f)(g)~~ Except as allowed by rules pertaining to authorized field trials, it is ~~It shall be~~ unlawful to carry axes, ~~saws~~ saws, or climbing irons while training or running dogs during ~~closed season on game animals.~~ any closed season for game animals.

~~(g)(h)~~ On a commission-sanctioned field trial for retrievers or bird dogs, The following conditions shall apply to commission-sanctioned field trials for retrievers or bird dogs:

- (1) shotguns containing live ammunition or firearms using only blank ammunition ~~may be used only when the application for and the authorization of the field trial so provide.~~ shall be prohibited unless specifically authorized by a Field Trial Permit;
- (2) ~~No~~ no wild waterfowl, ~~quail~~ wild quail, or ~~wild~~ pheasant shall be used in field trials when shotguns with live ammunition are ~~permitted.~~ permitted;
- (3) ~~All waterfowl, quail and pheasants so used shall be obtained from a licensed game bird propagator.~~ only waterfowl, quail, or pheasants lawfully obtained from a licensed game bird propagator shall be authorized for use in field trials.
- (4) ~~Each specimen of waterfowl so obtained~~ waterfowl obtained from licensed game bird propagators for use in field trials when shotguns with live ammunition are authorized shall be marked by one of the methods ~~provided by 50 C.F.R. 21.13.~~ specified in 50 C.F.R. 21.13; and
- (5) ~~Each pheasant or quail so obtained~~ pheasants or quail obtained from licensed game bird propagators for use in field trials where shotguns with live ammunition are authorized shall be banded by the propagator prior to delivery with a leg band that is imprinted with the number of his or her propagation license. The purchaser of the birds shall obtain a copy

of the receipt from the propagator showing the ~~date and date, the number~~ number of birds purchased, propagator license number, and species of birds purchased. ~~The~~ A copy of the receipt shall be available for inspection by ~~any~~ authorized agent ~~representatives~~ of the Wildlife Resources Commission during the time and at the place where the trial is being held.

~~(h)~~ Applications for authorization of a field trial shall be submitted in writing to a Wildlife Enforcement Officer at least 30 days prior to the scheduled event.

~~(i)~~ Pursuant to G.S. 113-291.1(d), hunters may train dogs using shotguns with shot of number 4 size or smaller during the closed season using domestically raised waterfowl and domestically raised game birds. The following conditions shall apply when training dogs during the closed season for domestically raised waterfowl and domestically raised game birds:

- (1) only shotguns with number four size shot or smaller shall be authorized;
- (2) Only nontoxic shot shall be used when training dogs using domestically raised ~~waterfowl.~~ waterfowl;
- (3) ~~All~~ all domestically raised waterfowl shall be individually tagged on one leg with a seamless band stamped with the ~~number of the~~ number of the propagation license ~~for the facility~~ from which the domestically raised waterfowl originated. ~~originated; and~~
- (4) ~~All~~ all other domestically raised game birds shall be individually tagged on one leg with a band indicating the propagation license number ~~for of the facility~~ from which the birds originated.

Authority G.S. 113-134; 113-273; 113-276; 113-291.1; 113-291.5; 50 C.F.R. 21.13.

SUBCHAPTER 10G - DISTRIBUTION AND SALE OF HUNTING; FISHING; AND TRAPPING LICENSE

SECTION .0600 – LICENSE ELIGIBILITY

15A NCAC 10G .0601 TOTALLY DISABLED LICENSE ELIGIBILITY

~~The Wildlife Resources Commission shall accept documentation from individual residents who are certified as totally and permanently disabled by the Social Security Administration, Civil Service Retirement System, Railroad Retirement Board, or the North Carolina State Retirement System for the purpose of obtaining a lifetime totally disabled hunting and fishing license as described in G.S. 113-270.1C, 113-270.1D, 113-271, and 113-351.~~

(a) North Carolina residents that are totally and permanently disabled shall be eligible for the totally disabled lifetime nine licenses described in G.S. 113-270.1C, 113-270.1D, 113-271, and 113-351.

(b) Written certification of a resident's total and permanent disability as specified in Paragraphs (c) and (d) of this Rule shall

be required and submitted to the Wildlife Resources Commission prior to the issuance of a totally disabled lifetime license.

(c) Written certification of a resident's total and permanent disability from the following institutions shall be accepted for the purposes of qualifying for the totally disabled lifetime licenses specified in Paragraph (a) of this Rule:

- (1) The Social Security Administration;
- (2) The Civil Service Retirement System;
- (3) The Railroad Retirement Board; and
- (4) The North Carolina State Retirement System.

(d) Residents not receiving or qualifying for benefits from the institutions specified in Paragraph (c) of this Rule may submit written certification from a licensed physician, licensed physician assistant, or certified nurse practitioner that the resident's impairment qualifies under the categories set forth by the Social Security Administration in 20 C.F.R. 416.934 for presumptive disability or presumptive blindness, excluding the impairment categories specifically applying to infants. 20 C.F.R. 416.934 is hereby incorporated by reference, including subsequent amendments and editions. This regulation may be accessed free of charge at www.ecfr.gov.

Authority G.S. 113-134; 113-270.1C; 113-270.1D; 113-271; 113-351.

SUBCHAPTER 10L – WILDLIFE CONSERVATION LAND PROGRAM

15A NCAC 10L .0101 WILDLIFE CONSERVATION LAND

(a) Wildlife Conservation Land is a classification of land that meets the size and ownership requirements specified in G.S. 105-277.15 and on which one or more of the use requirements in Subparagraphs (b)(1) through (b)(3) of this Rule are met and maintained by the owner under a written Wildlife Habitat Conservation Agreement with the NC Wildlife Resources Commission that is submitted by the landowner to the county where an application for reduced property tax assessment is requested.

(b) Use Requirements:

- (1) Protection of species on the protected animal list;
- (2) Conservation of priority wildlife habitats; or
- (3) Land managed and actively used as a wildlife reserve.

Authority G.S. 105-277.15.

15A NCAC 10L .0102 PROTECTION OF SPECIES ON THE PROTECTED ANIMAL LIST

(a) As specified in 15A NCAC 10L .0101, the protection of species on the protected animal list shall be a qualifying land use for Wildlife Conservation Land. Eligible species shall be those designated by the Commission in 15A NCAC 10I .0100 as endangered, threatened, or special concern.

(b) The following conditions shall apply to the qualification of land as Wildlife Conservation Land under the protection of species on the protected animal list use requirement:

- (1) at least one protected wildlife species shall have been identified on the land;
- (2) the landowner shall be required to manage the land to protect the species through established strategies identified in the Wildlife Habitat Conservation Agreement; and
- (3) the land shall meet the prior use requirements specified in G.S. 105-277.15(c)(3)(b).

Authority G.S. 105-277.15.

15A NCAC 10L .0103 CONSERVATION OF PRIORITY WILDLIFE HABITATS

(a) As specified in 15A NCAC 10L .0101, the conservation of priority wildlife habitats shall be a qualifying land use for Wildlife Conservation Land. Priority wildlife habitats shall mean those habitats specified in G.S. 105-277.15(c)(3)(a)(2).

(b) The following conditions shall apply to the qualification of land as Wildlife Conservation Land under the conservation of priority wildlife habitat land use requirement:

- (1) at least one of the priority wildlife habitats specified in G.S. 105-277.15(c)(3)(a)(2) shall have been identified on the land or planned for establishment;
- (2) the management strategies identified for the continued existence of the priority wildlife habitat shall be in place or planned for as specified in the Wildlife Habitat Conservation Agreement; and
- (3) the land shall meet the prior use requirements specified in G.S. 105-277.15(c)(3)(b).

Authority G.S. 105-277.15.

15A NCAC 10L .0104 WILDLIFE RESERVE

(a) As specified in 15A NCAC 10L .0101, land that is managed and actively used as a wildlife reserve shall be a qualifying land use for Wildlife Conservation Land. Wildlife reserve shall mean a type of wildlife conservation land that is created to be actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation, or wildlife activities, and upon which wildlife management activities are conducted to ensure the propagation of a sustaining breeding, migrating or wintering population of indigenous wild animals. Land managed and maintained primarily for human uses such as large lawns, golf courses, horse pastures, production agricultural fields, monoculture hayfields, solar energy, and commercial timber stands shall not qualify as wildlife reserve land.

(b) As specified in G.S. 105-277.15(c)(3)(a)(3), to qualify as Wildlife Conservation Land under the wildlife reserve land use requirement, at least three of the following activities shall be maintained on the land as agreed upon in the written Wildlife Habitat Conservation Agreement:

- (1) "supplemental food" shall mean annual or perennial noninvasive plantings that provide a direct or indirect source of food or nutrition for wildlife resources.

- (2) "supplemental water" shall mean artificial water features or sources that are created or installed for the benefit of wildlife resources.
- (3) "supplemental shelter" shall mean natural or artificial structures that are created or installed to provide shelter from the weather, nesting sites, or escape cover from predators. Supplemental shelter may include the addition of natural or artificial structures into aquatic habitats.
- (4) "habitat control" shall mean the implementation of practices to establish, restore, enhance, or maintain upland, wetland, riparian, or aquatic vegetation or physical aquatic habitat.
- (5) "erosion control" shall mean the implementation of practices to prevent, reduce, or minimize soil erosion. Practices may include streambank and in-stream channel stabilization. Practices established for erosion control shall not be known to harm wildlife or include invasive plant species.
- (6) "predator control" shall mean a practice implemented to reduce the abundance of a species or suite of species that preys on any life stage of wildlife species for which the land is managed. Predator control includes removal of invasive animal species to manage or protect wildlife or wildlife habitats.
- (7) "census of animal population on the land" shall mean conducting or participating in periodic surveys and inventories to determine the presence, number, composition, biological condition, or human use of wildlife.

(c) Qualifying land shall be inspected at least once every five years following the date that the conservation agreement is signed to ensure that at least three of the seven activities specified in Subparagraphs (b)(1) through (b)(7) of this Rule are maintained. The following conditions shall apply to the required inspection:

- (1) a wildlife biologist employed by a state or federal agency, a Certified Wildlife Biologist@ credentialed by the Wildlife Society, or a Certified Fisheries Professional credentialed by the American Fisheries Society shall perform the inspection of qualifying land; and
- (2) inspections shall be recorded by the wildlife biologist on a form provided by the Commission. The landowner shall submit the completed form to the county tax assessor's office during the open enrollment period for the year that the inspection is due.

Authority G.S. 105-277.15.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 34 – BOARD OF FUNERAL SERVICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Funeral Service intends to adopt the rules cited as 21 NCAC 34A .0204; 34B .0313, and amend the rule cited as 21 NCAC 34B .0502.

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

Proposed Effective Date: *August 1, 2020*

Public Hearing:

Date: *May 13, 2020*

Time: *10:00 a.m.*

Location: *1033 Wade Avenue, Suite 108, Raleigh, NC 27605*

Reason for Proposed Action:

21 NCAC 34A .0204-Implements procedure by which applicants can obtain a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining licensure.

21 NCAC 34B .0313-Implements procedure by which applicants can obtain provisional licensure pursuant to G.S. 90-201(3a).

21 NCAC 34B .0502-Implements procedure by which applicants can obtain reciprocal licensure pursuant to G.S. 90-210.25(b)(1).

Comments may be submitted to: *Stephen E. Davis, NC Board of Funeral Service, 1033 Wade Ave., Suite 108, Raleigh, NC 27605*

Comment period ends: *June 1, 2020*

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**

SUBCHAPTER 34A - BOARD FUNCTIONS

SECTION .0200 - FEES AND OTHER PAYMENTS

**21 NCAC 34A .0204 PETITION FOR
PREDETERMINATION**

(a) General. An individual seeking predetermination pursuant to G.S. 93B-8.1(b6) and this Rule may file with the Board a petition form located on the Board's website, www.ncbfs.org.

(b) Petition Procedure. The petition form shall include all of the following information:

- (1) The person's 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 nationwide criminal history record report from a reporting service designated by the Board, the cost of which shall be borne by the petitioner;
- (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, if any;
 - (H) The period of time during which the person was on probation or parole for the crime, if any;
 - (I) Any documentation related to the person's rehabilitation or employment since the date of the crime, if any;
 - (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; and
- (7) An affirmation under oath that the person has read the statutes and rules governing the practice of funeral service and that the information contained in the petition is true and accurate.

Incomplete petitions shall 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 Board of Funeral Service. 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.

Authority G.S. 90-210.25; 93B-8.1.

SUBCHAPTER 34B - FUNERAL SERVICE

SECTION .0300 – LICENSING

**21 NCAC 34B .0313 PROCEDURES FOR
PROVISIONAL LICENSURE**

(a) Definitions. As used in this Rule:

- (1) "Applicant" shall mean the person submitting an Application for Provisional License on a form approved by the Board and providing information on age, education, and employment experience, and payment of a non-refundable fee pursuant to G.S. 90-210.25(a)(3a)a.
- (2) "Entry-level Examination" shall mean a Board-approved examination equivalent to the State Board Examination-Arts in Funeral Directing to assess competency in funeral arranging and directing; funeral service marketing and merchandising; funeral service counseling; legal and regulatory compliance; and cemetery and crematory operations pursuant to G.S. 90-210.25(a)(1)e1.
- (3) "Laws and Rules Examination" shall mean a Board-approved examination of funeral practice and related laws of North Carolina, the federal Funeral Rule as expressed in the standards set forth in Funeral Industry Practices, 16 C.F.R. 453 (1984), pursuant to its most recent version, and the administrative rules governing the practice or professional funeral service as expressed in the NC Administrative Code.
- (4) "Professional Experience" shall mean work providing knowledge, skill, and proficiency resulting from the performance of funeral-related duties and responsibilities; work requiring advanced and relevant knowledge attained through formal academic education beyond high school; work which is predominantly intellectual in nature; and work requiring the consistent exercise of independent discretion and judgment.
- (5) "Provisional Licensee" shall mean any individual satisfying the provisional licensure requirements pursuant to G.S. 90-210(3a) and who engages in the practice of professional funeral service under the supervision of an approved funeral director or funeral service licensee for a period not to exceed three years.

- (6) "Supervision" shall mean oversight and direction from an approved licensee in funeral directing or funeral service, who is in good standing with the Board, and who has practiced full-time professional funeral service for at least five years.
- (b) The following provisions shall apply to provisional license applicants and licensees only:
- (1) Applicants shall submit with their application for provisional licensure proof of satisfying the education requirements pursuant to G.S. 90-210.25(a)(3a)(d). Such proof shall include certified transcripts from an accredited post-secondary institution, or, if applicable, a certified transcript from a Board-approved funeral director program or a funeral director program accredited by the American Board of Funeral Service Education (ABFSE). Certified transcripts must come from the educational institution directly to the Board.
 - (2) Applicants not otherwise qualified as a certified trainee or eligible for a certified traineeship shall submit with their application for provisional licensure an employment history on a Board-approved form which shall supplement the provisional license application and which requires a listing of funeral-related work including name and contact information of employer, dates of employment, and duties and responsibilities performed.
 - (3) Applicants shall have attained a passing score of 75 percent on the State Board Examination-Arts prepared and administered by a Board-approved testing organization. Applicants shall have attained a passing score of 75 percent on the NC Laws and Rules examination prepared and administered by a Board-approved testing organization.
 - (4) Applicants shall be subject to a criminal history background check pursuant to the requirements of the North Carolina State Bureau of Investigation and may be approved for licensure in the absence of any disqualifying conditions pursuant to the provisions of S.L. 2019-91. Applicants shall complete Board-approved forms for the electronic submission of fingerprints if North Carolina residents; non-residents shall complete a fingerprint card and application information through a local law enforcement agency using forms prescribed and approved by the Board.
 - (5) Provisional licensees shall be subject to the same license renewal requirements as for licensees in funeral directing including completion of a Board-approved renewal application by December 31st of each year but not later than February 1st of the year immediately following the expiration of the license and submission of a non-refundable

renewal fee of two hundred fifty dollars (\$250.00).

- (6) Provisional licensees shall be subject to the same requirements for continuing education as for licensees in funeral directing including a minimum of five continuing education credits annually and not exceeding two hours annually through online instruction. All continuing education credits shall be awarded only for Board-approved courses of instruction provided through an accredited sponsor or other approved provider.

Authority G.S. 90-210.25(a)(3a).

SECTION .0500 - OUT-OF-STATE LICENSEES

21 NCAC 34B .0502 APPLICATION FORM AND EQUIVALENT EXAMINATIONS FOR RECIPROCAL LICENSE BY OUT-OF-STATE LICENSEES

Applications by an out-of-state licensee for a North Carolina license pursuant to G.S. 90-210.25(b)(1) shall be made on forms provided by the Board. The form shall require the applicant to furnish the applicant's ~~photograph~~, name, address, and biographical data; license applied for; name of the jurisdiction where licensed and the kinds of licenses held; ~~length of continuous practice in the other jurisdiction where the applicant is licensed~~; verification by the applicant; and any other information the Board deems necessary as required by law. The form shall require the licensing board of the other ~~jurisdiction~~ jurisdiction(s) to certify that the applicant is licensed and in good standing in that jurisdiction and to furnish the Board with the name of the applicant, licenses held and dates granted, the name and address of the Board in such other jurisdiction, verification by the Secretary or other official of such other board, and any other information the Board deems necessary as required by law. ~~An affidavit that the~~ The applicant shall provide an employment history to show at least three years of professional practice in the other jurisdiction(s). ~~has continuously practiced the profession in the other jurisdiction for at least three years immediately preceding an application for a North Carolina license shall be required. The affiant shall be personally acquainted with the applicant and shall furnish the name and address of the affiant, the name of the applicant, the length of time the affiant has known the applicant, the length of the applicant's continuous practice, verification, and any other information the Board deems necessary as required by law. Information pertaining to the applicant's length of practice is not required if the applicant is licensed in a jurisdiction having licensing requirements substantially similar to those of North Carolina. Three affidavits of the moral character of the applicant submitted by three persons, in compliance with G.S. 90-210.26, must accompany the application. Funeral director applicants shall be deemed to have satisfied the examination requirements for reciprocal licensure if they have completed with passing scores an entry-level examination for funeral directing and an examination of the laws and rules pursuant to their jurisdiction. Funeral service applicants shall be deemed to have satisfied the examination requirements for reciprocal licensure if they have completed the National Board~~

Examinations as administered through The International Conference of Funeral Service Examining Boards or other agency approved by the Board.

Authority G.S. 90-210.23(a); 90-210.25(b)(1).

TITLE 25 – OFFICE OF STATE HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Human Resources Commission intends to amend the rule cited as 25 NCAC 01C .0802.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://oshr.nc.gov/about-oshr/state-hr-commission/proposed-rulemaking>

Proposed Effective Date: *August 1, 2020*

Public Hearing:

Date: *April 16, 2020*

Time: *2:00 p.m.*

Location: *Teleconference Phone Number: State Op Meeting Number (919) 662-4658*

Reason for Proposed Action: *Revise rule to allow temporary employees to be eligible to participate in the Teleworking Program.*

Comments may be submitted to: *Christine M. Ryan, 1331 Mail Service Center, Raleigh, NC 27699; phone (984) 236-0824; email christine.ryan@nc.gov*

Comment period ends: *June 1, 2020*

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**

CHAPTER 01 - OFFICE OF STATE HUMAN RESOURCES

SUBCHAPTER 01C – PERSONNEL ADMINISTRATION

SECTION .0800 -- REQUIREMENTS FOR TELEWORKING PROGRAMS

25 NCAC 01C .0802 COVERED EMPLOYEES

Teleworking is available as a work option in every agency for full time and part time classified, temporary and "time limited" employees. The decision whether to allow a position or an employee to telework is wholly within management discretion and is not appealable to the State Human Resources Commission.

Authority G.S. 126-4; S.L. 1999-328.

Note from the Codifier: The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website (www.ncoah.com/rules) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60th day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

**TITLE 21 – OCCUPATIONAL LICENSING BOARDS
AND COMMISSIONS**

CHAPTER 32 – NORTH CAROLINA MEDICAL BOARD

Rule-making Agency: North Carolina Medical Board

Rule Citation: 21 NCAC 32B .1707

Effective Date: March 20, 2020

Findings Reviewed and Approved by the Codifier: March 12, 2020

Reason for Action: On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. Section 16 of Executive Order No. 116 temporarily waives licensure requirements for healthcare providers licensed in other states, territories, and the District of Columbia. This waiver of licensure will help alleviate any healthcare provider shortage resulting from a COVID-19 outbreak in North Carolina. The Medical Board seeks to help increase the pool of qualified healthcare providers who can provide assistance with a COVID-19 outbreak by creating an expedited process by which physicians and physician assistants with inactive North Carolina medical licenses may obtain a temporary emergency license.

**SUBCHAPTER 32B – LICENSE TO PRACTICE
MEDICINE**

SECTION .1700 – OTHER LICENSES

**21 NCAC 32B .1707 LIMITED LICENSE FOR
DISASTERS AND EMERGENCIES FOR PHYSICIANS
AND PHYSICIAN ASSISTANTS WITH INACTIVE
NORTH CAROLINA LICENSES.**

(a) The Board shall waive the requirements for licensure in the circumstances set forth in G.S. 90-12.5.

(b) Limited Emergency License: Physicians and physician assistants who do not have an active medical license issued by any jurisdiction, but who at one time had a full and unrestricted North Carolina medical license, may apply for a limited emergency license on the following conditions:

- (1) The applicant must certify and provide information sufficient to prove that he or she has practiced clinical medicine for at least eighty hours within the past two years;
- (2) The applicant must have maintained an active and unrestricted medical license continuously for the ten-year period prior to going inactive;
- (3) The applicant shall not have received any public discipline or inactivated his or her license while under investigation with such inactivation being reported to the National Practitioner Data Bank; and
- (4) During the declared state of emergency, the physician or physician assistant shall limit his or her medical practice to the area of practice that he or she engaged in prior to going inactive or another area in which he or she is competent to provide medical care.

(c) The applicant must complete a limited emergency license application.

(d) The Board may verify that the applicant practiced clinical medicine for at least eighty hours in the immediate two-year period.

(e) In response to a declared disaster or state of emergency and in order to best serve the public interest, the Board may limit the physician's or physician assistant's scope of practice.

(f) The Board shall have jurisdiction over all physicians and physician assistants practicing under this Emergency Rule for all purposes set forth in or related to Article 1 of Chapter 90 of the North Carolina General Statutes, and such jurisdiction shall continue in effect even after such physician and physician assistant has stopped practicing medicine under this Emergency Rule or the Limited Emergency License has expired.

(g) This license shall be in effect for the shorter of:

- (1) ninety days from the date it is issued; or
- (2) thirty days after a statement by an appropriate authority is made that the emergency or disaster declaration has been withdrawn or ended and, at such time, the license issued shall become inactive.

(h) The physician assistant must practice under the direct supervision of an on-site physician and the supervising physician must be licensed in this State, approved to practice in this State during a disaster or state of emergency pursuant to G.S. 90-12.5, or approved under this Rule;

(i) Physician assistants and physicians practicing pursuant to this Rule are not required to maintain documentation describing supervisory arrangements and instructions for prescriptive authority as otherwise required by 21 NCAC 32S .0213.

Authority G.S. 90-5.1(a)(3); 90-12.5.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on February 20, 2020 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT****AGRICULTURE, BOARD OF**

Current Good Manufacturing Practice of the North Carolina... 02 NCAC 09E .0116* 33:24 NCR

CREDIT UNION DIVISION

Other Reserves 04 NCAC 06C .1302 34:10 NCR

PRIVATE PROTECTIVE SERVICES BOARD

<u>Application Completion Deadline</u>	14B NCAC 16 .0114*	33:15, 34:04 NCR
<u>Application for Licenses and Trainee Permits</u>	14B NCAC 16 .0201*	33:15, 34:04 NCR
<u>Fees For Licenses And Trainee Permits</u>	14B NCAC 16 .0202*	33:15, 34:04 NCR
<u>Renewal or Re-issue of Licenses and Trainee Permit</u>	14B NCAC 16 .0203*	33:15, 34:04 NCR
<u>Company Business License</u>	14B NCAC 16 .0205*	33:15, 34:04 NCR
<u>Polygraph Trainee Permit Requirements</u>	14B NCAC 16 .0502*	33:15, 34:04 NCR
<u>Application for Unarmed Security Guard Registration</u>	14B NCAC 16 .0701*	33:15, 34:04 NCR
<u>Fees for Unarmed Security Guard Registration</u>	14B NCAC 16 .0702*	33:15, 34:04 NCR
<u>Unarmed Security Guard Registration Identification Cards</u>	14B NCAC 16 .0705*	33:15, 34:04 NCR
<u>Renewal of Unarmed Security Guard Registration</u>	14B NCAC 16 .0706*	33:15, 34:04 NCR
<u>Application/Armed Security Guard Firearm Registration Permit</u>	14B NCAC 16 .0801*	33:15, 34:04 NCR
<u>Fees for Armed Security Guard Firearm Registration Permit</u>	14B NCAC 16 .0802*	33:15, 34:04 NCR
<u>Renewal of Armed Security Guard Firearm Registration Permit</u>	14B NCAC 16 .0806*	34:04 NCR
<u>Application for Firearms Trainer Certificate</u>	14B NCAC 16 .0902*	33:15, 34:04 NCR
<u>Fees for Trainer Certificate</u>	14B NCAC 16 .0903*	33:15, 34:04 NCR
<u>Renewal of a Firearms Trainer Certificate</u>	14B NCAC 16 .0904*	34:04 NCR
<u>Unarmed Trainer Certificate</u>	14B NCAC 16 .0909	34:04 NCR
<u>Application for an Unarmed Trainer</u>	14B NCAC 16 .0910*	33:15, 34:04 NCR
<u>Renewal of an Unarmed Trainer Certificate</u>	14B NCAC 16 .0911*	33:15, 34:04 NCR
<u>Rosters of Unarmed Trainer Classes</u>	14B NCAC 16 .0912	33:15, 34:04 NCR
<u>Application for Unarmed Armored Car Service Guard Registr...</u>	14B NCAC 16 .1301*	33:15, 34:04 NCR
<u>Fees for Unarmed Armored Car Service Guard Registration</u>	14B NCAC 16 .1302*	33:15, 34:04 NCR
<u>Renewal or Reissue of Unarmed Car Service Guard Registration</u>	14B NCAC 16 .1306*	33:15, 34:04 NCR
<u>Application/Armed Armored Car Service Guard Firearm Regis...</u>	14B NCAC 16 .1401*	33:15, 34:04 NCR
<u>Fees for Armed Armored Car Service Guard Firearm Registra...</u>	14B NCAC 16 .1402*	33:15, 34:04 NCR
<u>Renewal of Armed Armored Car Service Guard Firearm Regist...</u>	14B NCAC 16 .1406*	33:15, 34:04 NCR

WILDLIFE RESOURCES COMMISSION

Carolina Beach 15A NCAC 10F .0306* 34:07 NCR

DENTAL EXAMINERS, BOARD OF

<u>Application for Licensure</u>	21 NCAC 16B .0301	34:10 NCR
<u>Dental Licensure by Credentials</u>	21 NCAC 16B .0501*	34:10 NCR

<u>Limited Volunteer Dental License</u>	21 NCAC 16B .0601	34:10 NCR
<u>Instructor's License</u>	21 NCAC 16B .0701	34:10 NCR
<u>Temporary Volunteer Dental Permit</u>	21 NCAC 16B .0801*	34:10 NCR
<u>Dental Licensure by Endorsement Based on Military Service</u>	21 NCAC 16B .1001	34:10 NCR
<u>Dental Licensure by Endorsement Based on Status as Milita...</u>	21 NCAC 16B .1002	34:10 NCR
<u>Application for Licensure</u>	21 NCAC 16C .0301	34:10 NCR
<u>Dental Hygiene Licensure by Credentials</u>	21 NCAC 16C .0501	34:10 NCR
<u>Application for Provisional License</u>	21 NCAC 16D .0104	34:10 NCR
<u>Restrictions on Practice</u>	21 NCAC 16E .0102	34:10 NCR
<u>Application for Provisional License</u>	21 NCAC 16E .0103	34:10 NCR
<u>Dental Hygiene License by Endorsement Based on Military S...</u>	21 NCAC 16G .0107	34:10 NCR
<u>Dental Hygiene License by Endorsement Based on Status as ...</u>	21 NCAC 16G .0108	34:10 NCR
<u>Application for Intern Permit</u>	21 NCAC 16Y .0102	34:10 NCR

ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS OF

<u>Apprentice Training</u>	21 NCAC 18B .0212*	34:08 NCR
<u>Electrical Installation: Project: Project Value-Limitation</u>	21 NCAC 18B .0303*	34:08 NCR
<u>Annual License Fees</u>	21 NCAC 18B .0404	34:08 NCR
<u>School, Hospital and Nonprofit Electrical Contractors and...</u>	21 NCAC 18B .0408*	34:08 NCR
<u>Applicants Convicted of Crimes</u>	21 NCAC 18B .0901	34:08 NCR

NURSING, BOARD OF

<u>Approval of Nurse Aide Education Programs</u>	21 NCAC 36 .0405*	34:09 NCR
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OPTICIANS, STATE BOARD OF

<u>Training Establishment Requirements</u>	21 NCAC 40 .0321*	33:23 NCR
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RECREATIONAL THERAPY LICENSURE, BOARD OF

<u>Continuing Education Requirements for Licensed Recreation...</u>	21 NCAC 65 .0601*	34:07 NCR
<u>Renewal Requirements for Licensed Recreational Therapist ...</u>	21 NCAC 65 .0602*	34:07 NCR
<u>Reinstatement of Lapsed License</u>	21 NCAC 65 .0701*	34:07 NCR
<u>Inactive Status</u>	21 NCAC 65 .0801*	34:07 NCR
<u>Military Endorsement</u>	21 NCAC 65 .0902*	34:07 NCR

TITLE 02 - DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

02 NCAC 09E .0116 CURRENT GOOD MANUFACTURING PRACTICE OF THE NORTH CAROLINA COMMERCIAL ANIMAL FEED AND PET FOOD PROGRAM

Any person that engages in activities regulated by the North Carolina Commercial Feed Law of 1973, G.S. 106, Article 31C, shall comply with the standards set forth under Subpart B of 21 C.F.R. Part 507, titled "Current Good Manufacturing Practice," as incorporated under 02 NCAC 09B .0116(o)(130).

History Note: Authority G.S. 106-284.41;
Eff. March 1, 2020.

TITLE 04 - DEPARTMENT OF COMMERCE

04 NCAC 06C .1302 OTHER RESERVES

(a) Pursuant to G.S. 54-109.86(b), transfers to regular reserves shall be set at zero percent.
(b) Special reserves for delinquent loans and reserves for line of credit shall be maintained as required in Rules .0401 and .0404(b) of this Subchapter.

History Note: Authority G.S. 54-109.12; 54-109.86;
Eff. December 1, 1979;
Readopted Eff. February 1, 2018;
Amended Eff. March 1, 2020.

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 16 .0114 APPLICATION COMPLETION DEADLINE

All photographs, record checks, proof of insurance, explanations of criminal charges, explanations of credit history, or requested documents shall be submitted online through the Board's website by any applicant for a permit, license, registration, or certificate within 60 days of the Board's receipt of the application form or a request from Board staff, whichever is later. Any failure to submit required or requested documents to complete the application process within this 60-day period shall void the application and require re-application.

History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;

Eff. January 1, 2015;

Transferred and Recodified from 12 NCAC 07D .0116 Eff. July 1, 2015;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0201 APPLICATION FOR LICENSES AND TRAINEE PERMITS

(a) Each applicant for a license or trainee permit shall submit an online application on the website provided by the Board. The online application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and
- (6) an Equifax credit check run within 30 days of the license application submission date, which will be submitted to the Board's investigator during the application process.

(b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times work with and under the

direct supervision of that supervisor and the form shall be uploaded as part of the online application process.

(c) Private investigator trainees applying for a license shall make available for inspection a log of experience on a form provided by the Board.

(d) Each applicant must upload evidence of high school graduation either by diploma, G.E.D. certificate, or other proof.

(e) Each applicant for a license shall meet personally with a Board investigator, the Screening Committee, the Director, or another Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the administrative rules in this Chapter with the Board's representative.

History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;

Eff. June 1, 1984;

Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;

Transferred and Recodified from 12 NCAC 07D .0201 Eff. July 1, 2015;

Amended Eff. November 1, 2017;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0202 FEES FOR LICENSES AND TRAINEE PERMITS

(a) Application, license, and trainee permit fees are as follows:

- (1) one hundred and fifty dollars (\$150.00) non-refundable application fee;
- (2) two hundred fifty dollar (\$250.00) annual fee for a new or renewal license, unless the applicant is requesting a new license be issued because of a transfer to a new company, which shall require a one hundred dollar (\$100.00) fee for issuance of the new license with the original expiration date in the new company name;
- (3) two hundred fifty dollar (\$250.00) annual trainee permit fee;
- (4) fifty dollars (\$50.00) new or renewal fee per year of the license term for each license in addition to the basic license;
- (5) twenty five dollars (\$25.00) duplicate license fee per year of the license term;
- (6) one hundred dollars (\$100.00) late renewal fee in addition to the renewal fee;
- (7) one hundred dollars (\$100.00) temporary permit fee;
- (8) fifty dollars (\$50.00) branch office license fee per year of the license term; and
- (9) fifty dollars (\$50.00) special limited guard and patrol licensee fee.

(b) Fees shall be paid online by credit card or other form of electronic funds transfer.

History Note: Authority G.S. 74C-9;

Eff. June 1, 1984;

*Amended Eff. July 1, 1987; December 1, 1985;
Temporary Amendment Eff. January 1, 1990 for a period of 180
days to expire on July 1, 1990;
ARRC Objection Lodged January 18, 1990;
Amended Eff. July 1, 2010; June 1, 2009; January 1, 2004;
February 1, 1995; July 1, 1990; Transferred and Recodified from
12 NCAC 07D .0202 Eff. July 1, 2015;
Amended Eff. January 1, 2018;
Readopted Eff. March 1, 2020.*

**14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF
LICENSES AND TRAINEE PERMITS**

(a) Each applicant for renewal of a license or trainee permit shall submit an online renewal application on the website provided by the Board. This online application shall be submitted not less than 30 days prior to expiration of the applicant's current license or trainee permit and shall be accompanied by:

- (1) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months;
- (3) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (4) for license applicants, proof of liability insurance as set out in G.S. 74C-10(e).

(b) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be re-issued if application is made within three years of the expiration date and the following documentation is submitted to the Board:

- (1) an online Application For Reinstatement of an Expired License;
- (2) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (3) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (4) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;

- (6) proof of liability insurance as set out in G.S. 74C-10(e); and
- (7) payment to the State Bureau of Investigations to cover the cost of criminal record checks performed by the State Bureau of Investigations, with payment to be paid online through the Board's online application process.

(c) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the license renewal fee and complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

*History Note: Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9;
Eff. June 1, 1984;*

*Amended Eff. October 1, 2013; May 1, 2012; October 1, 2010;
November 1, 2007; January 4, 1994; July 1, 1987; December 1,
1985;*

*Transferred and Recodified from 12 NCAC 07D .0203 Eff. July 1,
2015;*

Amended Eff. November 1, 2017;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0205 COMPANY BUSINESS LICENSE

(a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74C-2(a) shall upload on the Board's website an application for a company business license on a form provided by the Board. Only a sole proprietorship that is owned and operated by an individual licensee shall be exempt from this Rule. This application for license shall require such information as the firm, association, or corporation name; the address of its principal office within the State; any past conviction for criminal offenses of any company director, or officer; information concerning the past revocation, suspension, or denial of a business or professional license to any director or officer; a list of all directors and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations or other entities owning 10 percent or more of the outstanding shares of any class of stock; and the name and address of the qualifying agent.

(b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state corporation shall file with its application for a license, a copy of its certificate of authority to transact business in this State issued by the North Carolina Secretary of State in accordance with G.S. 55-15-01. The corporation shall also file a consent to service of process and pleadings that shall be authenticated by its corporate seal and accompanied by a duly certified copy of the resolution of the board of directors authorizing the proper officer or officers to execute the consent.

(c) After filing a completed application with the Board, the Board shall conduct a background investigation to determine if the qualifying agent is in a management position. The Board shall also determine if the directors or officers have the requisite good moral character as defined in G.S. 74C-8(d)(2). For purposes of this Rule, "conviction" means and includes the entry of a plea of guilty or no contest or a verdict rendered in open court by a judge or jury.

(d) Upon satisfactory completion of the background investigation, a company business license shall be issued. This license shall be conspicuously displayed at the principle place of business within North Carolina.

(e) The company business license shall be issued only to the business entity and shall not be construed to extend to the licensing of its officers and employees.

(f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the license issued to the qualifying agent. The qualifying agent for the firm, association, or corporation which has been issued the company business license shall be responsible for assuring compliance with G.S. 74C.

History Note: Authority G.S. 74C-2(a); 74C-5;

Eff. April 1, 1993;

Amended Eff. February 1, 1995;

Transferred and Recodified from 12 NCAC 07D .0205 Eff. July 1, 2015;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0502 POLYGRAPH TRAINEE PERMIT REQUIREMENTS

In addition to the requirements of Section .0200 of this Chapter, the following requirements shall apply to polygraph trainees:

- (1) The applicant shall successfully complete a formal course of instruction at any polygraph school approved by the American Polygraph Association, the American Association of Police Polygraphists, or the Board. A list of approved schools can be found at: <https://www.ncdps.gov/list-polygraph-schools>;
- (2) The applicant shall be directly supervised by a polygraph examiner approved by the Board and that examiner shall supervise no more than three trainees at any given time;
- (3) An individual currently enrolled in a polygraph school may conduct examinations as a part of the course curriculum provided the examinations are on school premises, under the direct one-on-one supervision of a polygraph licensee, and the school provides written notice to the client that such examinations are being conducted by students and not by licensed polygraph examiners. The school shall maintain a copy of the written notification;
- (4) Trainees who wish to apply for a license must submit an application to the Board in accordance with Rule .0201 of this Chapter. Applicants meeting license qualifications within one year of the issuance of a trainee permit shall not be required to pay an additional application fee;
- (5) Any request for renewal of a trainee permit or for issuance of a polygraph license shall be accompanied by an evaluation report of the trainee's performance submitted by the trainee's supervisor; and

- (6) In addition to the final evaluation report, supervisors shall submit five monthly evaluation reports over the duration of the traineeship on a checklist provided by the Board.

History Note: Authority G.S. 74C-5;

Eff. June 1, 1984;

Amended Eff. May 1, 2014; December 1, 1985;

Transferred and Recodified from 12 NCAC 07D .0502 Eff. July 1, 2015;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION

(a) Each employer or his or her designee shall submit an online application for the registration of each employee to the Board. This online submission shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 48 months;
- (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (6) one original signed SBI release of information form that shall be uploaded online with the original mailed to the Board's administrative office;
- (7) a statement signed by a certified trainer that the applicant has completed the training requirements of Rule .0707 of this Section if applicable; and
- (8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and the completed affidavit form and shall retain a copy of the application, including the affidavit, in the guard's personnel file in the employer's office.

(c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within

the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A copy of the statement required by Subparagraph (a)(7) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

History Note: Authority G.S. 74C-5; 74C-8.1; 74C-11; Eff. June 1, 1984;
Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; June 1, 1994; February 1, 1990; May 1, 1988;
Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020.

14B NCAC 16 .0702 FEES FOR UNARMED SECURITY GUARD REGISTRATION

(a) Fees for unarmed security guards are as follows, along with a four dollar (\$4.00) convenience fee and credit card transaction fee:

- (1) thirty dollar (\$30.00) non-refundable initial registration fee;
- (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
- (3) fifteen dollar (\$15.00) transfer fee; and
- (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid online by credit card or other form of electronic funds transfer.

History Note: Authority G.S. 74C-9; Eff. June 1, 1984;
Amended Eff. December 1, 1985;
Temporary Amendment Eff. January 1, 1990 for a Period of 180 Days to Expire on July 1, 1990;
ARRC Objection Lodged January 18, 1990;
Amended Eff. July 1, 2010; May 1, 2010; December 1, 2003; July 1, 1990;
Transferred and Recodified from 12 NCAC 07D .0702 Eff. July 1, 2015;
Amended Eff. January 1, 2018;
Readopted Eff. March 1, 2020.

14B NCAC 16 .0705 UNARMED SECURITY GUARD REGISTRATION IDENTIFICATION CARDS

(a) The registration identification card shall be carried by the registrant when performing the duties of a private protective services employee.

(b) The registration identification card shall be exhibited upon the request of any law enforcement officer or any other authorized representative of the Board.

(c) Registration identification card holders shall notify the Board upon receipt of any information relating to the holder's eligibility to continue holding such a card.

(d) The guard transfer online form and fee shall be submitted to the Board by the employer within 10 days of the beginning of employment.

(e) Upon revocation or suspension by the Board, a holder shall return the registration identification card to the administrator within 10 days of the date of the revocation or suspension.

History Note: Authority G.S. 74C-5; 74C-11; Eff. June 1, 1984;
Amended Eff. December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0705 Eff. July 1, 2015;
Readopted Eff. March 1, 2020.

14B NCAC 16 .0706 RENEWAL OF UNARMED SECURITY GUARD REGISTRATION

(a) Each applicant for renewal of a registration identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be submitted not fewer than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (4) upload a completed affidavit form and public notice statement form.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

(c) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-11; Eff. June 1, 1984;
Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; July 1, 1987; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0706 Eff. July 1, 2015;
Amended Eff. November 1, 2017;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each armed security guard employer or his or her designee shall submit an online application for the registration of each armed security guard applicant to the Board. This online submission shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section;
- (6) a certification by the applicant that he or she is at least 21 years of age;
- (7) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and
- (8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application, the completed affidavit form, and proof of completion of a Board approved firearms course and shall retain a copy of the application, including affidavit and proof of course completion, in the guard's personnel file in the employer's office.

(c) The applicant's copy of the application, affidavit, and proof of completion of a Board approved firearms course shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

History Note: Authority G.S. 74C-5; 74C-9; 74C-13;

Eff. June 1, 1984;

Amended Eff. May 1, 2012; April 1, 2008; August 1, 1998; December 1, 1995; February 1, 1990; May 1, 1988; July 1, 1987; Transferred and Recodified from 12 NCAC 07D .0801 Eff. July 1, 2015;

Amended Eff. November 1, 2017;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0802 FEES FOR ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Fees for armed security guard firearm registration permits are as follows, along with a four dollar (\$4.00) convenience fee and credit card transaction fee:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) fifteen dollar (\$15.00) application fee.

(b) Fees shall be paid online by credit card or other form of electronic funds transfer.

History Note: Authority G.S. 74C-9;

Eff. June 1, 1984;

Amended Eff. December 1, 1985;

Temporary Amendment Eff. January 1, 1990 for a Period of 180 Days to Expire on July 1, 1990;

ARRC Objection Lodged January 18, 1990;

Amended Eff. July 1, 2010; December 1, 2003; July 1, 1990;

Transferred and Recodified from 12 NCAC 07D .0802 Eff. July 1, 2015;

Amended Eff. January 1, 2018;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be submitted not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the results of a statewide criminal history search obtained by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee;

- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit in the guard's personnel file in the employer's office.

(c) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(d) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

History Note: Authority G.S. 74C-5; 74C-13;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995;
February 1, 1990; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;
Amended Eff. January 1, 2018; November 1, 2017;
Readopted Eff. November 1, 2019;
Amended Eff. March 1, 2020.

14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE

Each applicant for a firearms trainer certificate shall submit an online application to the Board. The application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;

- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (6) a certificate of successful completion of the training required by Rule .0901(a)(3) and (4) of this Section, stating the training was completed within 60 days of the submission of the application and uploaded online as part of the online application process; and
- (7) the actual cost charged to the Private Protective Services Board by the North Carolina Justice Academy to cover the cost of the firearms training course given by the N.C. Justice Academy and collected as part of the online application process by the Private Protective Services Board.

History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;
Eff. June 1, 1984;
Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987;
December 1, 1985;
Temporary Amendment Eff. July 17, 2001;
Amended Eff. January 1, 2013; May 1, 2012; August 1, 2002;
Transferred and Recodified from 12 NCAC 07D .0902 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020.

14B NCAC 16 .0903 FEES FOR TRAINER CERTIFICATE

(a) Trainer certificate fees are as follows:

- (1) forty dollar (\$40.00) non-refundable initial application fee for firearms trainer applicants;
- (2) twenty-five dollar (\$25.00) non-refundable initial application fee for an unarmed trainer applicant; and
- (3) twenty-five dollar (\$25.00) biennial fee for a renewal or replacement trainer certificate.

(b) Fees shall be paid online by credit card or other form of electronic funds transfer.

History Note: Authority G.S. 74C-9;
Eff. June 1, 1984;
Amended Eff. January 1, 2005; January 1, 2004;
Transferred and Recodified from 12 NCAC 07D .0903 Eff. July 1, 2015;
Amended Eff. January 1, 2018;
Readopted Eff. March 1, 2020.

14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by

the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) uploaded online a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 48 months;
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board.

(b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(c) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.

(d) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.

History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13; Eff. June 1, 1984;
Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;
Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;
Readopted Eff. November 1, 2019;
Amended Eff. March 1, 2020.

14B NCAC 16 .0909 UNARMED TRAINER CERTIFICATE

(a) To receive an unarmed trainer certificate, an applicant shall meet the following requirements:

- (1) comply with the requirements of Rule .0703 of this Chapter;
- (2) have a minimum of one year of experience in security with a contract security company or proprietary security organization, or one year of experience with any federal, state, county or municipal law enforcement agency;
- (3) complete a training course approved by the Board and the Secretary of Public Safety that shall consist of classroom instruction to include the following topic areas:
 - (A) civil liability for the security trainer -- (minimum of two hours);
 - (B) interpersonal communications in instruction -- (minimum of three hours);
 - (C) teaching adults -- (minimum of four hours);
 - (D) principles of instruction -- (minimum of one hour);
 - (E) methods and strategies of instruction - (minimum of one hour);
 - (F) principles of instruction: audio-visual aids -- (minimum of three hours); and
 - (G) student performance -- (minimum 45 minute presentation);
- (4) receive a favorable recommendation from the employing or contracting licensee or other individual with knowledge of the applicant's experience and teaching skills; and
- (5) submit the online application required by Rule .0910 of this Section.

(b) In lieu of completing the training course set forth in Subparagraph (a)(3) of this Rule, an applicant may submit to the Board:

- (1) a Criminal Justice General Instructor Certificate from the North Carolina Criminal Justice Education and Training Standards Commission; or
- (2) any training certification that meets or exceeds the requirements of Subparagraph (a)(3) of this Rule and is approved by the Director of PPS.

(c) In lieu of the experience requirement of Subparagraph (a)(2) of this Rule and completing the training course set forth in Subparagraph (a)(3) of this Rule, an applicant may establish that the applicant satisfies the conditions set forth in G.S. 93B-15.1(a) for an unarmed trainer and two years of verifiable experience within the past five years in the U.S. Armed forces as an unarmed guard trainer. No application fee shall be required.

(d) In addition to the requirements of Section .0200 of this Chapter, an applicant for an unarmed guard trainer certificate that is the spouse of an active duty member of the U.S. Armed Forces shall establish that the applicant satisfies the conditions set forth in G.S. 93B-15.1(b). No application fee shall be required.

(e) The holder of an unarmed trainer certificate may teach as:

- (1) an employee of a licensed security guard and patrol business;
- (2) as a contractor of a licensed security guard and patrol business; and
- (3) in a program sponsored by a public high school defined by G.S. 115C-75(a)(2) or a community college defined by G.S. 115D-2(2).

(f) An Unarmed Trainer Certificate expires two years after the date of issuance.

History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 93B-15.1;

Eff. October 1, 2004;

Amended Eff. October 1, 2013; January 1, 2013; January 1, 2008; Transferred and Recodified from 12 NCAC 07D .0909 Eff. July 1, 2015;

Amended Eff. October 1, 2015;

Readopted Eff. November 1, 2019;

Amended Eff. March 1, 2020.

14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER

Each applicant for an unarmed trainer certificate shall submit an online application to the Board. The application shall be accompanied by:

- (1) the certified trainer application fee established in Rule .0903(a)(2) of this Section, along with a four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (2) a certificate of successful completion of the required training. This training shall have been completed within 120 days of the submission of the application or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.

History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13; Eff. October 1, 2004;

Amended Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .0910 Eff. July 1, 2015;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE

(a) Each applicant for renewal of an unarmed trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate. In addition, the applicant shall include the following:

- (1) the renewal fee set forth in Rule .0903(a)(3) of this Section and collected online as part of the application process;
- (2) a certificate of completion of a minimum of 16 hours of Board developed armed or unarmed instruction performed during the current unarmed trainer certification period; and
- (3) a statement verifying the classes taught during the current unarmed trainer certification period

on a form provided by the Board as part of the online application process.

(b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13; Eff. August 1, 2004;

Amended Eff. January 1, 2013; October 1, 2010; January 1, 2008; Transferred and Recodified from 12 NCAC 07D .0911 Eff. July 1, 2015;

Readopted Eff. March 1, 2020.

14B NCAC 16 .0912 ROSTERS OF UNARMED TRAINER CLASSES

Each unarmed trainer shall upload on the Board's website all rosters of classes taught during the current unarmed trainer certification period by June 30 and by December 31 of each year.

History Note: Authority G.S. 74C-5; 74C-13;

Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .0912 Eff. July 1, 2015;

Readopted Eff. March 1, 2020.

14B NCAC 16 .1301 APPLICATION FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each armored car employer or his designee shall complete an online application form for the registration of each unarmed armored car service guard applicant to the Board. This online form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of

Investigation, collected online by the Private Protective Services Board;

- (6) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1307 of this Section, if applicable; and
- (7) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application and completed affidavit and shall retain a copy of the application, including the affidavit, in the guard's personnel file in the employer's office.

(c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card that shall be carried by the applicant when he or she is working is within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A copy of the statement specified in Subparagraph (a)(6) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

*History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .1401 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020.*

14B NCAC 16 .1302 FEES FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Fees for unarmed armored car service guards are as follows, along with a four dollar (\$4.00) convenience fee and credit card transaction fee:

- (1) thirty dollar (\$30.00) non-refundable initial registration fee;
- (2) thirty dollar (\$30.00) annual renewal, or reissue fee;
- (3) fifteen dollar (\$15.00) transfer fee; and
- (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid by credit card or other form of electronic funds transfer.

*History Note: Authority G.S. 74C-3; 74C-5; 74C-9; Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .1402 Eff. July 1, 2015;
Amended Eff. January 1, 2018;
Readopted Eff. March 1, 2020.*

14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her employer shall complete an online form provided by the Board. This online form

shall be submitted not fewer than 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) upload online a statement of the results of a statewide criminal history records search obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (2) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee.
- (3) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with application submission; and
- (4) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the online application, including the completed affidavit form, that shall serve as a record of application for renewal or reissue and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

(c) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

*History Note: Authority G.S. 74C-3; 74C-5; 78C-8.1(a); Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .1406 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020.*

14B NCAC 16 .1401 APPLICATION/ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each armored car employer or his or her designee shall submit an online application form for the registration of each armed armored car service guard applicant to the Board. This online form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with application submission;

- (3) upload online a statement of the result of a statewide criminal history records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1407 of this Section;
- (6) a certification by the applicant that he or she is at least 18 years of age;
- (7) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and
- (8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the online application and completed affidavit form and shall retain a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

(c) The applicant's copy of the application, affidavit, and training certification shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Online applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards unless the armored car employer has obtained prior approval from the Director. The Director shall grant prior approval if the armored car employer provides proof that the applicant has received prior Board approved firearms training.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;

Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .1501 Eff. July 1, 2015;

Amended Eff. November 1, 2017;

Readopted Eff. March 1, 2020.

14B NCAC 16 .1402 FEES FOR ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Fees for armed armored car service guard firearm registration permits are as follows, along with a four dollar (\$4.00) convenience fee and credit card transaction fee:

- (1) thirty dollars (\$30.00) non-refundable initial registration fee;
- (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and
- (3) fifteen dollars (\$15.00) application fee.

(b) Fees shall be paid by credit card or other form of electronic funds transfer.

History Note: Authority G.S. 74C-3; 74C-5; 74C-9; 74C-13; Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .1502 Eff. July 1, 2015;

Amended Eff. January 1, 2018;

Readopted Eff. March 1, 2020.

14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card his or her employer or designee shall complete an online form provided by the Board. This online form shall be submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the result of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of the Section; and
- (6) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and completed application, including the completed affidavit form, to serve as a record of application for renewal and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

(c) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time

to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

*History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;
Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .1506 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020.*

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 10F .0306 CAROLINA BEACH

(a) Regulated Area. This Rule applies to the following waters in the Town of Carolina Beach:

- (1) Carolina Beach Yacht Basin shore to shore, south of a line from a point on the east shore at 34.05723 N, 77.88894 W to a point on the west shore at 34.05700 N, 77.89089 W; and
- (2) a portion of the Intracoastal Waterway in Myrtle Grove Sound within approximately 50 yards of the community pier and docks surrounding marinas at the Oceana Marina and Carolina Beach Yacht Club, but not extending into the U.S. Army Corps of Engineers channel setback, and extending south of the marinas within approximately 50 yards of the shoreline, but not extending into the U.S. Army Corps of Engineers channel setback, to the intersection with the no-wake zone at the Carolina Beach Yacht Basin.

(b) Speed Limit. It is unlawful to operate any vessel at greater than no-wake speed in the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers. The Carolina Beach Town Council shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. March 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. May 1, 2020.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

21 NCAC 16B .0301 APPLICATION FOR LICENSURE

(a) All applications for licensure as a dentist shall be made on the forms furnished by the Board at www.ncdentalboard.org and shall include the following information:

- (1) full name;
- (2) street address as of the date of the application;
- (3) permanent street address;
- (4) preferred mailing address for all information;
- (5) telephone number;
- (6) email address;
- (7) age;
- (8) date of birth;
- (9) place of birth;
- (10) citizenship or immigration status, with verifying documentation;
- (11) social security number;
- (12) marital status;
- (13) any other name by which the applicant was known in the past, accompanied by a certified copy of a court order of name change, if applicable;
- (14) all resident addresses for the 10 years preceding the date of application;
- (15) the names, addresses, and phone numbers for two individuals to whom the applicant always provides the applicant's current address;
- (16) disclosure and explanation of any bankruptcy proceedings in which the applicant was a named party;
- (17) the license number, issuing state, and expiration date for all current drivers' licenses held by the applicant, and the issuing state for all drivers' licenses held in the past by the applicant;
- (18) the date of the applicant's previous application for examination by the Board, if applicable;
- (19) the date and type of any dental permit or provisional license for which the applicant applied in the past, if applicable;
- (20) if the applicant failed an examination administered by a dental board, the date of the examination and jurisdiction of the dental board that administered the examination;
- (21) if any dental board has refused to administer an examination to applicant, the jurisdiction of the dental board that refused to administer the examination and the date of the refusal;
- (22) the dates upon which the applicant has taken the Dental National Board Examination, the location of the examination, and authorization for the Board to access the examination scores;
- (23) if the applicant failed the Dental National Board Examination, the date of the failed examination;
- (24) if the applicant has applied for a dental license in any other state or foreign country, the date of

- the application and whether the license was issued to the applicant;
- (25) all employment held by the applicant for the past 10 years other than dentistry;
- (26) if the applicant was terminated from employment within the past 10 years, an explanation regarding the termination;
- (27) all dental licenses from other jurisdictions ever held by the applicant, including type of licensure, license number, and dates of licensure;
- (28) if the applicant has ever been suspended or otherwise disqualified, or reprimanded, censured, or otherwise disciplined by any licensing board, professional organization, or while the applicant was holding public office, a written statement disclosing:
- (A) the facts that formed the basis for the discipline;
- (B) the date of the discipline;
- (C) whether the applicant appealed the discipline and the outcome of any appeal; and
- (D) the name and address of the authority in possession of records related to discipline;
- (29) if the applicant has ever been the subject of a complaint with any licensing board, professional organization, or while the applicant was holding public office, a written statement disclosing:
- (A) the facts that gave rise to the complaint;
- (B) the date of the complaint;
- (C) whether the organization that received the complaint instituted proceedings against the applicant; and
- (D) the name and address of the authority in possession of records related to the complaint;
- (30) if the applicant has ever been reported to the National Practitioner Data Bank or the Healthcare Integrity and Protection Data Bank, a written statement disclosing:
- (A) the facts that formed the basis for the report;
- (B) the date of the report; and
- (C) the name and address of the authority in possession of records related to the report;
- (31) if the applicant is a diplomate, board-eligible, or a declared specialist in any branch of dentistry, a statement of specialty and how he or she is qualified;
- (32) if the applicant has taken any post-graduate training or refresher courses, other than continuing education courses, since receiving his or her dental degree, a written statement of
- the dates, locations, and names of the training or refresher courses;
- (33) if the applicant has ever been dropped, suspended, expelled, or disciplined by any post-secondary school or college, a written statement disclosing:
- (A) the facts leading to the discipline;
- (B) the date of the discipline; and
- (C) the school or college issuing the discipline;
- (34) if the applicant has ever been denied admission to any college or post-secondary school for a reason other than academic qualifications, a written statement explaining the reason for the admission denial;
- (35) if the applicant has ever served in the armed forces of the United States or any other country, a written statement explaining:
- (A) whether the applicant has been separated from service;
- (B) the nature of the separation;
- (C) if other than honorable, the circumstances surrounding his or her release from service;
- (D) dates of service;
- (E) the facts leading to any charges or complaints made or filed against the applicant while the applicant was serving in the armed forces, and the outcome of the charges or complaints;
- (F) the facts leading to any disciplinary proceedings instituted against the applicant while serving in the armed forces, and the outcome of the proceedings; and
- (G) if the applicant was ever a defendant in any court martial, the facts giving rise to those proceedings and the outcome of the proceedings;
- (36) a statement of whether the applicant has registered under the Military Selective Service Act;
- (37) a statement of whether the applicant has ever:
- (A) been summoned to court or before a magistrate for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
- (B) been arrested for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
- (C) been taken into custody for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
- (D) been indicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor;

- (E) been convicted or tried for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (F) been charged with the violation of any law or ordinance or for the commission of any felony or misdemeanor; or
 - (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony or misdemeanor;
- (38) if the applicant has been admitted to practice dentistry in any jurisdiction, a certified statement disclosing all the dental practices at which the applicant has worked from dental school graduation to the date of the application, including:
- (A) the dates during which the applicant was employed as a dentist or engaged in practice;
 - (B) the addresses of offices of places at which the applicant was employed or practicing, and the names and addresses of all employers, partners, associates, or other dentists sharing office space;
 - (C) whether the applicant was practicing general dentistry or a specialty; and
 - (D) the reason for the termination of each employment or period of private practice;
- (39) if the applicant has ever held any other health care license, a written statement disclosing:
- (A) the type of license held by the applicant;
 - (B) the dates the applicant held the license; and
 - (C) the licensing board that issued the license;
- (40) if the applicant has ever held hospital privileges and those privileges were suspended or revoked, a written statement disclosing the date, location, and reason the privileges were suspended or revoked;
- (41) if the applicant has ever held a federal Drug Enforcement Administration license or registration number and, if that license or registration number has ever been revoked, suspended, or surrendered, a written statement disclosing the date, location, and reason for the revocation, suspension, or decision to surrender the license or registration number;
- (42) the applicant's post-high school, pre-dental education, including the name and location of the schools the applicant attended and the period of attendance;
- (43) each degree conferred upon the applicant, including the date of the degree and institution;
- (44) copies of the applicant's transcripts of undergraduate college;
- (45) the name and location of each dental school that the applicant attended, the period of attendance, the degree conferred upon applicant, and the institution that conferred the degree;
- (46) a statement disclosing and explaining any current condition or impairment, including substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition, that in any way affects the ability to practice dentistry. For purposes of this Rule, "current" means recently enough that the condition or impairment may affect the applicant's ability to function as a dentist as set out in G.S. 90-41(a)(2) and (7). If the applicant contends that the condition or impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or participating in a monitoring or support program, the applicant may provide information regarding the treatment or program, and may include any verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dentists or other impaired professionals program;
- (47) a photograph of the applicant, taken within six months prior to the date of the application;
- (48) a completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based criminal history record check from the North Carolina State Bureau of Investigation (SBI);
- (49) a copy of an unexpired CPR certificate; and
- (50) if the applicant holds, or has held in the past, a dental license in any other state or jurisdiction, a copy of a National Practitioner Data Bank Report concerning the applicant that was obtained within six months prior to the date the Report is submitted to the Board.
- (b) The applicant shall submit to the Board the notarized application form with all the information and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable application fee set forth in 21 NCAC 16M .0101.
- (c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the applicant shall request the applicable entity to send the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:
- (1) the applicant's official transcripts from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association;
 - (2) if the applicant is licensed in other states, a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority, accompanied by a disclosure of any

disciplinary action taken or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license; and

- (3) examination scores required by Rule .0303(b) of this Subchapter that shall include the American Board of Dental Examiners (ADEX) dental licensure examinations.

(d) The Board shall receive all information and documentation set forth in Paragraphs (a) through (c) of this Rule and the applicant's passing scores on all examinations required by Rule .0303 of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(e) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(f) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-28; 90-30; 90-39; 90-41; 90-48;

Eff. September 3, 1976;

Readopted Eff. September 26, 1977;

Amended Eff. September 1, 2014; March 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. March 1, 2020.

21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS

(a) An applicant for a dental license by credentials shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;
- (2) the non-refundable licensure by credentials fee set forth in 21 NCAC 16M .0101;
- (3) an affidavit from the applicant stating for the five year period set out in G.S. 90-36(c)(1):
 - (A) the dates that and locations where the applicant has practiced dentistry;
 - (B) that the applicant has provided at least 5,000 hours of clinical care to patients, not including post graduate training, residency programs or an internship; and
 - (C) that the applicant has held an active, unrestricted dental license issued by another U.S. state or U.S. territory, without any period of interruption; and
- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials shall request the applicable entity to send the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:

- (1) the applicant's official transcripts from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association;
- (2) a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and a disclosure of any disciplinary action taken or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (3) examination scores required by Rule .0303(b) of this Subchapter;
- (4) a report of any pending or final malpractice actions against the applicant verified by the malpractice insurance carrier covering the applicant; and
- (5) a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant.

(c) The Board shall receive all information and documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by Rule .0303 of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(d) An applicant for dental licensure by credentials shall pass written examinations as set out in Rule .0303(a) of this Subchapter. Individuals who do not pass the written examination after three attempts within one year may not reapply for licensure by credentials.

(e) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(f) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-28; 90-36;

Temporary Adoption Eff. January 1, 2003;

Eff. January 1, 2004;

Recodified from 21 NCAC 16B .0401 Eff. March 1, 2006;

Amended Eff. September 1, 2014; February 1, 2010;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. March 1, 2020.

21 NCAC 16B .0601 LIMITED VOLUNTEER DENTAL LICENSE

(a) An applicant for a limited volunteer dental license shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes

the information and materials required by Rule .0301(a) of this Subchapter;

- (2) the non-refundable limited volunteer dental licensure fee set forth in 21 NCAC 16M .0101;
- (3) an affidavit from the applicant stating:
 - (A) for the five consecutive years preceding the date of the application, the dates that and locations where the applicant has practiced dentistry;
 - (B) that the applicant has provided at least 1,000 hours per year of clinical care to patients for at least five years, not including post graduate training, residency programs or an internship; and
 - (C) that the applicant has provided at least 500 hours of clinical care to patients within the five years preceding the date of the application, not including post graduate training, residency programs or an internship; and
- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a limited volunteer dental license shall satisfy the requirements in Rule .0501(b) of this Subchapter.

(c) The Board shall receive all information and documentation required under Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by Rule .0303 of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(d) An applicant for limited volunteer dental license shall pass written examinations as set out in Rule .0303(a) of this Subchapter. Applicants who do not pass the written examination after three attempts in one year may not reapply for a limited volunteer dental license.

(e) A North Carolina licensee who holds an active dental license may request his or her active dental license be converted to a limited volunteer dental license by submitting a written request to the Board office. A North Carolina active licensee making this request is not subject to Paragraphs (a) through (d) of this Rule.

(f) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(g) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-28; 90-37.1;

Temporary Adoption Eff. January 1, 2003;

Eff. January 1, 2004;

Recodified from 21 NCAC 16B .0501 Eff. March 1, 2006;

Amended Eff. September 1, 2014;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. March 1, 2020.

21 NCAC 16B .0701 INSTRUCTOR'S LICENSE

(a) An applicant for an instructor's license shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;
- (2) the non-refundable instructor's licensure fee set forth in 21 NCAC 16M .0101; and
- (3) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for an instructor's license shall request the applicable entity to send the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:

- (1) if the applicant is or has ever been employed as a dentist by or under contract with a government agency or a nonprofit or for-profit organization, a certification letter of the applicant's current status and disciplinary history from each agency or organization where the applicant is or has been employed or under contract;
- (2) a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and information regarding all disciplinary actions taken or investigations pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (3) a report of any pending or final malpractice actions against the applicant, verified by the malpractice insurance carrier covering the applicant;
- (4) a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant; and
- (5) a certification letter from the dean or director that the applicant has met or been approved under the credentialing standards of a dental school or an academic medical center with which the person is to be affiliated, and certification that the school or medical center is accredited by the American Dental Association's Commission on Accreditation or the Joint Commission on Accreditation of Health Care Organizations.

(c) The Board shall receive all information and documentation set forth in Paragraphs (a) and (b) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(d) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(e) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-28; 90-29.5;

Temporary Adoption Eff. January 1, 2003;

Eff. January 1, 2004;

Recodified from 21 NCAC 16B .0601 Eff. March 1, 2006;

Amended Eff. September 1, 2014;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. March 1, 2020.

21 NCAC 16B .0801 TEMPORARY VOLUNTEER DENTAL PERMIT

(a) An applicant for a temporary volunteer dental permit shall submit to the Board an application form provided by the Board at www.ncdentalboard.org that includes the following information:

- (1) full name;
- (2) street address;
- (3) employer name and address, and the applicant's position title;
- (4) work, home, and cellular telephone numbers;
- (5) fax number;
- (6) email address;
- (7) any other name by which the applicant was known in the past;
- (8) social security number;
- (9) citizenship or immigration status, with verifying documentation;
- (10) authorization to work in the United States;
- (11) dental education, including dental school name, address, and the applicant's graduation date, and any other dental post-graduate education;
- (12) all dental licenses from other states ever held by the applicant, including state, license number, date issued, and licensure status as of the application date;
- (13) if the applicant has ever been denied a license or the privilege of taking a dental licensure or competency examination by any dental licensing authority or examining body, a written statement disclosing the details, jurisdiction, and date;
- (14) if the applicant is not engaged in the practice of dentistry as of the application date, the last month and year when the applicant practiced;
- (15) if the applicant has been charged with or convicted of any crime within the 10 years preceding the application date, excluding traffic violations but including driving while impaired offenses, a written statement disclosing the details and copies of the charges and judgment;
- (16) if the applicant has any contagious or infectious disease, a written statement disclosing the details;
- (17) a statement disclosing and explaining any current condition or impairment, including

substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition, that in any way affects the ability to practice dentistry. For purposes of this Rule, "current" means recently enough that the condition may affect the applicant's ability to function as a dentist as set out in G.S. 90-41(a)(2) and (7). If the applicant contends that the condition or impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or participating in a monitoring or support program, the applicant may provide information regarding the treatment or program, and may include any verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dentists or other impaired professionals program;

- (18) the type of facility and addresses of all facilities where the applicant will provide temporary volunteer dental services in North Carolina;
- (19) the dates on which the applicant intends to provide temporary volunteer dental services in North Carolina;
- (20) the names of all North Carolina licensed dentists who will direct or supervise the applicant at each location where the applicant will provide temporary volunteer dental services;
- (21) a copy of an unexpired CPR certificate;
- (22) a photograph of the applicant taken within six months preceding the application date;
- (23) a completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based criminal history record check from the North Carolina State Bureau of Investigation (SBI); and
- (24) a signed, notarized statement by the applicant affirming the applicant has not been disciplined by any dental board or agency, the information in the application is accurate, and no fee will be charged or accepted for any dental services provided.

(b) In addition to the requirements of Paragraph (a) of this Rule, the applicant shall request the applicable entity or person to send the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:

- (1) a statement from all jurisdictions in which the applicant is now or has ever been licensed, disclosing the applicant's disciplinary history and current status of the applicant's license; and
- (2) a statement signed by a North Carolina licensed dentist agreeing to provide supervision or direction to the temporary volunteer dentist, stating when and where the supervision or direction will occur and affirming that no fee or monetary compensation of any kind will be

paid to the applicant for dental services performed.

(c) The Board shall receive all items set forth in Paragraphs (a) and (b) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired.

(d) The holder of a temporary volunteer dental permit shall notify the Board within five days of any changes in the practice location or facility disclosed under Paragraph (a) of this Rule.

(e) To renew the temporary volunteer dental permit, the licensee shall submit to the Board:

- (1) an affidavit or notarized statement verifying the location and type of facility where the applicant will practice, the duration of the practice, the name of the supervising dentist, that no fee will be charged or accepted, and that the information in the original application submitted under Paragraph (a) of this Rule is correct and requires no update or correction; and
- (2) the information required in Paragraph (b) of this Rule.

The Board shall receive all items set forth in this Paragraph for the renewal application to be complete before the deadline for renewing applications. The applicant shall report any changes to submitted information within five days of when the licensee knew or should have known of the changes.

(f) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(g) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-29; 90-37.2; 90-41;

Eff. February 1, 2008;

Amended Eff. September 1, 2014;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. March 1, 2020.

21 NCAC 16B .1001 DENTAL LICENSURE BY ENDORSEMENT BASED ON MILITARY SERVICE

(a) An applicant for a dental license by endorsement based on military service shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter; and
- (2) written evidence demonstrating the applicant has satisfied the conditions set forth in G.S. 93B-15.1(a), including engaging in the active practice of dentistry for at least 1,000 hours per year for at least two of the five years preceding the date of the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for licensure by endorsement based on military service shall satisfy the requirements in Rule .0501(b) of this Subchapter.

(c) The Board shall receive all information and documentation required under Paragraphs (a) and (b) of this Rule for the application to be complete. Applications that are not completed

within one year of being submitted to the Board shall be disregarded as expired.

(d) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(e) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-30(b); 90-41; 93B-15.1;

Eff. September 1, 2013;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. March 1, 2020.

21 NCAC 16B .1002 DENTAL LICENSURE BY ENDORSEMENT BASED ON STATUS AS MILITARY SPOUSE

(a) An applicant for a dental license by endorsement based on the applicant's status as a military spouse shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter; and
- (2) written evidence demonstrating the applicant is married to an active member of the U.S. military and the applicant satisfies the conditions set forth in G.S. 93B-15.1(b), including engaging in the active practice of dentistry for at least 1,000 hours per year for at least two of the five years preceding the date of the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for licensure by endorsement based on status as a military spouse shall satisfy the requirements in Rule .0501(b) of this Subchapter.

(c) The Board shall receive all information and documentation required under Paragraphs (a) and (b) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired.

(d) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(e) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-30(b); 90-36; 90-41; 93B-15.1;

Eff. September 1, 2013;

Amended Eff. September 1, 2014;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. March 1, 2020.

21 NCAC 16C .0301 APPLICATION FOR LICENSURE

(a) All applications for licensure as a dental hygienist shall be made on the forms furnished by the Board at www.ncdentalboard.org and shall include the following information:

- (1) full name;

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| <ul style="list-style-type: none"> (2) street address as of the date of the application; (3) permanent street address; (4) preferred mailing address for all information; (5) telephone number; (6) email address; (7) age; (8) date of birth; (9) place of birth; (10) citizenship or immigration status, with verifying documentation; (11) social security number; (12) marital status; (13) any other name by which the applicant was known in the past, accompanied by a certified copy of a court order of name change, if applicable; (14) all resident addresses for the past 10 years preceding the date of application; (15) the names, addresses, and phone numbers for two individuals to whom the applicant always provides the applicant's current address; (16) disclosure and explanation of any bankruptcy proceedings in which the applicant was a named party; (17) the license number, issuing state, and expiration date for all current drivers' licenses held by the applicant, and the issuing state for all drivers' licenses held in the past by the applicant; (18) the date of the applicant's previous application for examination by the Board, if applicable; (19) the date and type of any dental hygiene license for which the applicant applied in the past, if applicable; (20) if the applicant failed an examination administered by a dental board, the date of the examination and jurisdiction of the dental board that administered the examination; (21) if any dental board has refused to administer an examination to applicant, the jurisdiction of the dental board that refused to administer the examination and the date of the refusal; (22) the dates upon which the applicant has taken the Dental Hygiene National Board Examination, the location of each examination, and authorization for the Board to access the examination scores; (23) if the applicant failed the Dental Hygiene National Board Examination, the date of the examination that he or she failed; (24) if the applicant has applied for a dental hygiene license in any other state or foreign country, the date of the application and whether the license was issued to the applicant; (25) all employment held by the applicant for the past 10 years; (26) if the applicant was terminated from employment within the past 10 years, an explanation regarding the termination; | <ul style="list-style-type: none"> (27) all dental hygiene licenses from other jurisdictions ever held by the applicant, including type of licensure, license number, and dates of licensure; (28) places of employment at which the applicant has practiced dental hygiene, including the name of the employer, the address of the employer, dates of employment, and the reason for leaving the employment; (29) if the applicant has ever been suspended or otherwise disqualified, or reprimanded, censured, or otherwise disciplined by any licensing board, professional organization, or while the applicant was holding public office, a written statement disclosing: <ul style="list-style-type: none"> (A) the facts that formed the basis for the discipline; (B) the date of the discipline; (C) whether the applicant appealed the discipline and the outcome of any appeal; and (D) the name and address of the authority in possession of records related to discipline; (30) if the applicant has ever been the subject of a complaint with any licensing board, professional organization, or while the applicant was holding public office, a written statement disclosing: <ul style="list-style-type: none"> (A) the facts that gave rise to the complaint; (B) the date of the complaint; (C) whether the organization that received the complaint instituted proceedings against the applicant; and (D) the name and address of the authority in possession of records related to the complaint; (31) if the applicant has ever been reported to the National Practitioner Data Bank or the Healthcare Integrity and Protection Data Bank, a written statement disclosing: <ul style="list-style-type: none"> (A) the facts that formed the basis for the report; (B) the date of the report; and (C) the name and address of the authority in possession of records related to the report; (32) if the applicant has ever been dropped, suspended, expelled, or disciplined by any post-secondary school or college for any cause, a written statement disclosing: <ul style="list-style-type: none"> (A) the facts leading to the discipline; (B) the date of the discipline; and (C) the school or college issuing the discipline; (33) if the applicant has ever been denied admission to any college or post-secondary school for a reason other than academic qualifications, a |
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- (34) written statement explaining the reason for the admission denial;
if the applicant has ever served in the armed forces of the United States or any other country, a written statement explaining:
- (A) whether the applicant has been separated from service;
 - (B) the nature of the separation;
 - (C) if other than honorable, the circumstances surrounding his or her release from service;
 - (D) dates of service;
 - (E) the facts leading up to any charges or complaints made or filed against the applicant while the applicant was serving in the armed forces, and the outcome of the charges or complaints;
 - (F) the facts leading to any disciplinary proceedings instituted against the applicant while the applicant was serving in the armed forces, and the outcome of the proceedings; and
 - (G) if the applicant was ever a defendant in any court martial, the facts giving rise to those proceedings and the outcome of the proceedings;
- (35) a statement of whether the applicant has registered under the Military Selective Service Act;
- (36) a statement of whether the applicant has ever:
- (A) been summoned to court or before a magistrate for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (B) been arrested for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (C) been taken into custody for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (D) been indicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (E) been convicted or tried for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
 - (F) been charged with the violation of any law or ordinance or for the commission of any felony or misdemeanor; or
 - (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony or misdemeanor;
- (37) the applicant's high school education including the name, location, and period of attendance for each school, and the date of graduation;
- (38) any college or university education other than dental hygiene, including the name, location, and period of attendance for each school, and the date of graduation;
- (39) the applicant's dental hygiene education including the name, location, and period of attendance for each school, and date of graduation;
- (40) a statement disclosing and explaining any current condition or impairment, including substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition, that in any way affects the ability to practice dental hygiene. For purposes of this Rule, "current" means recently enough that the condition or impairment may affect the applicant's ability to function as a dental hygienist as set out in G.S. 90-229(a)(4) and (13). If the applicant contends that the condition or impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or participating in a monitoring or support program, the applicant may provide information regarding the treatment or program, and may include any verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dental hygienists or other impaired professionals program;
- (41) a photograph of the applicant, taken within six months prior to the date of the application;
- (42) a completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based criminal history record check from the North Carolina State Bureau of Investigation (SBI);
- (43) a copy of an unexpired CPR certificate; and
- (44) if the applicant holds, or has held in the past, a dental hygiene license in any other state or jurisdiction, a copy of a National Practitioner Data Bank Report concerning the applicant that was obtained within six months prior to the date the report is submitted to the Board.
- (b) The applicant shall submit to the Board the notarized application form with all the information and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable application fee set forth in 21 NCAC 16M .0102.
- (c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the applicant shall request the applicable entity to send the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:
- (1) proof of graduation from high school or its equivalent;

- (2) the applicant's official transcripts from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association;
- (3) if the applicant is licensed in other states, a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority, accompanied by a full disclosure of any disciplinary action taken or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license or other occupational or professional license; and
- (4) examination scores required by Rule .0303(b) of this Subchapter which shall include the American Board of Dental Examiners (ADEX) dental hygiene licensure examinations.

(d) The Board shall receive all information and documentation set forth in Paragraphs (a) through (c) of this Rule and the applicant's passing scores on all examinations required by Rule .0303 of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(e) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(f) Any license obtained through fraud or by any false representation shall be revoked.

*History Note: Authority G.S. 90-223; 90-224; 90-229(a)(4) and (13);
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. September 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. March 1, 2020.*

21 NCAC 16C .0501 DENTAL HYGIENE LICENSURE BY CREDENTIALS

(a) An applicant for a dental hygiene license by credentials shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;
- (2) the nonrefundable licensure by credentials fee set forth in 21 NCAC 16M .0102;
- (3) an affidavit from the applicant stating for the two year period set out in G.S. 90-224.1(c)(1):
 - (A) the dates that and locations where the applicant has practiced dental hygiene;
 - (B) that the applicant has provided at least 2,000 hours of clinical care to patients; and
 - (C) that the applicant holds an active, unrestricted dental hygiene license

issued by another U.S. state or any U.S. territory, and has done so without any period of interruption; and

- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental hygiene license by credentials shall request the applicable entity to send the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:

- (1) the applicant's official transcripts from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association;
- (2) a certificate of the applicant's licensure status from the regulatory authority or other occupational or professional regulatory authority and a disclosure of all disciplinary actions taken or investigations pending, from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license or other occupational or professional license;
- (3) examination scores required by Rule .0303(b) of this Subchapter;
- (4) a report of any pending or final malpractice actions against the applicant verified by the malpractice insurance carrier covering the applicant; and
- (5) a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant.

(c) The Board shall receive all information and documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by Rule .0303 of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(d) An applicant for dental hygiene licensure by credentials shall pass written examinations as set out in Rule .0303(a) of this Subchapter. Applicants who do not pass the written examination after three attempts within one year may not reapply for licensure by credentials.

(e) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(f) Any license obtained through fraud or by any false representation shall be revoked.

*History Note: Authority G.S. 90-223; 90-224.1; 90-229;
Temporary Adoption Eff. January 1, 2003;
Eff. January 1, 2004;
Recodified from Rule .0401 Eff. June 1, 2006;
Amended Eff. September 1, 2014; February 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. March 1, 2020.*

21 NCAC 16D .0104 APPLICATION FOR PROVISIONAL LICENSE

(a) An applicant for a provisional dental license shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by 21 NCAC 16B .0301(a);
- (2) the nonrefundable provisional licensure fee set forth in 21 NCAC 16M .0101;
- (3) a letter from a North Carolina licensed dentist stating he or she will supervise the applicant; and
- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a provisional license shall satisfy the requirements in 21 NCAC 16B .0501(b).

(c) The Board shall receive all items set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by 21 NCAC 16B .0303 for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(d) An applicant for a provisional license shall pass written examinations as set out in 21 NCAC 16B .0303(a). Applicants who do not pass the written examination after three attempts within one year may not reapply for provisional licensure.

(e) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(f) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-29.3; 90-41(a); Eff. September 3, 1976; Readopted Eff. September 26, 1977; Temporary Amendment Eff. January 1, 2003; Amended Eff. December 1, 2014; January 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. March 1, 2020.

21 NCAC 16E .0102 RESTRICTIONS ON PRACTICE

The dental hygiene practice of a provisional licensee shall be restricted to the dental practice location designated in the application for provisional licensure.

History Note: Authority G.S. 90-226; Eff. September 3, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. March 1, 2020.

21 NCAC 16E .0103 APPLICATION FOR PROVISIONAL LICENSE

(a) An applicant for a provisional dental hygiene license shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by 21 NCAC 16C .0301(a);
- (2) the nonrefundable provisional licensure application fee set forth in 21 NCAC 16M .0102;
- (3) a letter from a North Carolina licensed dentist stating he or she will supervise the applicant; and
- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a provisional license shall satisfy the requirements in 21 NCAC 16C .0501(b).

(c) The Board shall receive all items set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by 21 NCAC 16C .0303 for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(d) An applicant for a provisional license shall pass written examinations as set out in 21 NCAC 16C .0303(a). Applicants who do not pass the written examination after three attempts within one year may not reapply for provisional licensure.

(e) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(f) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-226; 90-229(a); 90-232; Eff. September 3, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Temporary Amendment Eff. January 1, 2003; Amended Eff. December 1, 2014; January 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. March 1, 2020.

21 NCAC 16G .0107 DENTAL HYGIENE LICENSURE BY ENDORSEMENT BASED ON MILITARY SERVICE

(a) An applicant for a dental hygiene license by endorsement based on military service shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by 21 NCAC 16C .0301(a); and
- (2) written evidence demonstrating the applicant has satisfied the conditions set forth in G.S. 93B-15.1(a), including engaging in the active practice of dental hygiene for at least 1,000

hours per year for at least two of the five years preceding the date of application.

- (b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for licensure by endorsement based on military service shall satisfy the requirements in 21 NCAC 16C .0501(b).
- (c) The Board shall receive all information and documentation required under Paragraphs (a) and (b) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired.
- (d) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.
- (e) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-223; 90-224(c); 90-229; 93B-15.1;
Eff. September 19, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. March 1, 2020.

21 NCAC 16G .0108 DENTAL HYGIENE LICENSURE BY ENDORSEMENT BASED ON STATUS AS MILITARY SPOUSE

- (a) An applicant for a dental hygiene license by endorsement based on the applicant's status as a military spouse shall submit to the Board:
 - (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by 21 NCAC 16C .0301(a); and
 - (2) written evidence demonstrating the applicant is married to an active member of the U.S. military and the applicant satisfies the conditions set forth in G.S. 93B-15.1(b), including engaging in the active practice of dental hygiene for at least 1,000 hours per year for at least two of the five years preceding the date of application.
- (b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for licensure by endorsement based on status as a military spouse shall satisfy the requirements in Rule 21 NCAC 16C .0501(b).
- (c) The Board shall receive all information and documentation set forth in Paragraphs (a) and (b) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired.
- (d) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.
- (e) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-223; 90-224(c); 90-229; 90-232; 93B-15.1;
Eff. September 19, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. March 1, 2020.

21 NCAC 16Y .0102 APPLICATION FOR INTERN PERMIT

- (a) An applicant who is eligible for an intern permit pursuant to Rule .0101(a) of this Subchapter shall:
 - (1) submit to the Board a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by 21 NCAC 16B .0301(a);
 - (2) submit the nonrefundable intern permit fee set forth in 21 NCAC 16M .0101;
 - (3) submit a letter from a prospective supervising dentist confirming he or she will supervise the intern; and
 - (4) satisfy the examination requirements in 21 NCAC 16B .0303(a).
- (b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for an intern permit pursuant to Rule .0101(a)(1) of this Subchapter shall request the information or documents as set out in 21 NCAC 16B .0301(c)(1) and (2).
- (c) In addition to the requirements of Paragraph (a) of this Rule, an applicant for an intern permit pursuant to Rule .0101(a)(2) of this Subchapter shall submit written confirmation to the Board:
 - (1) that the applicant has graduated from a dental program other than one accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association;
 - (2) that the applicant is enrolled as of the date of the application in a graduate, intern, fellowship, or residency program at a North Carolina dental school or teaching hospital offering programs in dentistry;
 - (3) that an ad hoc committee from the training facility in which the applicant is enrolled under Subparagraph (c)(2) of this Rule, consisting of three associate or full professors, only one of whom represents the department in question, has evaluated the applicant's didactic and clinical performance with the point of observation being not less than three months after the applicant's start of the program, and has determined the applicant is functioning at a professional standard consistent with a graduate from a dental school or program accredited by CODA;
 - (4) that the applicant has completed a program of study at the training facility in which the applicant is enrolled under Subparagraph (c)(2) of this Rule in:
 - (A) clinical pharmacology;
 - (B) prescription writing in compliance with federal and State laws; and
 - (C) relevant laws and federal regulations pertaining to the United States Drug Enforcement Administration; and
 - (5) the total time required to complete the graduate, intern, fellowship, or residency program, and

the date the applicant is scheduled to complete the program.

(d) The Board shall receive all information and documentation required under Paragraphs (a) through (c) of this Rule for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(e) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(f) Any permit obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-28; 90-29.4; Eff. August 1, 2002;

Temporary Amendment Eff. January 1, 2003;

Amended Eff. July 1, 2015; January 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

Amended Eff. March 1, 2020.

CHAPTER 18 – BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

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 the apprenticeship experience consistent with all applicants as set forth in Rule 21 NCAC 18B. 0202(b)(1) or 21 NCAC 18B .0202(b)(2).

History Note: Authority G.S. 87-42; 87-44; 93B-8.6; Eff. July 1, 2020.

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 shall be construed by the Board 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 shall be construed by the Board 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 that 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 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 sixty thousand dollars (\$60,000) but not more than one hundred fifty thousand dollars (\$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 fifty thousand dollars (\$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.

History Note: Authority G.S. 87-42; 87-43; 87-43.3; Eff. October 1, 1988; Amended Eff. September 1, 2014; January 1, 2008; February 1, 1996; February 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016; Amended Eff. July 1, 2020.

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
Limited	\$95.00
Intermediate	\$140.00
Unlimited	\$190.00
SP-SFD	\$95.00
Special Restricted	\$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.

History Note: Authority G.S. 87-42; 87-44; Eff. October 1, 1988; Amended Eff. May 1, 1998; July 1, 1989; Temporary Amendment Eff. June 30, 2000; Temporary Amendment Eff. August 31, 2001; Amended Eff. July 1, 2015; January 1, 2008; December 4, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016; Amended Eff. July 1, 2020; October 1, 2017.

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

Consistent with the provisions of G.S. 87-43.2(c), the provisions of Rules .0402(b) and .0403(b) of this Section do not apply to an individual who is employed full-time by a local board of

education, hospital, or nonprofit organization, while the individual is obligated to be regularly on active duty, as defined by 21 NCAC 18B .0301 at the place of employment and complies with the supervision requirements of 21 NCAC 18B .0907(c). The provisions of Rules .0907 through .0909 of this Subchapter shall apply.

History Note: Authority G.S. 87-42; 87-43.1(5a); 87-44;
Eff. July 1, 2020.

21 NCAC 18B .0901 APPLICANTS CONVICTED OF CRIMES

History Note: Authority G.S. 87-42; 87-43.3; 87-43.4; 87-47(a1)(4);
Eff. October 1, 1988;
Amended Eff. January 1, 2010; April 1, 1995; February 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016;
Repealed Eff. July 1, 2020.

CHAPTER 36 – BOARD OF NURSING

21 NCAC 36 .0405 APPROVAL OF NURSE AIDE EDUCATION COURSES

(a) The Board shall accept nurse aide I courses that are approved by DHSR.

(b) The Board shall approve nurse aide II courses in accordance with this Rule. Nurse aide II courses shall be offered by a State-licensed individual, agency, or educational institution after the course is approved by the Board.

(1) Each entity desiring to offer a nurse aide II course shall submit a course approval application 60 days prior to offering the course. It shall include documentation of the following standards:

- (A) the students shall be taught and supervised by qualified faculty as defined in Subparagraph (b)(3) of this Rule;
- (B) the clinical-experience faculty to student ratio shall not exceed 1:10;
- (C) the selection and utilization of clinical facilities shall support the course curriculum as outlined in Subparagraph (b)(2) of this Rule;
- (D) a written contract shall exist between the course provider and clinical facility prior to student clinical experience in the facility;
- (E) a procedure for processing and disposition of course and student complaints shall be established; and
- (F) admission requirements shall be established in accordance with one of the following:

- (i) for all programs except those offered as career and college promise tract programs admission requirements shall include:
 - (I) completion of nurse aide I DHSR course or DHSR-

established equivalent and active nurse aide I listing on DHSR Registry;

(II) High School or High School Equivalency diploma; and

(III) other admission requirements as identified by the course provider; or

(ii) for all career and college promise tract programs admission requirements shall include:

(I) completion of a nurse aide I DHSR course or DHSR-established equivalent;

(II) active nurse aide I listing on DHSR Registry after the first attempt to pass nurse aide I test and within no more than five calendar days from enrollment in the nurse aide II course;

(III) expected High School diploma or High School Equivalency diploma not more than three months from completion of the nurse aide II course; and

(IV) other admission requirements as identified by the course provider.

(2) Nurse aide II courses shall include a minimum of 80 hours of theory and 80 hours of clinical instruction, supervised by a nurse faculty meeting the requirements of Subparagraph (b)(3) of this Rule. A nurse aide II education course shall not use simulation for more than eight hours as a substitute for the required 80 hours of clinical experience.

(3) Minimum competency and qualifications for faculty for the nurse aide II courses shall include:

(A) an active unencumbered license to practice as a registered nurse in North Carolina;

- (B) at least two years of direct patient care experiences as a registered nurse; and
- (C) experience teaching adult learners.
- (4) Each nurse aide II course shall furnish the Board with records, data, and reports requested by the Board that provide information concerning the operation of the course and all individuals who attended the course within the past five years.
- (5) In accordance with Rule .0309 of this Chapter, when an approved nurse aide II course closes, it shall notify the Board of the closing and how student records will be stored.
- (6) A Board-approved nurse aide II course that will provide nurse aide II competency evaluation shall obtain Board approval prior to offering competency evaluation.
 - (A) Board-approved nurse aide II course shall be in full approval status for at least one year prior to submitting an application to provide nurse aide II competency evaluation; and
 - (B) full approval course status shall be maintained to provide nurse aide II competency evaluation.
- (c) An annual nurse aide II course report shall be submitted by the course director to the Board on a form provided by the Board by March 31 of each year.
- (d) Complaints regarding nurse aide II courses shall result in an on-site survey by the Board if necessary to resolve the complaint.
- (e) Approval status shall be determined by the Board using the annual course report, survey report, and other data submitted by the program, agencies, or students. The determination shall result in full approval or approval with stipulations.
- (f) If the program fails to correct the deficiencies, a hearing shall be held by the Board regarding course approval status. A course may continue to operate while awaiting the hearing before the Board; however, in the case of summary suspension of approval as authorized by G.S. 150B-3(c), the course shall immediately cease operation.
 - (1) When a hearing is scheduled, the Board shall cause notice to be served on the course and shall specify a date for the hearing, to be held not less than 20 days from the date on which notice is given.
 - (2) If evidence presented at hearing shows that the course is complying with all federal and State law, including the rules in this Section, the Board shall assign the course full approval status.
 - (3) If evidence presented at hearing shows that the course is not complying with all federal and State law, including the rules in this Section, the parent institution shall:
 - (A) cease operation;
 - (B) present a plan to the Board for transfer of students to approved courses or shall fully refund tuition paid by the student. Closure shall take place after

the transfer of students to approved courses within a time frame established by the Board; and

(C) notify the Board of the arrangements for storage of permanent records.

History Note: Authority G.S. 90-171.20(2)(4)(7)d.,e.,g.; 90-171.39; 90-171.40; 90-171.43(4); 90-171.55; 90-171.83; 42 U.S.C.S. 1395i-3 (1987); Eff. March 1, 1989; Amended Eff. November 1, 2008; April 1, 2003; August 1, 2002; July 1, 2000; December 1, 1995; March 1, 1990; Readopted Eff. January 1, 2019; Amended Eff. March 1, 2020.

CHAPTER 40 – STATE BOARD OF OPTICIANS

21 NCAC 40 .0321 TRAINING ESTABLISHMENT REQUIREMENTS

(a) Any North Carolina licensed optician, ophthalmologist, or optometrist as provided in G.S. 90-237(4) and G.S. 90-240(a)(2) and (3) who are potential trainers for an apprentice or intern to become an optician can download an application form from the Board's website at www.ncopticiansboard.org. Any person not able to download an application form may request that the Board mail the materials which the Board will mail to the requesting person.

- (1) In completing the application, applicants shall provide address and contact information for optical place of business, optometry, or ophthalmology office where training will be given, name or names of training sponsors and license numbers, and pay registration fees per G.S. 90-246.
- (2) The registration fee shall be paid on initial registration and on or before June 30 each year for an annual renewal.

(b) The apprentice or intern shall provide to the Board documentation to show that the training establishment provides optical equipment and instruments, reference resources and work processes and tasks to conduct training in opticianry.

(c) Optical equipment and instruments required to be on site and used during training are:

- (1) Focimeter, also termed lensometer;
- (2) Pupillary distance ruler;
- (3) Pupillometer;
- (4) Lens clock;
- (5) Calipers, also termed thickness gauge;
- (6) Polariscope;
- (7) Salt or bead pan, also termed frame warmer;
- (8) Frame adjustment tools;
- (9) Distometer;
- (10) Staking kit, also termed punch kit;
- (11) Frame repair replacement parts to include screws, temples, and hinges; and
- (12) Training establishments wherein only interns are registered are not required to have a

polariscope as set forth in Paragraph (c) of this Rule.

(d) Reference materials required to be on site for use by trainees may be either one or both of:

- (1) The textbooks used by students of the certificate program administered by Durham Technical Community College, or
- (2) All volumes of the National Academy of Opticianry's home study Career Progression Program approved pursuant to Rule .0314(b)(1) or (2) of this Section.

(e) Apprentice training shall be comprised of work processes required for proficiency, and successful completion of the licensure examination as defined in G.S. 90-240(b) and Rule .0303(a) of this Section.

- (1) Topics and processes to be covered during training, with minimum hours are:
 - (A) Orientation to opticianry – 38 hours
 - (B) Ophthalmic optics – 461 hours
 - (C) Assembly and repair of eyewear – 576 hours
 - (D) Eyewear fitting – 1,114 hours
 - (E) Lens grinding – 422 hours
 - (F) Ocular anatomy and physiology – 422 hours
 - (G) Contact lenses – 653 hours
 - (H) Recordkeeping – 177 hours

- (2) An apprentice shall complete a competency review test issued by the Board every six months of their registered apprenticeship and have their sponsoring trainer sign to its completion.

- (A) The review test shall cover the processes defined in the Board training topics in Paragraph (e) above that correspond to the six-month period of training in which the apprentice is registered and contain multiple-choice answers.
- (B) The Board shall return the graded answer sheet of the review test for the trainee and trainer to identify training topics and processes wherein additional training may be beneficial.
- (C) A passing score on the review test is not required for apprenticeship registration to continue.

(f) Internship training shall be comprised of work processes required for review of training received during the apprenticeship defined in Paragraph (e) of this Rule, or as required by G.S. 90-240(a)(1) or G.S. 90-240(a1). Topics and processes to be covered during internship, with minimum hours are:

- (1) Assembly and repair of eyewear – 355 hours
- (2) Repair of eyewear – 160 hours
- (3) Eyewear fitting – 375 hours
- (4) Recordkeeping – 50 hours
- (5) Contact lenses – 100 hours

(g) The apprentice or intern shall provide any information requested by the Board for documentation regarding the manner

and method by which training is conducted and allow random inspections by Board staff of the facility wherein training is conducted.

- (1) At the time of inspection, Board staff shall verify the presence of the required training equipment and reference materials per Paragraph (d) and (e) of this Rule; the registrations and display of same for trainees and the facility per Rule .0209(a) and (b) of this Chapter; and the documentation maintained by the trainee of the topics and work processes covered in training by trainee and trainer per Paragraph (f) of this Rule.
- (2) The trainee and Board staff shall sign the inspection form verifying their acknowledgement of any missing equipment or resources, or missing or incomplete documentation required by this Rule.

History Note: Authority G.S. 90-237(4); 90-240(a)(3); 90-243; 90-246; 90-249; 90-249.1;

Eff. November 1, 1981;

Amended Eff. February 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 22, 2018;

Amended Eff. March 1, 2020.

CHAPTER 65 – BOARD OF RECREATIONAL THERAPY LICENSURE

21 NCAC 65 .0601 CONTINUING EDUCATION REQUIREMENTS FOR LICENSED RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY ASSISTANT

(a) During the two-year licensing period, a Recreational Therapist or Recreational Therapy Assistant who is licensed by the North Carolina Board of Recreation Therapy Licensure shall complete continuing education as set forth in this Rule. Candidates for license renewal must complete a minimum of 20 hours of continuing education to renew the license. The renewal cycle is two years prior to licensee's expiration date, and 20 hours or 2.0 CEUs must be earned within these two years.

(b) Values shall be awarded as the follows:

0.1 CEU (Continuing Education Unit) = one contact hour

1.0 CEU (Continuing Education Unit) = ten hours

2.0 CEUs = 20 Hours of Continuing Education every two years

No credit shall be awarded for sessions less than one hour in length.

(c) Content of continuing education must be consistent with the current standards listed in the National Council for Therapeutic Recreation Council Job Analysis, which is hereby incorporated by reference, including any subsequent amendments or changes. A copy of the Analysis can be accessed at the NCTRC website at no cost. A licensee shall acquire credit through professional service, continuing education courses, academic courses, and professional publications and presentations.

(d) A licensee seeking renewal earning continuing education credit approved by the International Council on Continuing Education (IACET) shall include documentation in licensee's renewal application showing credit earned, content, the licensee's name and attendance dates. A licensee seeking renewal credit for sessions not approved by IACET must send documentation to show name, content, attendance, and amount of credit earned. Documentation to support renewal credit earned for attending professional sessions shall be a transcript, certificate, letter from the continuing education's provider's letterhead, or the licensee's employer's training log including the content, attendance dates, licensee's name and credit earned.

(e) A licensee seeking renewal credits for academic courses shall submit official transcript with course(s) and credit earned. One semester hour = 15 hours.

(f) A licensee seeking renewal credits from professional publications and presentations shall earn no more than 10 hours in the area of professional publications and presentations. Credit shall not be given for repeat or multiple presentations of same seminar, publication, in-service, original paper or poster presentation during a renewal cycle. Credit shall be split equally between presenters. Documentation for publications shall be a copy of the title page, table of contents, and publication date. Documentation for presentations shall be in the form of letter from the sponsoring body stating the licensee's name, date, content and the length of presentation.

(g) Values for publications and presentations are as follows:

- | | | |
|------|---|-------------|
| (1) | Authoring and publishing printed editorials | one hour |
| (2) | Authoring and publishing peer reviewed articles on original research | six hours |
| (3) | Authoring and publishing professional newsletter article | one hour |
| (4) | Editing a textbook of original work | four hours |
| (5) | Authoring and publishing a textbook chapter of original work | six hours |
| (6) | Authoring and publishing a peer reviewed journal article of professional practice | four hours |
| (7) | Authoring and publishing a journal reviews or book review | one hour |
| (8) | Presenting peer reviewed poster session | one hour |
| (9) | Authoring and publishing a research abstract | one hour |
| (10) | Authoring and publishing a textbook of original work | ten hours |
| (11) | Authoring unpublished masters or doctoral thesis | eight hours |
| (12) | Presenting one hour at professional meetings | two hours |

(h) Licensees seeking renewal credit for field-placement intern supervision shall be granted credit for no more than two field placement students during a renewal cycle for three hours credit per intern. Submission of the NCBRTL Clinical Appraisal and Reference Summary Form shall be accepted documentation. The NCBRTL Clinical Appraisal and Reference Summary Form can be found on the Board website, www.ncbtrl.org

(i) Licensees shall attend the Board's Compliance and Ethics Training for four hours of credit during their first year of licensure. Existing licensees may attend the Board's Compliance and Ethics training for four hours of renewal credit.

(j) Licensees seeking renewal credit submission for on-line training shall submit as proof of completion a certificate, letter or transcript as follows:

- (1) documentation to show content of the session(s);
- (2) documentation to show licensees' date of completion of the session;
- (3) documentation to support amount of credit awarded; and
- (4) the website address of the sponsoring body.

(k) A licensee seeking renewal credit for professional Recreational Therapy board member service shall be documented by letter of service from the professional board stating the dates served. One hour of credit shall be given for one year's service. If the year's service crosses over the licensee's renewal cycle, credit can be used for next renewal cycle.

History Note: Authority G.S. 90C-24;

Temporary Adoption Eff. December 1, 2005;

Eff. January 1, 2007;

Amended Eff. May 1, 2013;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21, 2018;

Amended Eff. March 1, 2020.

21 NCAC 65 .0602 RENEWAL REQUIREMENTS FOR LICENSED RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY ASSISTANT

(a) Board staff shall send a renewal and fee notice to a licensee 60 days prior to the expiration date at the licensee's last known contact address listed on licensee's online profile unless a person has advised the Board that he or she does not intend to renew the license. Pursuant to Rule .0603 of this Section, it is the responsibility of the licensee to keep the licensee's address current on the licensee's online profile on Board website, www.ncbtrl.org.

(b) Licenses issued shall be subject to renewal every two years and shall include documentation as required by Rule .0601 in this Section to support completion of continuing education requirements. The two-year cycle renews every two years on the licensee's birth month. A licensee must submit the documentation to NCBRTL postmarked or uploaded online on Board's website www.ncbtrl.org by the 15th of the licensee's birth month.

(c) A licensee who is due for renewal and wants to submit required documentation received after the 15th of licensee's birth month shall be given a grace period until the 30th of the birth month. The grace period allows the NCBRTL Board to review submitted documentation and contact the licensee for any additional information and corrections. This grace period allows a licensee to make any required corrections before the 30th, when a license becomes lapsed. During a grace period, a licensee may attend conferences but must receive Board approval in order for the continuing education credits to count for licensee's current renewal documentation. Any licensee who applies to renew with a lapsed license (after the 30th) will be required to fill out a reinstatement application as stated in Rule .0701 of this Chapter.

(d) Each licensee shall complete and submit a renewal application, continuing education documentation and an updated color photo of the licensee, if the individual determines his or her appearance has changed since the last application. All materials shall be postmarked or submitted on his or her online profile on the Board website by the 15th of the licensee's birth month. If the renewal application and fee is not received or postmarked by the 15th of the licensee's birth month, the license shall expire on the 30th of licensee's birth month.

(e) First year licensees must complete a mandatory Compliance and Ethics Training offered by NCBRTL within their first year of issue date. Proof of attendance, given at training, must be included with Renewal application.

History Note: Authority G.S. 90C-24(a)(3); 90-29; Eff. January 1, 2007;

Amended Eff. March 1, 2016; May 1, 2013; October 1, 2009;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21, 2018;

Amended Eff. March 1, 2020.

21 NCAC 65 .0701 REINSTATEMENT OF LAPSED LICENSE

(a) A recreational therapist or a recreational therapy assistant whose license has lapsed and who desires reinstatement of that license shall:

- (1) Complete a reinstatement application form with current contact and employment information provided by the Board within 60 days of expiration;
- (2) Submit evidence of satisfaction of all court conditions resulting from any misdemeanor or felony conviction(s), if applicable;
- (3) Submit evidence of meeting education and competency requirements pursuant to Rule .0301 or Rule .0302 as applicable at the time of reinstatement;
- (4) Submit evidence of meeting continuing education requirements in accordance with Rule .0601; and
- (5) Submit payment of application fee and any missed Renewal or Maintenance licensure fees.

(b) Persons whose license is suspended for failure to renew must not practice recreational therapy and must not hold themselves out as licensed by the Board until they apply for and receive reinstatement of their license by the Board.

(c) The Board shall inform the applicant in writing of the Board's decision within 30 days after the application deadline and the Board finds the complete application shows the requirements have been met.

History Note: Authority G.S. 90C-24(a)(3); 90C-30;

Temporary Adoption Eff. December 1, 2005;

Eff. December 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21, 2018;

Amended Eff. March 1, 2020.

21 NCAC 65 .0801 INACTIVE STATUS

(a) A licensee shall request inactive status by completing the Inactive Status Request Form, that includes the licensee's contact information, the number of years requested, the reason for the request, and paying the fee set forth in Rule .0501 of this Chapter. The form is available through the Board or Board's website, www.ncbrtl.org.

(b) While on inactive status, an individual shall not practice recreational therapy in North Carolina.

(c) A Licensed Recreational Therapist or Licensed Recreational Therapy Assistant who has been on inactive status for a period of one year or less may convert to active status by:

- (1) Submission of a reinstatement application as set forth in Rule .0701 in this Chapter to the Board;
- (2) Completion of 10 continuing education hours, or the amount of hours as set forth in Rule .0601 in this Chapter for license renewal for a Licensed Recreational Therapist or Licensed Recreational Therapy Assistant; and
- (3) Payment of the license renewal fee.

(d) A Licensed Recreational Therapist or Licensed Recreational Therapy Assistant who has been on inactive status for a period greater than one year may convert to active status by:

- (1) Submission of a reinstatement application as set forth in Rule .0701 in this Chapter to the Board;
- (2) Completion of 10 continuing education hours per year of inactive status, or the amount of hours as set forth in Rule .0601 in this Chapter for license renewal; and
- (3) Payment of the current license renewal fee.

(e) A Licensed Recreational Therapist who has been on inactive status for a period greater than five years may convert to active status by:

- (1) Submission of a reinstatement application as set forth in Rule .0701 in this Chapter to the Board; and
- (2) Submission of proof of passage of the examination as set forth in Rule .0301 in this Chapter.

(f) The inactive request must be received by the Board on or before 15th of Licensee's birth month or due date.

History Note: Authority G.S. 90C-24(a)(3); 90C-31;

Temporary Adoption Eff. December 1, 2005;

Eff. December 1, 2006;

Amended Eff. March 1, 2016;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21, 2018;

Amended Eff. March 1, 2020.

21 NCAC 65 .0902 MILITARY ENDORSEMENT

(a) The military trained applicant for licensure by endorsement shall make application to the Board by showing his or her credentials are substantially equivalent or exceed the requirements for licensure, as set forth in Section .0300 of this Chapter.

(b) The application in Paragraph (a) of this Rule shall be accompanied by:

- (1) A color photograph;

- (2) Official college transcripts from all colleges attended;
- (3) Verification of passage of the Exam given by National Council for Therapeutic Recreation Certification;
- (4) Verification of military training as a MOS Recreational Therapist or MOS Recreational Therapy Assistant;
- (5) Verification of two years of active practice within the five years preceding the date of application as a MOS Recreational Therapist or MOS Recreational Therapy Assistant; and
- (6) A statement that the applicant has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.

(c) Applicants pursuant to G.S. 93B-15.1(a2) shall pass the Military Exemption MOS Recreational Therapy Examination given by the North Carolina Board of Recreational Therapy Licensure.

(d) A military spouse applicant for licensure by endorsement, who possesses a current license whose licensure requirements are substantially equivalent or exceed the requirements for licensure in North Carolina shall make application with and be evaluated by the Board as set forth in Section .0300 of this Chapter.

(e) The application in Paragraph (d) shall be accompanied by:

- (1) A color photograph;
- (2) Official college transcripts from all colleges attended;
- (3) Verification of current state license;
- (4) Verification of passage of the Exam given by National Council for Therapeutic Recreation Certification; and
- (5) A statement that the applicant has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.

*History Note: Authority G.S. 90C-27; 90C-33; 93B-15.1;
Eff. March 1, 2016;
Amended Eff. March 1, 2020.*

This Section contains information for the meeting of the Rules Review Commission April 16, 2020 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

April 16, 2020 May 21, 2020
June 18, 2020 July 16, 2020

AGENDA**RULES REVIEW COMMISSION****THURSDAY, APRIL 16, 2020 9:00 A.M.****1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 - A. Structural Pest Control Committee - 02 NCAC 34 .0302, .0309, .0328, .0331, .0501, .0502, .0503, .0504, .0505, .0506, .0602, .0703, .1206 (Snyder)
 - B. Department of Natural and Cultural Resources – 07 NCAC 13F .0202 (Reeder)
 - C. Board of Elections - 08 NCAC 10B .0103 (May)
 - D. Medical Care Commission - 10A NCAC 13F .0202, .0204, .0208, .0209, .0212; 13G .0202, .0204, .0208, .0209, .0212, .0213 (May)
 - E. Commission for the Blind - 10A NCAC 63C .0203, .0204, .0403, .0601 (Reeder)
 - F. Department of Insurance - 11 NCAC 04 .0418 (Snyder)
 - G. Department of Insurance - 11 NCAC 12 .0321, .0514, .1501, .1502, .1503, .1504, .1505, .1506, .1507, .1508, .1509, .1803 (Snyder)
 - H. Environmental Management Commission - 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 (May)
 - I. Sedimentation Control Commission - 15A NCAC 04C .0103, .0106 (Reeder)
 - J. Psychology Board - 21 NCAC 54 .2006, .2008 (May)
 - K. Building Code Council - Residential Code, N1106.2 (R406.2); Energy Conservation Code, R202; Energy Conservation Code R406.2 (Reeder)
- IV. Review of Log of Filings (Permanent Rules) for rules filed between February 21, 2020 through March 20, 2020
 - State Board of Elections (May)
 - Department of Insurance (Snyder)
 - Private Protective Services Board (Reeder)

- Marine Fisheries Commission (Snyder)
 - Wildlife Resources Commission (Snyder)
 - Auctioneer Licensing Board (Reeder)
 - Board of Physical Therapy Examiners (May)
 - Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors (Snyder)
 - Board of Examiners for Engineers and Surveyors (Reeder)
 - Appraisal Board (May)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
- Readoptions
- VII. Commission Business
- Next meeting: Thursday, May 21, 2020
-

**Commission Review
Log of Permanent Rule Filings
February 21, 2020 through March 20, 2020**

ELECTIONS, STATE BOARD OF

The rules in Chapter 21 are department rules concerning reporting (.0100) and noncompliance (.0200).

<u>Best Efforts</u>	08	NCAC	21	.0101
Adopt*				
<u>Reporting of Independent Expenditures</u>	08	NCAC	21	.0102
Adopt*				
<u>Reporting of Special Contributions</u>	08	NCAC	21	.0103
Adopt*				
<u>Reporting of Electioneering Communications</u>	08	NCAC	21	.0104
Adopt*				
<u>Federal Political Committee Reporting</u>	08	NCAC	21	.0105
Adopt*				
<u>Electronic Filing</u>	08	NCAC	21	.0106
Adopt*				
<u>Procedures for Political and Referendum Committees</u>	08	NCAC	21	.0201
Amend*				

INSURANCE, DEPARTMENT OF

The rules in Chapter 8 concern the engineering and building codes including the approval of school maintenance electricians (.0400); qualification board-limited certificate (.0500); qualification board-probationary certificate (.0600); qualification board-standard certificate (.0700); disciplinary actions and other contested matters (.0800); manufactured housing board (.0900); NC Home Inspector Licensure Board (.1000); home inspector standards of practice and code of ethics (.1100); disciplinary actions (.1200); home inspector continuing education (.1300); Manufactured Housing Board continuing education (.1400); and alternate designs and construction appeals (.1500).

<u>Building Code Publications: General Information</u>	11	NCAC	08	.0203
Readopt with Changes*				

PRIVATE PROTECTIVE SERVICES BOARD

The rules in Chapter 16 are from the Private Protective Services Board and cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard patrol and guard dog service (.0300); private investigator: electronic countermeasures (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery fund (.1000); training and supervision for private investigator associates (.1100); continuing education (.1300); and armed armored car service guards firearm registration permit (.1400).

<u>Purpose</u>	14B	NCAC	16	.0101
Readopt without Changes*				
<u>Location</u>	14B	NCAC	16	.0102
Readopt without Changes*				
<u>Definitions</u>	14B	NCAC	16	.0103
Readopt without Changes*				
<u>Uniforms and Equipment</u>	14B	NCAC	16	.0104
Readopt without Changes*				
<u>Prohibited Acts</u>	14B	NCAC	16	.0105
Readopt without Changes*				
<u>Disciplinary Actions</u>	14B	NCAC	16	.0106
Readopt without Changes*				
<u>Law Enforcement Officers Special Provisions</u>	14B	NCAC	16	.0107
Readopt without Changes*				
<u>Records</u>	14B	NCAC	16	.0108
Readopt without Changes*				
<u>Rulemaking and Administrative Hearing Procedures</u>	14B	NCAC	16	.0109
Readopt without Changes*				
<u>Change of Address or Telephone Number</u>	14B	NCAC	16	.0111
Readopt without Changes*				
<u>Suspension of Authority to Expend Funds</u>	14B	NCAC	16	.0112
Readopt without Changes*				
<u>Involvement in Administrative Hearing</u>	14B	NCAC	16	.0113
Readopt without Changes*				
<u>Determination of Experience</u>	14B	NCAC	16	.0204
Readopt without Changes*				
<u>Experience Requirements/Security Guard and Patrol License</u>	14B	NCAC	16	.0301
Readopt without Changes*				
<u>Experience Requirements for Guard Dog Service License</u>	14B	NCAC	16	.0302
Readopt without Changes*				
<u>Experience Requirements for a Private Investigator License</u>	14B	NCAC	16	.0401
Readopt without Changes*				
<u>Experience Requirements for a Counterintelligence License</u>	14B	NCAC	16	.0402
Readopt without Changes*				
<u>Trainee Permit Requirements</u>	14B	NCAC	16	.0403
Readopt without Changes*				
<u>Reports</u>	14B	NCAC	16	.0404
Readopt without Changes*				
<u>Private Investigator's Use of a Badge</u>	14B	NCAC	16	.0405
Readopt without Changes*				
<u>Experience Requirements for a Polygraph License</u>	14B	NCAC	16	.0501
Readopt without Changes*				
<u>Polygraph Examination Requirements</u>	14B	NCAC	16	.0503

Readopt without Changes*				
<u>Polygraph Instruments</u>	14B	NCAC	16	.0504
Readopt without Changes*				
<u>Experience Requirements for a Psychological Stress Evalua...</u>	14B	NCAC	16	.0601
Readopt without Changes*				
<u>P.S.E. Examination Requirements</u>	14B	NCAC	16	.0602
Readopt without Changes*				
<u>P.S.E. Instruments</u>	14B	NCAC	16	.0603
Readopt without Changes*				
<u>Minimum Standards for Unarmed Security Guard Registration</u>	14B	NCAC	16	.0703
Readopt without Changes*				
<u>Investigation for Unarmed Security Guard Registration</u>	14B	NCAC	16	.0704
Readopt without Changes*				
<u>Training Requirements for Unarmed Security Guards</u>	14B	NCAC	16	.0707
Readopt without Changes*				
<u>Minimum Stds/Armed Security Guard Firearm Registration Pe...</u>	14B	NCAC	16	.0803
Readopt without Changes*				

MARINE FISHERIES COMMISSION

The rules in Subchapter 3M cover harvesting of finfish including general rules (.0100); striped bass (.0200); mackerel (.0300); menhaden and Atlantic herring (.0400); and other finfish (.0500).

<u>Tarpon</u>	15A	NCAC	03M	.0509
Readopt with Changes*				

The rules in Subchapter 3O cover various licenses (.0100); leases and franchises (.0200); license appeal procedures (.0300); Standard Commercial Fishing License Eligibility Board (.0400); and licenses, leases and franchises (.0500).

<u>License and Commercial Fishing Vessel Registration Transfers</u>	15A	NCAC	03O	.0108
Readopt with Changes*				

WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), and tagging furs (.0400).

<u>Big Game Harvest Reports</u>	15A	NCAC	10B	.0113
Readopt with Changes*				
<u>Prohibited Taking and Manner of Take</u>	15A	NCAC	10B	.0201
Amend*				
<u>Deer (White Tailed)</u>	15A	NCAC	10B	.0203
Amend*				
<u>American Alligator</u>	15A	NCAC	10B	.0224
Amend*				
<u>Bullfrogs</u>	15A	NCAC	10B	.0226
Adopt*				

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish (.0300); non-game fish (.0400); primary nursery areas (.0500); and anadromous fish spawning areas (.0600).

<u>Public Mountain Trout Waters</u>	15A	NCAC	10C	.0205
Amend*				

<u>Transportation of Live Fish</u> Amend*	15A	NCAC	10C	.0209
<u>Possession of Certain Fishes</u> Amend*	15A	NCAC	10C	.0211
<u>Inland Game Fishes Designated</u> Readopt with Changes*	15A	NCAC	10C	.0301
<u>Largemouth Bass</u> Amend*	15A	NCAC	10C	.0305
<u>Crappie</u> Amend*	15A	NCAC	10C	.0306
<u>Kokanee Salmon</u> Readopt with Changes*	15A	NCAC	10C	.0308
<u>Striped Bass</u> Amend*	15A	NCAC	10C	.0314
<u>Trout</u> Amend*	15A	NCAC	10C	.0316
<u>Smallmouth Bass</u> Adopt*	15A	NCAC	10C	.0321
<u>Alabama Bass and Spotted Bass</u> Adopt*	15A	NCAC	10C	.0322
<u>Redeye Bass</u> Adopt*	15A	NCAC	10C	.0323
<u>Catfish</u> Adopt*	15A	NCAC	10C	.0324
<u>Manner of Taking Nongame Fishes</u> Amend*	15A	NCAC	10C	.0401

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10D are game lands rules.

<u>General Regulations Regarding Use</u> Amend*	15A	NCAC	10D	.0102
<u>Hunting on Game Lands</u> Amend*	15A	NCAC	10D	.0103
<u>Possession and Removal of Animals, Plants and Materials</u> Amend*	15A	NCAC	10D	.0105

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Montgomery County</u> Amend*	15A	NCAC	10F	.0327
<u>Currituck County</u> Amend*	15A	NCAC	10F	.0340

AUCTIONEER LICENSING BOARD

The rules in Subchapter 4B are from the Auctioneer Licensing Board including organization and general provisions (.0100); application for license (.0200); examinations (.0300); licensing (.0400); schools of auctioneering (.0500); general auctioneering (.0600); recovery fund (.0700) and continuing education (.0800).

<u>Purpose</u> Readopt with Changes*	21	NCAC	04B	.0101
<u>Board Office</u>	21	NCAC	04B	.0102

Readopt with Changes*				
<u>Definitions</u>	21	NCAC	04B	.0103
Readopt with Changes*				
<u>Administrative Law Procedures</u>	21	NCAC	04B	.0104
Readopt with Changes*				
<u>Application Forms</u>	21	NCAC	04B	.0201
Readopt with Changes*				
<u>Filing and Fees</u>	21	NCAC	04B	.0202
Readopt with Changes*				
<u>Extensions for Members of the Armed Forces</u>	21	NCAC	04B	.0203
<u>Adopt*</u>				
<u>Subject Matter</u>	21	NCAC	04B	.0301
Readopt with Changes*				
<u>Re-Examination/Refund of Fees</u>	21	NCAC	04B	.0302
Readopt with Changes*				
<u>Exam: Review: Papers and Content</u>	21	NCAC	04B	.0303
Readopt with Changes*				
<u>License Number: Display of License and Pocket Card</u>	21	NCAC	04B	.0401
Readopt with Changes*				
<u>License Renewal</u>	21	NCAC	04B	.0402
Readopt with Changes*				
<u>Apprentice Auctioneer License</u>	21	NCAC	04B	.0403
Readopt with Changes*				
<u>Grounds for License Denial or Discipline</u>	21	NCAC	04B	.0404
Readopt with Changes*				
<u>Involvement in Court Action or Administrative Hearing</u>	21	NCAC	04B	.0405
Readopt with Changes*				
<u>Application for Course Approval</u>	21	NCAC	04B	.0501
Readopt with Changes*				
<u>Requirements for Approval/Minimum Standards</u>	21	NCAC	04B	.0502
Readopt with Changes*				
<u>Certification of Course Completion</u>	21	NCAC	04B	.0503
Readopt with Changes*				
<u>Records Must Be Maintained</u>	21	NCAC	04B	.0504
Readopt with Changes*				
<u>Grounds for Approval, Suspension, or Revocation</u>	21	NCAC	04B	.0505
Readopt with Changes*				
<u>Allowing Unlicensed Bid Callers: Exception</u>	21	NCAC	04B	.0506
Readopt with Changes*				
<u>Change of Address or Business Name or Ownership</u>	21	NCAC	04B	.0601
Readopt with Changes*				
<u>Advertising</u>	21	NCAC	04B	.0602
Readopt with Changes*				
<u>Sale Proceeds, Accounting and Escrow Accounts</u>	21	NCAC	04B	.0603
Readopt with Changes*				
<u>Contracts, Consignment Records, Sales Records, and Bidder...</u>	21	NCAC	04B	.0604
Readopt with Changes*				
<u>Bidding</u>	21	NCAC	04B	.0605
Readopt with Changes*				
<u>Auction Firms</u>	21	NCAC	04B	.0606
Readopt with Changes*				
<u>Sole Proprietor Auction Businesses</u>	21	NCAC	04B	.0607

Readopt with Changes*				
<u>Applications</u>	21	NCAC	04B	.0701
Readopt without Changes*				
<u>Continuing Education Course</u>	21	NCAC	04B	.0801
Readopt with Changes*				
<u>Application for Original Approval</u>	21	NCAC	04B	.0802
Readopt with Changes*				
<u>Student Fee for Courses</u>	21	NCAC	04B	.0803
Readopt with Changes*				
<u>Approval of Continuing Education Instructors</u>	21	NCAC	04B	.0804
Readopt with Changes*				
<u>Sponsor Requirements</u>	21	NCAC	04B	.0805
Readopt with Changes*				
<u>Course Completion Reporting</u>	21	NCAC	04B	.0806
Readopt with Changes*				
<u>Change in Ownership and Other Information</u>	21	NCAC	04B	.0807
Readopt with Changes*				
<u>Course Records</u>	21	NCAC	04B	.0808
Readopt with Changes*				
<u>Renewal of Course and Sponsor Approval</u>	21	NCAC	04B	.0809
Readopt with Changes*				
<u>Denial or Withdrawal of Approval</u>	21	NCAC	04B	.0810
Readopt with Changes*				
<u>Minimum Class Size</u>	21	NCAC	04B	.0811
Readopt/Repeal*				
<u>Scheduling and Notice of Scheduled Courses</u>	21	NCAC	04B	.0812
Readopt with Changes*				
<u>Advertising; Providing Course Information</u>	21	NCAC	04B	.0813
Readopt with Changes*				
<u>Conduct of Classes</u>	21	NCAC	04B	.0814
Readopt with Changes*				
<u>Instructor Conduct and Performance</u>	21	NCAC	04B	.0815
Readopt with Changes*				
<u>Monitoring Attendance</u>	21	NCAC	04B	.0816
Readopt with Changes*				
<u>Student Participation Standards</u>	21	NCAC	04B	.0817
Readopt with Changes*				
<u>Additional Sponsor Requirements</u>	21	NCAC	04B	.0818
Readopt with Changes*				
<u>Alternative Compliance</u>	21	NCAC	04B	.0819
Readopt with Changes*				

PHYSICAL THERAPY EXAMINERS, BOARD OF

The rules in Subchapter 48B concern types of licenses.

<u>Licenses by Endorsement</u>	21	NCAC	48B	.0102
Amend*				
<u>Licenses by Examination</u>	21	NCAC	48B	.0103
Amend*				

The rules in Subchapter 48D concern examinations.

<u>Schedule and Location of Examination</u> Amend*	21	NCAC	48D	.0102
The rules in Subchapter 48E deal with the requirements for application for licensure (.0100).				
<u>Filing Application</u> Amend*	21	NCAC	48E	.0101
<u>Foreign-Trained Physical Therapist Applicant by Examination</u> Amend*	21	NCAC	48E	.0110
<u>Foreign-Trained Physical Therapist Applicant by Endorsement</u> Amend*	21	NCAC	48E	.0111
<u>Foreign-Trained Physical Therapist Assistant Endorsement ...</u> Amend*	21	NCAC	48E	.0112
<u>Foreign-Trained Physical Therapist Assistant Exam Applicant</u> Adopt*	21	NCAC	48E	.0510
The rules in Subchapter 48G concern retention of license including licensure renewal (.0100); lapsed licenses (.0200); refusal to renew or grant license suspension or revocation (.0300); probation or warning (.0400); contested case hearings (.0500); and disciplinary action (.0600).				
<u>Continuing Competence Activities</u> Amend*	21	NCAC	48G	.0109
<u>Notification</u> Amend*	21	NCAC	48G	.0202
<u>Complaints and Investigations</u> Amend*	21	NCAC	48G	.0504

PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, BOARD OF EXAMINERS OF

The rules in Chapter 50 are from the Plumbing, Heating and Fire Sprinkler Contractors including rules about organization (.0100); forms (.0200); examinations (.0300); general procedures (.0400); policy statements and interpretative rules (.0500); contested cases (.1000); fees (.1100); petitions for rules (.1200); declaratory rulings (.1300); and continuing education (.1400).

<u>Qualifications Determined by Examination</u> Amend*	21	NCAC	50	.0301
<u>Applications: Issuance of License</u> Amend*	21	NCAC	50	.0306
<u>Responsibilities of State and Local Government Technician...</u> Amend*	21	NCAC	50	.0313
<u>Private Educational Institution Plumbing or Heating Techn...</u> Adopt*	21	NCAC	50	.0314
<u>Responsibilities of Private Educational Institution Techn...</u> Adopt*	21	NCAC	50	.0315
<u>Residential Fire Sprinkler Design Contractor License</u> Adopt*	21	NCAC	50	.0316
<u>Residential Fire Sprinkler Design Contractor Licensees</u> Adopt*	21	NCAC	50	.0317
<u>Multiple Licenses</u> Amend*	21	NCAC	50	.0405
<u>Corporations, Partnerships and Trade Names</u> Amend*	21	NCAC	50	.0407
<u>Change of Trade Name</u> Amend*	21	NCAC	50	.0408
<u>General Supervision and Standard of Competence</u>	21	NCAC	50	.0505

Amend*				
<u>Residential Fire Sprinkler Design License</u>	21	NCAC	50	.0519
Adopt*				
<u>Examination Fees</u>	21	NCAC	50	.1101
Amend*				
<u>License Fees</u>	21	NCAC	50	.1102
Amend*				
<u>Petition for Predetermination</u>	21	NCAC	50	.1106
Adopt*				

ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR

The rules in Chapter 56 concern the organization of the board (.0100); instructional programs (.0300); records and reports of the board, retention and dispositions (.0400); professional engineer (.0500); professional land surveyor (.0600); rules of professional conduct (.0700); firm registration (.0800); general business entities (.0900); temporary permit (.1000); seal (.1100); rulemaking proceedings (.1200); board disciplinary procedures (.1300); contested cases (.1400); fees (.1500); standards of practice for land surveying in North Carolina (.1600); and continuing professional competency (.1700).

<u>Disbursement of Funds</u>	21	NCAC	56	.0303
Amend*				
<u>Suspension of Authority to Expend Funds</u>	21	NCAC	56	.0304
Adopt*				
<u>Requirements for Licensing</u>	21	NCAC	56	.0501
Amend*				
<u>Examinations</u>	21	NCAC	56	.0503
Amend*				
<u>Requirements for Licensing</u>	21	NCAC	56	.0601
Amend*				
<u>Examinations</u>	21	NCAC	56	.0603
Amend*				
<u>Annual Renewal and 30-Day Reporting of Violations and Cha...</u>	21	NCAC	56	.0804
Amend*				
<u>Business Titles</u>	21	NCAC	56	.0902
Amend*				
<u>Improper Practice by a Licensee</u>	21	NCAC	56	.1301
Amend*				
<u>Unlawful Practice by and Unlicensed Person</u>	21	NCAC	56	.1302
Amend*				
<u>Notice of Contemplated Board Action to Applicant: Request...</u>	21	NCAC	56	.1403
Amend*				
<u>Classification of Boundary Surveys</u>	21	NCAC	56	.1603
Amend*				
<u>Mapping Requirements for Boundary Surveys</u>	21	NCAC	56	.1604
Amend*				
<u>Global Positioning Systems Surveys</u>	21	NCAC	56	.1607
Amend*				

APPRAISAL BOARD

The rules in Subchapter 57A cover licensing, certification and practice rules for appraisers including application procedures (.0100); licensing and certification (.0200); examination (.0300); general practice requirements (.0400); appraisal standards (.0500); and experience credit (.0600).

<u>Qualifications for Trainee Registration and Appraiser Lic...</u> Amend*	21	NCAC	57A	.0201
<u>Temporary Practice</u> Amend*	21	NCAC	57A	.0210
<u>Applicants Certified in Another State</u> Amend*	21	NCAC	57A	.0211
<u>Time and Place</u> Amend*	21	NCAC	57A	.0301
<u>Subject Matter and Passing Scores</u> Repeal*	21	NCAC	57A	.0302
<u>Examination Review</u> Repeal*	21	NCAC	57A	.0306
<u>Change of Name or Address</u> Amend*	21	NCAC	57A	.0404
<u>Supervision of Trainees</u> Amend*	21	NCAC	57A	.0407
<u>Appraisal Management Companies</u> Amend*	21	NCAC	57A	.0410
<u>Experience Credit to Upgrade</u> Amend*	21	NCAC	57A	.0601

The rules in Subchapter 57B cover real estate appraisal education including the courses required for licensure or certification (.0100); course sponsor standards for pre-licensing or pre-certification courses (.0200); pre-licensing and pre-certification course standards (.0300); course sponsor fees (.0400); fees for private real estate appraisal education schools (.0500); and continuing education course standards (.0600).

<u>Registered Trainee Course Requirements</u> Amend*	21	NCAC	57B	.0101
<u>Licensed Residential and Certified Residential Real Estat...</u> Repeal*	21	NCAC	57B	.0102
<u>Certified General Real Estate Appraiser Course Requirements</u> Repeal*	21	NCAC	57B	.0103
<u>Course Content</u> Amend*	21	NCAC	57B	.0302
<u>Course Scheduling</u> Amend*	21	NCAC	57B	.0304
<u>Instructor Requirements</u> Amend*	21	NCAC	57B	.0306
<u>Criteria for Course Recognition</u> Amend*	21	NCAC	57B	.0307
<u>Course Operational Requirements</u> Amend*	21	NCAC	57B	.0606
<u>Payment of Fee Required by G.S. 93E-1-7(b1)</u> Amend*	21	NCAC	57B	.0613
<u>Instructors for the Trainee/Supervisor Course Required by...</u> Amend*	21	NCAC	57B	.0614

The rules in Subchapter 57C concern administrative law procedures including appraisal board hearings (.0100); petitions for rules (.0200); rule-making (.0300); and declaratory rulings (.0400).

<u>Form of Complaints and Other Pleadings</u> Amend*	21	NCAC	57C	.0101
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The rules in Subchapter 57D concern appraisal management companies including application for appraisal management registration (.0100); appraisal management company registration (.0200); appraisal management company procedures (.0300); and appraisal management company general practices (.0400).

Form
Amend*

21 NCAC 57D .0101

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

Selina Malherbe
J. Randolph Ward
Stacey Bawtinheimer
Tenisha Jacobs

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>Published</u>			
19	BOE	01535	1/7/2020; 1/14/2020	The People for Rev. Joseph L Irving	v.	State Board of Elections and Ethics Enforcement	May
19	BOE	02435	1/24/2020	Robert Jameson	v.	NC State Board of Elections	Ward
19	DHR	00943	5/21/2019; 1/9/2020	Central Family Care Home Dr Thelma B Brown	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Overby
19	DHR	02817	1/16/2020	Perkins Professional Daycare Inc	v.	Department of Health and Human Services	May
19	DHR	05406	1/28/2020	New Horizon Group Home LLC	v.	NC Department of Health and Human Services, Division of Social Services	Lassiter
19	DOJ	00322	1/27/2020	Kenneth M Tanguay	v.	North Carolina Criminal Justice Education and Training Standards Commission	Lassiter
19	DOJ	01621	1/23/2020	Matthew Bounds	v.	NC Sheriffs Education and Training Standards Commission	Sutton
19	DOJ	01622	1/30/2020	Joshua Orion David	v.	NC Sheriffs Education and Training Standards Commission	Ward
19	DOJ	02498	1/23/2020	Justin T Combs	v.	NC Sheriffs Education and Training Standards Commission	Sutton
19	DOJ	02985	1/6/2020	Thomas Council	v.	NC Sheriffs Education and Training Standards Commission	Overby
19	DOJ	03862	1/21/2020	Andre D Green Sr	v.	NC Sheriffs Education and Training Standards Commission	Bawtinheimer
19	INS	02486	1/3/2020	Candace Heer	v.	State Health Plan	May
19	INS	03891	1/13/2020	Donna Thomas Tedder	v.	North Carolina State Health Care Plan	Bawtinheimer

CONTESTED CASE DECISIONS

18	OSP	02258	1/6/2020	Jodette Dorene Hall	v.	North Carolina Department of Public Safety	Bawtinhimer
19	OSP	03469	1/27/2020	Alejandro Asbun	v.	North Carolina Department of Health and Human Services	Jacobs
19	OSP	03472	11/18/2019; 1/2/2020	Rex A Draughon	v.	NCDPS Adult Corrections and Juvenile Justice	Overby
19	OSP	04414	1/29/2020	Tiffany Efird	v.	NC DOT/ DMV	Bawtinhimer
				Unpublished			
19	BAR	06047	1/13/2020	Kelvin D Exum	v.	The North Carolina State Bar	Overby
19	BOE	04976	1/10/2020	Barbara Dantonio	v.	NC State Board of Elections	Ward
19	CPS	03805	1/7/2020	Christene Callihan	v.	Crime Victims Compensation Commission	Lassiter
19	CPS	05739	1/7/2020	Larry Richard Moore	v.	Public Safety operating as North Carolina State Highway Patrol	Sutton
19	CPS	06274	1/16/2020	Courtney King	v.	NC Crime Victims Comp Commission	Malherbe
19	CSE	03117	1/2/2020	Andrelle Wiley	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
19	CSE	05599	1/16/2020	Eron Thomas	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Culpepper
19	CSE	05671	1/7/2020	Tesha M Mangum	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Malherbe
19	CSE	05693	1/23/2020	Ascencion Escamilla Rodriguez	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
19	CSE	05799	1/16/2020	Charles Pettus	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Culpepper
19	CSE	05856	1/30/2020	Antonio Mock	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
19	CSE	05921	1/13/2020	Damian D Liles	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Services	Sutton
19	CSE	05928	1/23/2020	Allyson Lucia Chavis	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	May
19	CSE	05963	1/30/2020	Dwain Evans	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
19	CSE	05971	1/14/2020	Thomas A Miller	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Service	Sutton
19	CSE	06058	1/16/2020	Lincoln Hardrick	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Culpepper
19	CSE	06122	1/15/2020	Gregory E Dwyer	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward

CONTESTED CASE DECISIONS

19	CSE	06127	1/13/2020	Claude Sanders	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Malherbe
19	CSE	06330	1/14/2020	Christine L Barnes	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
19	CSE	06606	1/22/2020	Michael T Holloway	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Services	Bawtinhimer
19	DCS	04290	1/10/2020	Lynetta J Givens	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Malherbe
19	DHR	04623	1/28/2020	Loretta Buckley Malakie	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Sutton
19	DHR	05200	1/3/2020	Antonio Ray Davis	v.	Department of Health and Human Services, Division of Health Service Regulation	Ward
19	DHR	05205	1/10/2020	Onslow Pines Rest Home	v.	NC Dept of Health and Human Services (DHHS)	Mann
19	DHR	05871	1/17/2020	LifeQuest Disabilities Services Inc Jane Williams	v.	Trillium Health Resources	Lassiter
19	DHR	05911	1/22/2020	Teketa Pemberton	v.	DHHS	May
19	DHR	05962	1/22/2020	Nicole Richardson	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Mann
19	DHR	06006	1/7/2020	Lalee Lee	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Sutton
19	DHR	06383	1/7/2020	Lewis E Williams	v.	DHHS Ms Lisa G Corbett General Counsel	Bawtinhimer
19	DHR	06419	1/29/2020	Gaston Residential Services Inc	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Malherbe
19	DHR	06446	1/21/2020	Kiayanis Harris	v.	North Carolina Department of Health and Human Services, Division of Child Development and Early Education	Malherbe
19	DHR	06567	1/23/2020	Sylvia Corry	v.	NC Department of Health and Human Services, Division of Child Development and Early Education	Malherbe
19	DHR	06942	1/30/2020	Valerie R Davis	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Malherbe
19	DOJ	02330	1/2/2020	Demonte Dominique Shaw	v.	NC Private Protective Services Board	Bawtinhimer
19	DST	05116	1/17/2020	Michael Bagala A/K/A Bernard C Wijesingha	v.	State Treasurer of North Carolina, Retirement Systems Division	Jacobs
19	OSP	05895	1/28/2020	Charles A Wooten	v.	Cherry Hospital 1403 W Ash St Goldsboro NC (DHHS)	Overby