

# ***NORTH CAROLINA REGISTER***

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**April 15, 2020**

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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 <sup>th</sup> 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
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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

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

## **EXPLANATION OF THE PUBLICATION SCHEDULE**

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

### **GENERAL**

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

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

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

### **FILING DEADLINES**

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

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

### **NOTICE OF TEXT**

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

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

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



# State of North Carolina

**ROY COOPER**  
GOVERNOR

March 14, 2020

## EXECUTIVE ORDER NO. 117

### PROHIBITING MASS GATHERINGS AND DIRECTING THE STATEWIDE CLOSURE OF K-12 PUBLIC SCHOOLS TO LIMIT THE SPREAD OF COVID-19

**WHEREAS**, the undersigned issued Executive Order No. 116 on March 10, 2020, which declares a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

**WHEREAS**, the undersigned established the Novel Coronavirus Task Force on COVID-19 to work with state, local, and federal partners in responding to challenges posed by COVID-19; and

**WHEREAS**, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

**WHEREAS**, on March 11, 2020, the President of the United States took executive action to restrict travel from Europe into the United States of America; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020; and

**WHEREAS**, the North Carolina Department of Health and Human Services ("NCDHHS") confirmed the number of cases of COVID-19 in North Carolina continues to rise; and

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; 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**, 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**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, has the power to regulate and control 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**, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 outbreak, reduce the number of people infected, and avoid strain on our health care system; 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. Prohibition of Mass Gatherings**

Pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), which allows for the undersigned to regulate and control the congregation of persons in public places or buildings and with the concurrence of the Council of State, to help protect the health and well-being of North Carolinians, I hereby prohibit mass gatherings in the State of North Carolina.

- a. A mass gathering is defined as any event or convening that brings together more than one hundred (100) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space. This includes parades, fairs and festivals.
- b. A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where more than one hundred (100) persons are gathered. It also does not include office environments, restaurants, factories, grocery stores or other retail establishments.
- c. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provision of this section shall be enforced by state and local law enforcement officers.
- d. Violations of this section or orders issued pursuant to N.C. Gen. Stat. § 166A-19.30 may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

**Section 2. School Closures**

- a. Pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) which allows the undersigned to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, and with the concurrence of the Council of State, I hereby direct that all public schools close for students effective Monday, March 16, 2020 until March 30, 2020, unless extended beyond that date.
- b. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), I hereby direct NCDHHS, the North Carolina Department of Public Instruction, and the North Carolina State Board of Education to immediately work together to implement measures to provide for the health, nutrition, safety, educational needs and well-being of children during the school closure period.

**Section 3. Social Distancing**

In coordination with the State Health Director and alignment with guidance from the Centers for Disease Control and Prevention, all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible and to continue to wash hands, utilize hand sanitizer and practice proper respiratory etiquette (including coughing into elbow).

**Section 4. 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 the North Carolina Department of Public Safety, 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 5. Effective Date**

With the exception of section 2, this Executive Order is effective immediately and shall remain in effect for thirty (30) days or until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

**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 14<sup>th</sup> day of March in the year of our Lord two thousand and twenty.



Roy Cooper  
Governor

ATTEST:



Elaine F. Marshall  
Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

MARCH 17, 2020

**EXECUTIVE ORDER NO. 118**

**LIMITING OPERATIONS OF RESTAURANTS AND BARS AND BROADENING  
UNEMPLOYMENT INSURANCE BENEFITS IN RESPONSE TO COVID-19**

**WHEREAS**, the undersigned issued Executive Order No. 116 on March 10, 2020 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

**WHEREAS**, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency, retroactive to March 1, 2020; and

**WHEREAS**, on March 14, 2020, the undersigned issued Executive Order No. 117 which prohibited mass gatherings of more than one hundred (100) people in the State of North Carolina and closed K-12 public schools to limit the spread of COVID-19; and

**WHEREAS**, on March 15, 2020, the Centers for Disease Control ("CDC") updated their guidance for large events and mass gatherings, and recommended that for the next eight (8) weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of fifty (50) people or more throughout the United States; and

**WHEREAS**, on March 16, 2020, the White House issued new guidelines called The President's Coronavirus Guidelines for America -- 15 Days to Slow the Spread of Coronavirus (COVID-19), calling on people to "avoid social gatherings in groups of more than ten (10) people"; and

**WHEREAS**, the undersigned, pursuant to Section 401 of the Stafford Act is requesting a major disaster declaration from the United States Federal Government; and



**WHEREAS**, the North Carolina Department of Health and Human Services (“NCDHHS”) confirmed that the number of cases of COVID-19 in North Carolina continues to rise; and

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, the Governor has established the Novel Coronavirus Task Force on COVID-19 to work with state, local, and federal partners in responding to challenges posed by COVID-19; 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**, COVID-19 has caused and will continue to cause substantial economic disruption in North Carolina, including disruptions to employees and employers; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, the Governor, Secretary of Public Safety, and Director of Emergency Management have the authority to act under N.C. Gen. Stat. §§ 166A-19.10, 166A-19.12, and 166A-19.30(a)-(b); and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(4) gives the Governor the authority to “cooperate and coordinate” with the President of the United States; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set “the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease”; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the Governor has the power to “give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this article”; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 130A-145(a), the State Health Director has the power to exercise quarantine and isolation authority when the public health is endangered; and

**WHEREAS**, quarantine authority is defined by N.C. Gen. Stat. § 130A-2(7a) to mean the authority to issue an order to limit the freedom of movement or action of persons or animals which have been exposed to or are reasonably suspected of having been exposed to a communicable disease or communicable condition for a period of time as may be necessary to prevent the spread of that disease; and

**WHEREAS**, under N.C. Gen. Stat. § 130A-2(3), an “imminent hazard” is defined as a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken; and

**WHEREAS**, under N.C. Gen. Stat. § 130A-20(a), if the Secretary of Health and Human Service determines that an imminent hazard exists, the Secretary may order the owner, lessee, operator, or other person in control of the property to abate the imminent hazard; and

**WHEREAS**, quarantine authority is defined by N.C. Gen. Stat. § 130A-2(7a) to also mean the authority to issue an order to limit access by any person or animal to an area or facility that may be contaminated with an infection agent; and

**WHEREAS**, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 outbreak, protect our most vulnerable, and avoid strain on our health care system; and

**WHEREAS**, the undersigned has sought and obtained the necessary concurrence from the Council of State consistent with the Governor's emergency powers authority in N.C. Gen. Stat. § 166A-19.30(b) for Sections 2 and 3 of this Order, and reserves the right to act under N.C. Stat. §§ 166A-19.10 and 166A-19.30(a).

**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. Limiting the Sale of Food and Beverages, to Carry-Out, Drive-Through, and Delivery Only.**

- (a) Pursuant to the following authorities, the Governor, in consultation and at the recommendation of the state Secretary of Health and Human Services, the State Emergency Management Director, and the State Health Director, orders the following limitations on the sale of food and beverages to carry-out, drive-through, and delivery only:
  - (i) Per N.C. Gen. Stat. §§ 166A-19.30(c),-19.31(b)(2), the Governor has authority to restrict or prohibit the operation of business establishments and other place to or from which people may travel or at which they may congregate;
  - (ii) Per N.C. Gen. Stat. § 166A-19.10(b)(4), giving the Governor authority to “cooperate and coordinate” with the President of the United States, who issued guidelines directing the reduction of the congregating of persons to no more than ten (10) people the President’s Coronavirus Guidelines for America, March 16, 2020, and this Order is cooperating therewith;
  - (iii) Per N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set “the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease,” and the Emergency Management Director and State Health Director having done so, have recommended the Governor order the actions identified in this Section;
  - (iv) Per N.C. Gen. Stat. § 130A-20(a), the Secretary has determined an imminent hazard exists and that entities subject to this Section must limit the sale of food and beverages to carry-out, drive-through, and delivery only in order to abate the hazard, and has issued an order of abatement dated March 17, 2020;
  - (v) Per N.C. Gen. Stat. § 130A-145(a), the State Health Director is exercising quarantine and isolation authority to limit access to facilities that sell food and beverage to carry-out, drive-through and delivery services only.
  - (vi) Per N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the Governor has the power to “give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this article that restaurants are restricted to carry-out, drive-through, delivery, and onsite consumption in outdoor seating areas, subject to mass gathering restrictions to create an environment where staff and patrons maintain social distancing (at least 6 feet from other people) whenever possible. Bars are directed to close. These restrictions are effective as of 5:00pm, Tuesday, March 17, 2020 until March 31, 2020, or until this Order is rescinded or replaced.
- (b) For the purposes of this Order, restaurants are defined as permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food, including but not limited to, restaurants, cafeterias, food halls, dining halls, food kiosks at airports and shopping centers, or educational institutions, (“food courts”), as well as private or members-only clubs where food and beverages are permitted to be consumed on premises.

- (c) For purposes of this Order, bars are defined as establishments that are not restaurants and that have a permit to sell alcoholic beverages for onsite consumption, under N.C. Gen. Stat. § 18B-1001.
- (d) This Order does not direct the closure of retail beverage venues that currently provide for the sale of beer, wine, and liquor for off-site consumption only. It also does not require the closure of production operations at breweries, wineries, or distilleries.
- (e) This Order does not affect grocery stores, pharmacies, convenience stores, gas stations and charitable food distribution sites to the extent they sell or distribute prepared food. However, sit-down food or beverage service within these facilities is prohibited.
- (f) If the Alcoholic Beverage Control Commission “ABC Commission” identifies other state laws, regulations, and policies that may affect bars, restaurants, and other dining establishments identified in this Section, it is directed to inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the ABC Commission may interpret flexibly, modify, or waive those state laws, regulations and policies, as appropriate, and to the maximum extent permitted under applicable state and federal law, to effectuate the purposes of this Order.
- (g) In light of this Executive Order, Executive Order No. 117 Section 1(b) (March 14, 2020) is revised as follows:

“A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers. It also does not include office environments, factories, grocery stores, and child care centers.”

These locations or facilities, however, are subject to the dine-in food and beverage restrictions listed in this Order.

#### **Section 2. Unemployment Insurance Policy Related to COVID-19**

The undersigned has sought and obtained the necessary concurrence from the Council of State consistent with the Governor’s emergency powers authority in N.C. Gen. Stat. § 166A-19.30 (b), and reserves the right to act under N.C. Stat. §§ 166A-19.10 and 166A-19.30(a).

The Department of Commerce, through the Secretary of Commerce and Assistant Secretary of the Division of Employment Security, is directed to ensure that individuals who, as a result of COVID-19, are separated from employment, have had their hours of employment reduced, or are prevented from working due to a medical condition caused by COVID-19 or due to communicable disease control measures, shall be eligible for unemployment benefits to the maximum extent permitted by federal law. For purposes of this Executive Order, communicable disease control measures shall include quarantine or isolation directives or orders related to COVID-19 issued by the State of North Carolina, the federal government, a local governmental entity, or a medical or public health professional.

#### **Section 3. Unemployment Insurance Changes**

- (a) To provide the necessary unemployment benefits to those affected by COVID-19, the Department of Commerce is authorized, to the maximum extent permitted under federal law, and for so long as the Declaration of a State of Emergency regarding COVID-19, dated March 10, 2020, remains in place, to interpret flexibly or waive, as appropriate, the following:
  - i. the one-week waiting period for benefits (N.C. Gen. Stat. § 96-14.1(b));
  - ii. the able to work and available to work requirements (N.C. Gen. Stat. § 96-14.9(b));
  - iii. the work search requirements (N.C. Gen. Stat. § 96-14.9(b));
  - iv. the actively seeking work requirements (N.C. Gen. Stat. § 96-14.9(e)); and
  - v. the “lack of work” requirement of the unemployed provisions of N.C. Gen. Stat. § 96-15.01(b)(2)(a).

- (b) The Department of Commerce is further directed not to allocate charges to employers' accounts for individuals who are paid benefits for reasons related to COVID-19 (N.C. Gen. Stat. § 96-11.2 and 96-11.3(b)). The Department of Commerce shall separately account for these expenditures so that the State of North Carolina can seek reimbursement from the federal government.
- (c) If the Department of Commerce identifies other state laws, regulations, and policies that may inhibit the fair and timely distribution of unemployment benefits to those affected by COVID-19, it is directed to inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the Department of Commerce may interpret flexibly, modify, or waive those state laws, regulations, and policies, as appropriate, to the maximum extent permitted under applicable federal law to effectuate the purposes of this Order.
- (d) The Department of Commerce is ordered to postpone all mandatory in-person contact with individuals seeking unemployment benefits, including but not limited to the Employability Assessment Interview, as long as the State of Emergency for COVID-19 remains in effect. The Department of Commerce is further ordered to provide reasonable means for the filing of initial claims and weekly certifications, including both telephone and internet access.

**Section 4. Enforcement**

- (a) Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Order shall be enforced by state and local law enforcement officers.
- (b) Violations of this Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

**Section 5. Effective Date**

Section 1 of this Executive Order is effective as of 5:00 pm, Tuesday, March 17, 2020 through March 31, 2020. The remainder of this Executive Order is effective immediately and shall remain in effect until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

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 17<sup>th</sup> day of March in the year of our Lord two thousand and twenty.

  
\_\_\_\_\_  
Roy Cooper  
Governor

ATTEST:

  
\_\_\_\_\_  
Rodney S. Maddox  
Chief Deputy Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

March 20, 2020

**EXECUTIVE ORDER NO. 119**

**FACILITATING CRITICAL MOTOR VEHICLE OPERATIONS AND DELEGATING  
AUTHORITY TO THE SECRETARY OF THE DEPARTMENT OF HEALTH AND  
HUMAN SERVICES TO WAIVE REGULATIONS IN ORDER TO EXPAND ACCESS  
TO CHILD CARE AND SUPPORT LOCAL HEALTH DEPARTMENTS**

**WHEREAS**, the undersigned issued Executive Order No. 116 on March 10, 2020 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

**WHEREAS**, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency beginning March 1, 2020; and

**WHEREAS**, on March 14, 2020, the undersigned issued Executive Order No. 117 which prohibited mass gatherings to no more than one hundred (100) people in the State of North Carolina and closed K-12 public schools to limit the spread of COVID-19; and

**WHEREAS**, on March 17, 2020, the undersigned issued Executive Order No. 118 which limited operations of restaurants and bars and broadened unemployment insurance benefits in response to COVID-19; and

**WHEREAS**, the North Carolina Department of Health and Human Services ("NCDHHS") confirmed the number of cases of COVID-19 in North Carolina continues to rise and has lab documentation of community spread; and

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, as a result of Executive Order No. 117 providers of health care, emergency medical services, law enforcement, and many other services may be in need of child care for their school-aged children due to the closure of schools; and

**WHEREAS**, as a result of the COVID-19 pandemic, providers of health care, emergency medical services, law enforcement, and other services may be in need of child care for children ages 0-5 in the event their child care providers cease service; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(3) the undersigned, is authorized and empowered to delegate any authority vested in the Governor under this Article and to provide for the subdelegation of any such authority; 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**, to expand capacity for child care services, it will be necessary to suspend certain State child care regulations; and

**WHEREAS**, to support local health departments on the front lines of responding to the COVID-19 pandemic, it will be necessary to waive certain local health department regulations; and

**WHEREAS**, it is necessary to protect the public health, welfare and safety to waive and suspend the effects of certain regulations regarding child care and local health departments; and

**WHEREAS**, the Division of Motor Vehicles operates 115 offices across the state with the primary purpose of examining applicants and issuing driver licenses to the general public and that these "Driver License Offices" serve thousands of residents on a daily basis; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 pandemic, treat those affected by COVID-19 and avoid strain on our health care system; 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. Delegation of Authority**

With the concurrence of the Council of State, N.C. Gen. Stat. § 166A-19.30(b)(4) provides authority for the undersigned to waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering.

Pursuant to N.C. Gen. Stat. § 166A-19.10(b)(3), which allows the undersigned to delegate any authority vested in the Governor under this Article and to provide for the subdelegation of any such authority, I hereby delegate my authority to waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4) as follows:

1. The Secretary of NCDHHS may, upon finding that the waiver will provide necessary relief to child care facilities and families responding to the COVID-19 pandemic and will not endanger the public health, welfare, or safety, waive the effect and enforcement of any or all of the provisions within the following regulations:
  - i. Chapter 09 of Title 10A of the North Carolina Administration Code – Child Care Rules.
  - ii. Chapter 10 of Title 10A of the North Carolina Administrative Code – Subsidized Child Care.
2. The Secretary of NCDHHS may, upon finding that the waiver will provide necessary relief to local health departments responding to the COVID-19 pandemic and will not endanger public health, waive local health department mandated services requirements under 10A NCAC 46 Section .0200 and extend the time period for public health nurses to complete training sponsored by NCDHHS under 10A NCAC 46 .0301(2)(b).
3. Upon subdelegation of authority from the Secretary of NCDHHS, the Local Health Department Accreditation Board may, upon finding that the waiver will provide necessary relief to local health departments responding to the COVID-19 pandemic and will not endanger public health, waive the accreditation scheduling requirements of 10A NCAC 48A .0205 and grant an extension of accreditation of no more than twelve (12) months.

While this Executive Order is in effect, upon a finding by the Secretary or Local Health Department Accreditation Board that such requirement is necessary, the Secretary or Local Health Department Accreditation Board may exercise this delegated or subdelegated authority as appropriate. Actions taken consistent with the delegation or subdelegation of the authority granted in this Section shall be reported to the Office of the Governor.

#### **Section 2. Access to Child Care for Essential Personnel**

North Carolina has a critical need to support first responders, hospital staff, front-line healthcare providers, nursing and adult group home staff, child care program staff, food service staff, emergency management workers, public safety officers and others working to keep communities safe and healthy during the COVID-19 pandemic, as well as care for their children and those children who are homeless or in unstable or unsafe living arrangements. Recognizing that childcare is an essential service for these priority groups during this time, I hereby encourage communities across the State in counties, cities and municipalities to support the continued operation of child care facilities for children of all ages.

#### **Section 3. Motor Vehicles**

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), I hereby order the Commissioner of the Division of Motor Vehicles (“DMV”) take the following actions to protect the general public and limit the spread of COVID-19:

- a. Limit services at all Driver License Offices to appointment only.
- b. Encourage all customers to limit appointments to those services unavailable online.
- c. Close to the public all Driver License Offices that are of insufficient size to maintain social distancing, that are insufficiently staffed to operate on an appointment-only basis, or that are otherwise unable to maintain normal operations due to the COVID-19 pandemic.
- d. To the extent practicable, expand service hours at those Driver License Offices that remain in operation during this State of Emergency.
- e. Discontinue mobile services through the duration of the State of Emergency.
- f. Postpone all DMV-related hearings not required by statute to be held within a set number of days for a period of sixty days.



- g. Suspend all road tests for applicants seeking learner's permits, provisional driver licenses, or unrestricted Class C licenses until such a time as it is determined that such tests can be conducted with minimal risk of transmission of COVID-19. DMV, to the extent practicable, shall continue to conduct road tests for Class A and Class B licenses and for those applicants who must complete a road test due to a medical restriction.

#### **Section 4. Waiver of Certain Registration Requirements**

In addition to the previous relief provided in Executive Order No. 116 to vehicles throughout the Emergency Area involved in transporting medical supplies and other equipment in support of the Plan or other efforts to the public health threat posed by COVID-19, and pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4) with the concurrence of the Council of State, I hereby waive the enforcement of the registration requirements of N.C. Gen. Stat. § 20-86.1 and any related regulations in Chapter 3 of Title 19A of the North Carolina Administrative Code, including but not limited to 19A NCAC 03E .0400 to the extent it requires vehicles' immediate compliance with the International Registration Plan for the duration of the State of Emergency declared in Executive Order No. 116.

#### **Section 5. Waiver of Certain CDL Renewal Requirements for School Bus Operators**

To ensure the continued operation of school and activity buses and the transport of medical supplies, essentials in commerce, transporting essential fuels, food, water, and other supplies and equipment in support of the Plan and other efforts to address the public health threat posed by COVID-19, the Division of Motor Vehicles and the Department of Public Safety ("DPS"), to the maximum extent permitted under state and federal law, to interpret flexibly, or waive enforcement of N.C. Gen. Stat. § 20-7(f) as it pertains to the renewal of commercial driver's licenses for school bus drivers and activity bus drivers who hold a commercial driver license with both "S" (school bus) and "P" (passenger) endorsements and who are assisting or seeking to assist with emergency-related activities.

#### **Section 6. Amending Sections 5 and 6 of Executive Order No. 116**

Executive Order No. 116 Sections 5 and 6, are amended as follows:

##### **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, essential fuels, food, water, and other supplies and 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, transporting essential fuels, food, water, 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, essential fuels, food, water, 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. 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 the North Carolina Department of Public Safety, 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 this; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

**Section 8. Effective Date**

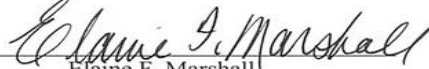
This Executive Order is effective immediately and shall remain in effect for a period of thirty (30) days or until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order. Any orders issued by the Secretary of Health and Human Services and the Local Health Department Accreditation Board consistent with the authority delegated or subdelegated in this Executive Order shall remain in effect until the date such waiver ends, unless the authority is explicitly rescinded or superseded by another applicable Executive Order, regardless of whether this Order remains in effect or State of Emergency is lifted.

**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 20<sup>th</sup> day of March in the year of our Lord two thousand and twenty.



Roy Cooper  
Governor

**ATTEST:**



Elaine F. Marshall  
Secretary of State





# State of North Carolina

**ROY COOPER**  
GOVERNOR

March 23, 2020

**EXECUTIVE ORDER NO. 120**

**ADDITIONAL LIMITATIONS ON MASS GATHERINGS, RESTRICTIONS ON  
VENUES AND LONG TERM CARE FACILITIES, AND EXTENSION OF SCHOOL  
CLOSURE DATE**

**WHEREAS**, the undersigned issued Executive Order No. 116 on March 10, 2020, which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

**WHEREAS**, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency beginning March 1, 2020; and

**WHEREAS**, on March 14, 2020, the undersigned issued Executive Order No. 117, which prohibited mass gatherings to no more than one hundred (100) people in the State of North Carolina and closed K-12 public schools to limit the spread of COVID-19; and

**WHEREAS**, on March 17, 2020, the undersigned issued Executive Order No. 118, which limited operations of restaurants and bars and broadened unemployment insurance benefits in response to COVID-19; and

**WHEREAS**, on March 20, 2020, the undersigned issued Executive Order No. 119, which provides provisions to improve access to childcare and helps facilitate critical motor vehicle operations; and

**WHEREAS**, the North Carolina Department of Health and Human Services ("NCDHHS") confirmed the number of cases of COVID-19 in North Carolina continues to rise and has lab documentation of community spread; and

**WHEREAS**, on March 13, 2020, NCDHHS issued a document entitled “Recommendations on Visitation in Long Term Care Facilities to Reduce Risk of Transmission of COVID-19” urging limitations on visitors at long term care facilities in the state to help limit the spread of COVID-19 among at-risk populations; and

**WHEREAS**, NCDHHS has now recommended that increased measures are required to control the spread of COVID-19 in long term care settings; and

**WHEREAS**, needed control cannot be imposed locally because local authorities in some jurisdictions have not enacted appropriate ordinances or issued appropriate declarations as authorized by N.C. Gen. Stat. § 166A-19.31; and

**WHEREAS**, the area in which the emergency exists has spread across local jurisdictional boundaries, and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

**WHEREAS**, the area subject to the COVID-19 emergency is statewide, covering the jurisdictions of multiple city, county and tribal governments, thus making legal control measures difficult to coordinate and severely hampering efforts to protect life and property; and

**WHEREAS**, the undersigned has determined that local control measures for the emergency, taken alone, are insufficient to assure adequate protection for lives and property because the scale of the COVID-19 emergency is so great that it exceeds the capability of local government officials to cope with it; and

**WHEREAS**, the undersigned has determined that the measures identified below are necessary for the purpose of taking care that North Carolinians health, safety, and welfare are protected in accordance with the laws of the state; and

**WHEREAS**, further action is necessary to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 pandemic, reduce the number of people infected, avoid strain on our healthcare system, and to address adverse economic impacts that will lead to additional human suffering upon individuals adversely impacted by the COVID-19 pandemic; and

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c) during a gubernatorially declared state of emergency, the undersigned determined that local control of the emergency is insufficient to assure adequate protection for lives and property because the area in which the emergency exists has spread across local jurisdictional boundaries; and the legal control measures are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

**WHEREAS**, based upon the findings above, N.C. Gen. Stat. §§ 166A-19.31(b)(1), (b)(2), and (b)(5) authorizes the Governor to prohibit or restrict the operation of business establishments, the congregation of people as well as the movement of people in public places and take other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency

**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. Mass Gathering**

For the reasons and pursuant to the authority set forth above:

- a. Executive Order No. 117 § 1 is amended as follows:
  1. A mass gathering is defined as any event or convening that brings together more than fifty (50) persons in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs and festivals.
  2. A mass gathering does not include normal operations at airports, bus and train stations, medical facilities, shopping malls and centers. It also does not include office environments, factories, grocery stores, and child care facilities.
  3. Pursuant to N.C. Gen. Stat. §§ 166A-19.30(a)(2) and 19.30(c), the provision of this section shall be enforced by state and local law enforcement officers.
- b. In addition to the restrictions on mass gatherings identified in Executive Order No. 117 § 1, entertainment facilities without a retail or dining component are ordered to close at 5:00 pm on Wednesday, March 25, 2020, though any retail or dining component may operate within that establishment solely for that purpose. Any dining facilities may operate only within the restrictions for restaurants as set out in Executive Order No. 118. These facilities include, but are not limited to, the following types of business:
  - Bingo Parlors, including Bingo sites operated by charitable organizations
  - Bowling Alleys
  - Indoor Exercise Facilities (e.g. gyms, yoga studios, martial arts facilities, indoor trampoline and rock climbing facilities)
  - Health Clubs
  - Indoor/ Outdoor Pools
  - Live Performance Venues
  - Movie Theaters
  - Skating Rinks
  - Spas
  - Gaming and business establishments which allow gaming activities (e.g. video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement)
- c. In addition, because the ability to practice the social distancing necessary to reasonably protect against COVID-19 is significantly reduced in certain establishments where individuals are in close proximity for extended periods of time, or service personnel are in direct contact with clients, personal care and grooming businesses, including but not limited to the following, are also ordered to close:
  - Barber Shops
  - Beauty Salons (including waxing and hair removal centers)
  - Hair Salons
  - Nail Salons/Manicure/Pedicure Providers
  - Massage Parlors
  - Tattoo Parlors
- d. Violations of this section or orders issued pursuant to N.C. Gen. Stat. § 166A-19.30 may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d) and are punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.

**Section 2. Mandatory Local Government Operations**

- a. Consistent with my authority under N.C. Gen. Stat. §§ 166A-19.30(c)(1) and (c)(2), and to the extent that local government functions are required under state and federal law, I hereby direct the appropriate local government agencies and officials to continue to exercise their responsibilities, including but not limited to local county Department of Social Services

of Social Services ("DSS") offices, Health Departments, Registers of Deeds, and other local government functions that are required to protect lives and property.

- b. Notwithstanding Section (a) of this Section, local government must take appropriate precautions to maintain the health of the general public and their employees who are required to perform their official duties in a manner that brings them in contact with the general public by putting in place appropriate public health measures, such as social distancing, use of reasonable personal protective equipment, and offering reasonable accommodations to employees who provide services to the public with consideration for their health.

**Section 3. Long Term Care Visitation Limitations**

- a. Long term care facilities shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, for example, an end-of-life situation.
- b. This restriction does not include essential health care personnel.
- c. For purposes of this Executive Order only, long term care facilities include all of the following:
  - i. Skilled nursing facilities;
  - ii. Adult care homes;
  - iii. Family care homes;
  - iv. Mental health group homes; and
  - v. Intermediate care facilities for individuals with intellectual disabilities.

**Section 4. Continued School Closure**

For the reasons and pursuant to the authority set forth above:

Executive Order No. 117 § 2 is amended as follows:

I hereby direct that all public schools close for students effective Monday, March 16, 2020, as set forth in Executive Order No. 117, through Friday, May 15, 2020, unless extended beyond that date.

**Section 5. Effective Date**

This Executive Order is effective at 5:00 pm Wednesday, March 25, 2020, and shall remain in effect for thirty (30) days unless rescinded or superseded by another applicable Executive Order. Section 4 of this Executive Order is effective Monday, March 16, 2020, as set forth in Executive Order No. 117, through Friday, May 15, 2020. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

**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 23<sup>rd</sup> day of March in the year of our Lord two thousand and twenty.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State



**\*UPDATE\*:** In the abundance of caution, to address protective measures to help prevent the spread of COVID-19, the Department of Environmental Quality, Division of Air Quality (DAQ), is providing notice to extend the comment period to May 8, 2020 and schedule a digital public hearing on the adoption of the *Control of Emissions from Log Fumigation Operations* rule and the amendment of the *Toxic Air Pollutant Guidelines* rule. The public hearing will be held via Cisco's WebEx teleconferencing service instead of an in-person meeting. DAQ will also be receiving public comments until May 8, 2020 on the accompanying revised fiscal note for the proposed rule adoption and amendment.

#### **Rescheduled Public Hearing for the Control of Emissions from Log Fumigation Operations Rule**

**\*UPDATE\*:** In the abundance of caution, to address protective measures to help prevent the spread of COVID-19, the Department of Environmental Quality, Division of Air Quality (DAQ), is providing notice to extend the comment period to May 8, 2020 and rescheduling the public hearing initially scheduled for March 17, 2020 and March 18, 2020, which were cancelled due to Covid-19 social distancing concerns, and is now rescheduled as a digital public hearing to receive comment on the adoption of the *Control of Emissions from Log Fumigation Operations* rule, the amendment of the *Toxic Air Pollutant Guidelines* rule, and the accompanying fiscal note. The public hearing will be held via Cisco's WebEx teleconferencing service instead of an in-person meeting.

#### **Rescheduled Public Hearing for the Control of Emissions from Log Fumigation Operations Rule**

Purpose: To receive comments on the adoption of 15A NCAC 02D .0546, *Control of Emissions from Log Fumigation Operations*, the amendment of 15A NCAC 02D .1104, *Toxic Air Pollutant Guidelines*, and on the accompanying fiscal note.

Background: On January 9, 2020, the Environmental Management Commission (EMC) approved proceeding to public comment on the adoption of the *Control of Emissions from Log Fumigation Operations* rule and the amendment of the *Toxic Air Pollutant Guidelines* rule and revised fiscal note.

The original public notice and description of the rules were previously published in *North Carolina Register Volume 33, Issue 24*.

**Comment Period Duration:** Monday, February 3, 2020 – Friday, May 8, 2020

The date and time of the digital public hearing is:

Monday May 4, 2020, 6:00 P.M.

Participants can join the meeting starting at 5:45 P.M.

WebEx link: <https://ncdenrits.webex.com/ncdenrits/onstage/g.php?MTID=e296a5f2baee634a3b0baca4710cad625>

Meeting number (access code): 614 804 792

Meeting password: NCDAQ

*\*If you wish to speak at the digital public hearing, you must register, provide the required information, and follow instructions on ways to join the public hearing. Registration must be completed by 12:00 pm on May 4, 2020. To register, please click the following link:*

<https://forms.office.com/Pages/ResponsePage.aspx?id=31F2etC5mkSFw-zCbNftGcdRQfzEdNdMhe982T18CERUNEhBWDFOOVBKUUDVVFBCMDFGTFhBMkMwUi4u>

*\*For instructions on ways to join the public hearing, please refer to the following link:*

<https://files.nc.gov/ncdeq/Air%20Quality/rules/hearing/instructions-on-ways-to-join-webex.pdf>

*\*If you have technical difficulties, the following automated voicemail has been setup to receive your verbal comments: 919-707-8430.*

You can also submit comments via any of the methods below:

Email: [daq.publiccomments@ncdenr.gov](mailto:daq.publiccomments@ncdenr.gov) (Please type "**Revised Log Fumigation Rule**" in the subject line)

Postal Mail: Rule Development Branch Supervisor

NC Division of Air Quality

1641 Mail Service Center

Raleigh, NC 27699-1641

Fax: (919) 715-0717 (Please address it to "Rule Development Branch Supervisor".)

Voicemail: 919-707-8430 (Please state your name and any affiliation before commenting.)

More information on the public hearing, including 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 08 – STATE BOARD OF ELECTIONS

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to adopt the rule cited as 08 NCAC 21 .0301.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
[www.ncsbe.gov](http://www.ncsbe.gov)

**Proposed Effective Date:** August 1, 2020

**Public Hearing:**

**Date:** April 30, 2020

**Time:** 1:00 p.m.

**Location:** This hearing will take place via web conference. Please register to attend and/or speak using the following link: <https://attendee.gotowebinar.com/register/5569341261116421134>. After registering, you will receive a confirmation email containing information about joining the webinar.

**Reason for Proposed Action:** In accordance with G.S. 150B-20 and 08 NCAC 15 .0101, Bob Hall, a registered voter and resident of Orange County, submitted a rulemaking petition to the State Board of Elections on January 23, 2020. The petition requested that the State Board engage in rulemaking to adopt a new rule limiting candidate expenditures under G.S. 163-278.16B. The petition proposed a prohibition on the use of candidate committee funds to purchase, lease, rent or reimburse the candidate for residential real property that is owned directly or indirectly by the candidate or a member of the candidate's family.

The State Board choose to grant the petition on March 20, 2020. At that same meeting, the State Board voted to submit the proposed text of 08 NCAC 21 .0301 to the Office of Administrative Hearings for publication in the North Carolina Register and to transmit the same to all interested parties for public comment from April 15, 2020 to June 15, 2020.

**Comments may be submitted to:** Rulemaking Coordinator, P.O. Box 27255, Raleigh, NC 27611-7255; email [rules@ncsbe.gov](mailto:rules@ncsbe.gov)

**Comment period ends:** June 15, 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

## SECTION .0300 – RULE SECTION NOT FOUND

### 08 NCAC 21 .0301 EXPENDITURES FOR RESIDENTIAL REAL PROPERTY

(a) An expenditure does not result from the campaign for public office or result from holding public office under G.S. 163-278.16B if the purpose of the expenditure is to purchase, lease, rent, or make mortgage payments on residential real property that is owned, either directly or indirectly, by the candidate or officeholder, or a member of the candidate's or officeholder's family, even if a portion of the residence is used for the campaign or holding office.

(b) For the purpose of this rule, "family" includes a candidate's or officeholder's spouse, children, parents, brothers, or sisters.

Authority G.S. 163-278.16B; 163-278.21.

## TITLE 11 – DEPARTMENT OF INSURANCE

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Industrial Commission intends to amend the rules cited as 11 NCAC 23A .0108, .0109, .0302; 23B .0104, .0105; 23L .0101-.0103, and .0105.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ic.nc.gov/efilingandotheramendments.html>

**Proposed Effective Date:** August 1, 2020

**Public Hearing:**

**Date:** May 6, 2020

**Time:** 2:00 p.m.

**Location:** Teleconference Line#: 1-888-363-4735; Access Code#: 4465746

**Reason for Proposed Action:** *The Industrial Commission (hereinafter "Commission") has deemed it necessary to amend the rules cited as 11 NCAC 23A .0108, .0109, and .0302, 11 NCAC 23B .0104 and .0105, and 11 NCAC 23L .0101, .0102, .0103, and .0105 in order to enable the most efficient processing and handling of the filings made in workers' compensation and State tort claims within the Commission's case management system. The proposed amendments to 11 NCAC 23A .0108 and 11 NCAC 23B .0104 also make these rules more consistent with the statutes, the NC Rules of Appellate Procedure, and the terms and conditions that govern appeals in ordinary civil cases with regard to Notices of Appeal to the NC Court of Appeals. The proposed amendments to 11 NCAC 23L .0101, .0102, and .0103 also make the notices on the forms that are the subject of these rules consistent with the proposed changes to 11 NCAC 23A .0408 and .0501, which were published in the January 15, 2020 North Carolina Register. (Please note that the proposed amendments to 11 NCAC 23L .0103 that were published in the January 15, 2020 North Carolina Register have been italicized in the version of 11 NCAC 23L .0103 that is attached to this Notice of Text).*

**Comments may be submitted to:** Gina Cammarano, 1240 Mail Service Center, Raleigh, NC 27699-1240; phone (919) 807-2524; email gina.cammarano@ic.nc.gov

**Comment period ends:** June 15, 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 23 - INDUSTRIAL COMMISSION

### SUBCHAPTER 23A - WORKERS' COMPENSATION RULES

## SECTION .0100 - ADMINISTRATION

### 11 NCAC 23A .0108 ELECTRONIC FILINGS WITH THE COMMISSION; HOW TO FILE

(a) All documents filed with the Commission in workers' compensation cases shall be submitted electronically in accordance with this Rule. Any document transmitted to the Commission in a manner not in accordance with this Rule shall not be accepted for filing. Any document filed with the Commission that requires contemporaneous payment of a processing fee pursuant to Rule 11 NCAC 23E .0203 shall not be deemed filed until the fee has been paid in full. The electronic filing requirements of this Rule shall not apply to ~~employees, medical providers, employees~~ or non-insured employers without legal representation. ~~Employees, medical providers, Employees~~ and non-insured employers without legal representation may file all documents with the Commission via the Commission's Electronic Document Filing Portal ("~~EDFP~~", ("~~EDFP~~") or by sending the documents to the Clerk of the Industrial Commission via electronic mail, mail (dockets@ic.nc.gov), facsimile, U.S. Mail, private courier service, or hand delivery.

(b) Except as set forth in Paragraphs (d) and (e) of this Rule, all documents required to be submitted electronically to the Commission shall be filed transmitted to the Commission via EDPF. Information regarding how to ~~register for and~~ use EDPF is available at <http://www.ic.nc.gov/training.html>. In the event EDPF is inoperable, all documents required to be filed via EDPF shall be transmitted to the Commission via electronic mail to edfp@ic.nc.gov. Documents required to be filed via EDPF that are sent to the Commission via electronic mail when EDPF is operable shall not be accepted for filing.

(c) Transcripts of depositions shall be filed with the Commission pursuant to this Rule by the court reporting service. Transcripts filed with the Commission shall have only one page of text per page and shall include all exhibits. The parties shall provide the Commission's court reporting service with the information necessary to effectuate filing of the deposition transcripts and attached exhibits via EDPF. If an exhibit to a deposition is in a form that makes submission of an electronic copy impracticable, counsel for the party offering the exhibit shall make arrangements with the Commission to facilitate the submission of the exhibit. Condensed transcripts and paper copies of deposition transcripts shall not be accepted for filing.

(d) A Form 19 shall be filed as the first report of injury (FROI) via electronic data interchange (EDI), except in claims involving non-insured ~~employers employers, or~~ in claims for lung disease, in claims with multiple employers or multiple carriers, or in claims with six-character IC file numbers, in which case the Form 19 shall be filed electronically via EDPF to forms@ic.nc.gov, by mail to 1235 Mail Service Center, Raleigh, North Carolina 27699-1235, or as otherwise permitted pursuant to Paragraph (a) of this Rule. Information regarding how to register for and use EDI is available at [www.ncicedi.info](http://www.ncicedi.info).

(e) ~~The workers' compensation forms and documents listed in Table 1 shall not be required to be transmitted via EDPF provided all applicable qualifying conditions are met.~~



Table 1: Forms and documents exempt from EDFP filing requirements and how to file them:

DOCUMENT	QUALIFYING CONDITION(S)	HOW TO FILE
Form 18	No IC file number has been assigned	Electronically to forms@ic.nc.gov, by mail to 1235 Mail Service Center, Raleigh, North Carolina 27699 1235, or as otherwise permitted pursuant to Paragraph (a) of this Rule
Form 18B	Always exempt from EDFP filing requirement	Electronically to forms@ic.nc.gov, by mail to 1235 Mail Service Center, Raleigh, North Carolina 27699 1235, or as otherwise permitted pursuant to Paragraph (a) of this Rule
Form 51	Always exempt from EDFP filing requirement	Electronically to forms@ic.nc.gov
Plaintiff's _____ Attorney Representation Letter	No IC file number has been assigned	Electronically to forms@ic.nc.gov
Documents to be filed with the Commission's Compliance & Fraud Investigative Division	Always exempt from EDFP filing requirement	Electronically _____ to fraudecomplaints@ic.nc.gov or as otherwise permitted pursuant to Paragraph (a) of this Rule
Documents to be filed with the Commission's Medical Fees Section	Always exempt from EDFP filing requirement	Electronically _____ to medicalfees@ic.nc.gov or as otherwise permitted pursuant to Paragraph (a) of this Rule
Documents to be filed with the Commission's Safety Education & Training Section	Always exempt from EDFP filing requirement	Electronically to safety@ic.nc.gov or as otherwise permitted pursuant to Paragraph (a) of this Rule
A Form 25N to be filed with the Commission's _____ Medical Rehabilitation Nurses Section	No IC file number has been assigned	Electronically to 25N@ic.nc.gov
Rehabilitation referrals to be filed with the Commission's Medical Rehabilitation Nurses Section	No IC file number has been assigned	Electronically _____ to rehab.referrals@ic.nc.gov

(e) Documents to be filed with the Criminal Investigations & Employee Classification Division regarding fraud complaints shall be submitted electronically to fraudecomplaints@ic.nc.gov. Documents to be filed with the Criminal Investigations & Employee Classification Division regarding employee misclassification shall be submitted electronically to emp.classification@ic.nc.gov. Safety rules to be filed with the Commission under 11 NCAC 23A .0411 shall be submitted electronically to safety@ic.nc.gov.

(f) A self-insured employer, carrier or guaranty association, third-party administrator, court reporting service, medical provider, or law firm may apply to the Commission for an emergency temporary waiver of the electronic filing requirement set forth in Paragraph (a) of this Rule when it is unable to comply because of temporary technical problems or lack of electronic mail or internet

access. The request for an emergency temporary waiver shall be included with any filing submitted via facsimile, U.S. Mail, or hand delivery due to such temporary technical or access issues.

(g) A Notice of Appeal to the North Carolina Court of Appeals shall be accepted for filing by the Commission via ~~EDFP or U.S. Mail. EDFP, U.S. Mail, hand delivery, or any other means~~ allowed by the Rules of Appellate Procedure or applicable statutes governing appeals from the General Courts of Justice. Notwithstanding the foregoing, employees and non-insured employers without legal representation may file all documents with the Commission as provided in Paragraph (a) of this Rule.

Authority G.S. 97-80; 97-81; 97-86.

**11 NCAC 23A .0109 CONTACT INFORMATION**

(a) "Contact information" for purposes of this Rule shall include telephone number, facsimile number, email address, and mailing address.

(b) All attorneys of record with matters before the Commission shall inform the Commission ~~in writing~~ of any change in the attorney's contact information via ~~email to dockets@ic.nc.gov~~ the Commission's Electronic Document Filing Portal ("EDFP").

(c) All unrepresented persons or entities with matters before the Commission shall inform the Commission upon any change to their contact information in the following manner:

- (1) All employees who are not represented by counsel shall inform the Commission of any change in contact information by filing a written notice via EDFP, ~~the Commission's Electronic Document Filing Portal ("EDFP")~~, email to forms@ic.nc.gov, facsimile, U.S. Mail, private courier service, or hand delivery.
- (2) All non-insured employers that are not represented by counsel shall inform the Commission of any change in contact information by filing a written notice via EDPF, email to dockets@ic.nc.gov, facsimile, U.S. Mail, private courier service, or hand delivery.

Authority G.S. 97-80.

**SECTION .0300 - INSURANCE**

**11 NCAC 23A .0302 REQUIRED CONTACT INFORMATION FROM CARRIERS**

All insurance carriers, third party administrators, and self-insured employers shall designate a primary contact person for workers' compensation issues in North Carolina and shall maintain and provide annually on July 1 to the Director of Claims Administration of the Commission via the Commission's

Electronic Document Filing Portal ("EDFP") email—at rule302@ic.nc.gov, the primary contact person's current contact information, including direct telephone and facsimile numbers, mailing addresses, and email addresses. Contact information shall be updated within 30 days of any change.

Authority G.S. 97-80(a); 97-94.

**SUBCHAPTER 23B – TORT CLAIMS RULES**

**SECTION .0100 – ADMINISTRATION**

**11 NCAC 23B .0104 ELECTRONIC FILINGS WITH THE COMMISSION; HOW TO FILE**

(a) All filings to the Commission in tort claims shall be submitted electronically in accordance with this Rule. Any document transmitted to the Commission in a manner not in accordance with this Rule shall not be accepted for filing. Plaintiffs without legal representation may file all documents with the Office of the Clerk of the Commission via the Commission's Electronic Document Filing Portal ~~(EDFP)~~, ("EDFP") or by sending the documents to the Clerk of the Industrial Commission via electronic mail, mail (dockets@ic.nc.gov), facsimile, U.S. Mail, private courier service, or hand delivery.

(b) ~~Except as set forth in Paragraph (c) of this Rule, all documents shall be transmitted to the Commission via EDPF.~~ Information regarding how to register for and use EDPF is available at <http://www.ic.nc.gov/training.html>. In the event EDPF is inoperable, all documents required to be filed via EDPF shall be transmitted to the Commission via electronic mail to edfp@ic.nc.gov. Documents required to be filed via EDPF that are sent to the Commission via electronic mail when EDPF is operable shall not be accepted for filing.

~~(c) The tort claims forms and documents listed in Table 1 shall not be required to be transmitted via EDPF provided all applicable qualifying conditions are met.~~

Table 1: Forms and documents exempt from EDPF filing requirements and how to file them:

DOCUMENT	QUALIFYING CONDITION(S)	HOW TO FILE
Form T 1	No IC file number has been assigned	Hand delivery to the Industrial Commission's main office or by mail to 1236 Mail Service Center, Raleigh, North Carolina 27699-1236.
Form T 3	No IC file number has been assigned	Email to dockets@ic.nc.gov, hand delivery to the Industrial Commission's main office, or by mail to 1236 Mail Service Center, Raleigh, North Carolina; 27699-1236
Pre affidavit motion under Rule 9(j)(3) of the Rules of Civil Procedure to extend the Statute of Limitations.	No IC file number has been assigned.	Hand delivery to the Industrial Commission's main office or by mail to 1236 Mail Service Center, Raleigh, North Carolina 27699-1236.

~~(d) A one year waiver shall be granted to an attorney who notifies the Commission of the attorney's inability to comply with the electronic filing requirements in Paragraph (a) of this Rule due to a lack of the necessary internet technology resources. The notification shall indicate why the attorney is unable to comply with the rule and outline the attorney's plan for coming into compliance within the one year period. The notification shall be filed with the Office of the Clerk of the Commission via facsimile or U.S. Mail. This Paragraph shall expire one year from the effective date of this Rule.~~

~~(c)(e) Any party may apply to the Commission for an emergency temporary waiver of the electronic filing requirement set forth in Paragraph (a) of this Rule if it is unable to comply because of temporary technical problems or lack of electronic mail or internet access. The request for an emergency temporary waiver shall be included with any filing submitted via facsimile, U.S. Mail, or hand delivery due to such temporary technical or access issues.~~

~~(d)(f) A Notice of Appeal to the North Carolina Court of Appeals shall be accepted for filing by the Commission via EDPF or U.S. Mail. EDPF, U.S. Mail, hand delivery, or any other means allowed by the Rules of Appellate Procedure or applicable statutes governing appeals from the General Courts of Justice. Notwithstanding the foregoing, plaintiffs without legal representation may file all documents with the Commission as provided in Paragraph (a) of this Rule.~~

*Authority G.S. 143-291; 143-291.2; 143-293; 143-297; 143-300.*

## **11 NCAC 23B .0105 CONTACT INFORMATION**

(a) "Contact information" for purposes of this Rule shall include telephone number, facsimile number, email address, and mailing address.

(b) All persons or entities without legal representation who have matters pending before the Commission shall advise the Commission upon any change in contact information by filing a written notice via the Commission's Electronic Document Filing Portal ("EDFP"), electronic mail, mail (dockets@ic.nc.gov), facsimile, U.S. Mail, private courier service, or hand delivery.

(c) A plaintiff without legal representation who was an inmate in the North Carolina Division of Adult Corrections at the time of filing his or her tort claim, shall, within thirty (30) days of release, provide the Commission with written notice of his or her post-release contact information in any manner authorized in Paragraph (b) of this Rule. Following the initial written notice of post-release contact information, the previously incarcerated plaintiff shall continue to advise the Commission upon all changes in contact information in accordance with Paragraph (b) of this Rule.

(d) All attorneys of record with matters before the Commission shall inform the Commission in writing of any change in the attorney's or the represented party's contact information via ~~email to dockets@ic.nc.gov~~ EDFP.

*Authority G.S. 143-291; 143-300.*

## **SUBCHAPTER 23L – INDUSTRIAL COMMISSION FORMS**

### **SECTION .0100 – WORKERS' COMPENSATION FORMS**

#### **11 NCAC 23L .0101 FORM 21 – AGREEMENT FOR COMPENSATION FOR DISABILITY**

~~(a)(Effective until July 1, 2015) The parties to a workers' compensation claim shall use the following Form 21, Agreement for Compensation for Disability, for agreements regarding disability and payment of compensation therefor pursuant to G.S. 97-29 and 97-30. Additional issues agreed upon by the parties such as payment of compensation for permanent partial disability may also be included on the form. This form is necessary to comply with Rule 11 NCAC 23A .0501, where applicable. The Form 21, Agreement for Compensation for Disability, shall read as follows:~~

North Carolina Industrial Commission  
Agreement for Compensation for Disability  
(G.S. 97-82)

IC File # \_\_\_\_\_  
Emp. Code # \_\_\_\_\_  
Carrier Code # \_\_\_\_\_  
Carrier File # \_\_\_\_\_  
Employer FEIN \_\_\_\_\_

~~The Use Of This Form Is Required Under The Provisions of The Workers' Compensation Act~~

\_\_\_\_\_  
Employee's Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
\_\_\_\_\_  
Home Telephone \_\_\_\_\_ Work Telephone \_\_\_\_\_

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**PROPOSED RULES**

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Social Security Number: \_\_\_\_\_ Sex: ☐ M ☐ F Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
Employer's Name Telephone Number

\_\_\_\_\_  
Employer's Address City State Zip

\_\_\_\_\_  
Insurance Carrier

\_\_\_\_\_  
Carrier's Address City State Zip

\_\_\_\_\_  
Carrier's Telephone Number Carrier's Fax Number

We, The Undersigned, Do Hereby Agree And Stipulate As Follows:

1. \_\_\_\_\_ All parties hereto are subject to and bound by the provisions of the Workers' Compensation Act and \_\_\_\_\_ is the carrier/administrator for the employer.

2. \_\_\_\_\_ The employee sustained an injury by accident or the employee contracted an occupational disease arising out of and in the course of employment on or by \_\_\_\_\_.

3. \_\_\_\_\_ The injury by accident or occupational disease resulted in the following injuries: \_\_\_\_\_

4. \_\_\_\_\_ The employee ☐ was / ☐ was not paid for the entire day when the injury occurred.

5. \_\_\_\_\_ The average weekly wage of the employee at the time of the injury, including overtime and all allowances, was \$ \_\_\_\_\_, subject to verification unless otherwise agreed upon in Item 9 below.

6. \_\_\_\_\_ Disability resulting from the injury or occupational disease began on \_\_\_\_\_.

7. \_\_\_\_\_ The employer and carrier/administrator hereby undertake to pay compensation to the employee at the rate of \$ \_\_\_\_\_ per week beginning \_\_\_\_\_, and continuing for \_\_\_\_\_ weeks.

8. \_\_\_\_\_ The employee ☐ has / ☐ has not returned to work for \_\_\_\_\_ on \_\_\_\_\_, at an average weekly wage of \$ \_\_\_\_\_.

9. \_\_\_\_\_ State any further matters agreed upon, including disfigurement, permanent partial, or temporary partial disability: \_\_\_\_\_

10. \_\_\_\_\_ If applicable, the Second Injury Fund Assessment is \$ \_\_\_\_\_. Check ☐ is ☐ is not attached.

11. \_\_\_\_\_ The date of this agreement is \_\_\_\_\_. Date of first payment: \_\_\_\_\_ Amount: \_\_\_\_\_.

12. **IMPORTANT NOTICE TO EMPLOYEE:** The Industrial Commission's fee for processing this agreement is \$300.00 to be paid in equal shares by the employee and the employer. You are not required to pay your portion of the fee in advance, and if your award is \$3,000.00 or less, you are not responsible for any portion of the fee. If your award is more than \$3,000.00, the employer shall deduct \$150.00 from your award, unless you and your employer agree otherwise.

Check one of the boxes below if the award is more than \$3,000.00:

☐ The employer will deduct \$150.00 from the amount to be paid pursuant to this agreement.

☐ The employee and employer have agreed that the employer will pay the entire fee.

\_\_\_\_\_  
Name Of Employer Signature Title

\_\_\_\_\_  
Name Of Carrier / Administrator Signature Title

By signing I enter into this agreement and certify that I have read the "Important Notices to Employee" printed on Pages 1 and 2 of this form.

\_\_\_\_\_  
Signature of Employee Address

\_\_\_\_\_  
Signature of Employee's Attorney Address

North Carolina Industrial Commission  
The Foregoing Agreement Is Hereby Approved:

\_\_\_\_\_  
Claims Examiner Date

\_\_\_\_\_  
Attorney's Fee Approved

~~☐ Check Box If No Attorney Retained.~~  
~~☐ Check Box If Employee Is In Managed Care.~~

**IMPORTANT NOTICE TO EMPLOYEE CLAIMING ADDITIONAL WEEKLY CHECKS OR LUMP SUM PAYMENTS**

~~Once your compensation checks have been stopped, if you claim further compensation, you must notify the Industrial Commission in writing within two years from the date of receipt of your last compensation check or your rights to these benefits may be lost.~~

**IMPORTANT NOTICE TO EMPLOYEE INJURED BEFORE JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS**

~~If your injury occurred before July 5, 1994, you are entitled to medical compensation as long as it is reasonably necessary, related to your workers' compensation case, and authorized by the carrier or the Industrial Commission.~~

**IMPORTANT NOTICE TO EMPLOYEE INJURED ON OR AFTER JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS**

~~If your injury occurred on or after July 5, 1994, your right to future medical compensation will depend on several factors. Your right to payment of future medical compensation will terminate two years after your employer or carrier/administrator last pays any medical compensation or other compensation, whichever occurs last. If you think you will need future medical compensation, you must apply to the Industrial Commission in writing within two years, or your right to these benefits may be lost. To apply you may also use Industrial Commission Form 18M, Employee's Application for Additional Medical Compensation (G.S. 97-25.1), available at <http://www.ic.nc.gov/forms.html>.~~

**IMPORTANT NOTICE TO EMPLOYER**

~~The employee must be provided a copy when the agreement is signed by the employee. Pursuant to Rule 11 NCAC 23A .0501, within 20 days after receipt of the agreement executed by the employee, the employer or carrier/administrator must submit the agreement to the Industrial Commission, or show cause for not submitting the agreement. The employer or carrier/administrator shall file a Form 28B, Report of Compensation and Medical Compensation Paid, within 16 days after the last payment made pursuant to this agreement or be subject to a penalty.~~

**NEED ASSISTANCE?**

~~If you have questions or need help and you do not have an attorney, you may contact the Industrial Commission at (800) 688-8349.~~

~~Form 21  
11/2014~~

~~Self Insured Employer or Carrier, Mail to:  
NCIC Claims Section  
4335 Mail Service Center  
Raleigh, NC 27699-4335  
Telephone: (919) 807-2502  
Helpline: (800) 688-8349  
Website: <http://www.ic.nc.gov/>~~

~~(a)(Effective July 1, 2015) The parties to a workers' compensation claim shall use the following Form 21, Agreement for Compensation for Disability, for agreements regarding disability and payment of compensation therefor pursuant to G.S. 97-29 and 97-30. Additional issues agreed upon by the parties such as payment of compensation for permanent partial disability may also be included on the form. This form is necessary to comply with Rule 11 NCAC 23A .0501, where applicable. The Form 21, Agreement for Compensation for Disability, shall read as follows:~~

~~North Carolina Industrial Commission  
Agreement for Compensation for Disability  
(G.S. 97-82)~~

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**PROPOSED RULES**

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IC File # \_\_\_\_\_  
Emp. Code # \_\_\_\_\_  
Carrier Code # \_\_\_\_\_  
Carrier File # \_\_\_\_\_  
~~Employer FEIN~~ \_\_\_\_\_

The Use Of This Form Is Required Under The Provisions of The Workers' Compensation Act

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Home Telephone Work Telephone  
Last 4 digits of Social Security Number: \_\_\_\_\_ Sex: ☐ M ☐ F Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
Employer's Name Telephone Number

\_\_\_\_\_  
Employer's Address City State Zip

\_\_\_\_\_  
Insurance Carrier

\_\_\_\_\_  
Carrier's Address City State Zip

\_\_\_\_\_  
Carrier's Telephone Number Carrier's Fax Number

We, The Undersigned, Do Hereby Agree And Stipulate As Follows:

1. All parties hereto are subject to and bound by the provisions of the Workers' Compensation Act and \_\_\_\_\_ is the carrier/administrator for the employer.
2. The employee sustained an injury by accident or the employee contracted an occupational disease arising out of and in the course of employment on or by \_\_\_\_\_.
3. The injury by accident or occupational disease resulted in the following injuries: \_\_\_\_\_.
4. The employee ☐ was/ ☐ was not paid for the entire day when the injury occurred.
5. The average weekly wage of the employee at the time of the injury, including overtime and all allowances, was \$\_\_\_\_\_, subject to verification unless otherwise agreed upon in Item 9 below.
6. Disability resulting from the injury or occupational disease began on \_\_\_\_\_.
7. The employer and carrier/administrator hereby undertake to pay compensation to the employee at the rate of \$\_\_\_\_\_ per week beginning \_\_\_\_\_, and continuing for \_\_\_\_\_ weeks.
8. The employee ☐ has / ☐ has not returned to work for \_\_\_\_\_ on \_\_\_\_\_, at an average weekly wage of \$\_\_\_\_\_.
9. State any further matters agreed upon, including disfigurement, permanent partial, or temporary partial disability: \_\_\_\_\_.
10. If applicable, the Second Injury Fund Assessment is \$\_\_\_\_\_. Check ☐ is ☐ is not attached.
11. The date of this agreement is \_\_\_\_\_. Date of first payment: \_\_\_\_\_ Amount: \_\_\_\_\_.

\_\_\_\_\_  
Name Of Employer Signature Title

\_\_\_\_\_  
Name Of Carrier / Administrator Signature Title

By signing I enter into this agreement and certify that I have read the "Important Notices to Employee" printed on Page 2 of this form.

\_\_\_\_\_  
Signature of Employee Address

\_\_\_\_\_  
Signature of Employee's Attorney Address

North Carolina Industrial Commission  
The Foregoing Agreement Is Hereby Approved:

\_\_\_\_\_  
Claims Examiner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney's Fee Approved

- ☐ Check Box If No Attorney Retained.  
☐ Check Box If Employee Is In Managed Care.

**IMPORTANT NOTICE TO EMPLOYEE CLAIMING ADDITIONAL WEEKLY CHECKS OR LUMP SUM PAYMENTS**

Once your compensation checks have been stopped, if you claim further compensation, you must notify the Industrial Commission in writing within two years from the date of receipt of your last compensation check or your rights to these benefits may be lost.

**IMPORTANT NOTICE TO EMPLOYEE INJURED BEFORE JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS**

If your injury occurred before July 5, 1994, you are entitled to medical compensation as long as it is reasonably necessary, related to your workers' compensation case, and authorized by the carrier or the Industrial Commission.

**IMPORTANT NOTICE TO EMPLOYEE INJURED ON OR AFTER JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS**

If your injury occurred on or after July 5, 1994, your right to future medical compensation will depend on several factors. Your right to payment of future medical compensation will terminate two years after your employer or carrier/administrator last pays any medical compensation or other compensation, whichever occurs last. If you think you will need future medical compensation, you must ~~apply to the Industrial Commission in writing~~ file an application for additional medical compensation pursuant to G.S. 97-25.1 within two years, or your right to these benefits may be lost. ~~To apply you may also use Industrial Commission Form 18M, Employee's Application for Additional Medical Compensation (G.S. 97-25.1), available at <http://www.ic.nc.gov/forms.html>.~~ An application for additional medical compensation may be made on a Form 18M Employee's Application for Additional Medical Compensation or by written request. In the alternative, an employee may file an application for additional medical compensation by filing a Form 33 Request that Claim be Assigned for Hearing pursuant to 11 NCAC 23A .0602. All Industrial Commission forms are available at <https://www.ic.nc.gov/forms.html>.

**IMPORTANT NOTICE TO EMPLOYER**

The employee must be provided a copy when the agreement is signed by the employee. Pursuant to Rule 11 NCAC 23A .0501, within 20 days after receipt of the agreement executed by the employee, the employer or carrier/administrator must submit the agreement to the Industrial Commission. ~~Commission, or show cause for not submitting the agreement.~~ The employer or carrier/administrator shall file a Form 28B, Report of Compensation and Medical Compensation Paid, within 16 days after the last payment made pursuant to this agreement or be subject to a penalty.

**NEED ASSISTANCE?**

If you have questions or need help and you do not have an attorney, you may contact the Industrial Commission at (800) 688-8349.

Form 21  
~~7/2015~~ 8/2020

Self-Insured Employer or Carrier, File via Electronic Document Filing Portal ("EDFP"); ~~Carrier, Mail to:~~  
~~NCIC- Claims Section~~  
~~4335 Mail Service Center~~  
~~Raleigh, NC 27699-4335~~  
~~Telephone: (919) 807-2502~~  
~~Helpline: (800) 688-8349~~  
~~Website: <http://www.ic.nc.gov/>~~  
<https://www.ic.nc.gov/docfiling.html>  
Contact Information:  
NCIC- Claims Administration

Telephone: (919) 807-2502

Helpline: (800) 688-8349

Website: <https://www.ic.nc.gov>

(b) The copy of the form described in Paragraph (a) of this Rule can be accessed at <http://www.ic.nc.gov/forms/form21.pdf>, <https://www.ic.nc.gov/forms/form21.pdf>. The form may be reproduced only in the format available at <http://www.ic.nc.gov/forms/form21.pdf> <https://www.ic.nc.gov/forms/form21.pdf> and may not be altered or amended in any way.

Authority G.S. 97-73; 97-80(a); 97-81(a); 97-82; S.L. 2014-77.

**11 NCAC 23L .0102 FORM 26 – SUPPLEMENTAL AGREEMENT AS TO PAYMENT OF COMPENSATION**

(a)(Effective until July 1, 2015) If the parties to a workers' compensation claim have previously entered into an approved agreement on a Form 21, Agreement for Compensation for Disability, or a Form 26A, Employer's Admission of Employee's Right to Permanent Partial Disability, they shall use the following Form 26, Supplemental Agreement as to Payment of Compensation, for agreements regarding subsequent additional disability and payment of compensation pursuant to G.S. 97-29 and 97-30. Additional issues agreed upon by the parties such as payment of compensation for permanent partial disability may also be included on the form. This form is necessary to comply with Rule 11 NCAC 23A .0501, where applicable. The Form 26, Supplemental Agreement as to Payment of Compensation, shall read as follows:

North Carolina Industrial Commission  
Supplemental Agreement as to Payment  
of Compensation (G.S. §97-82)

IC File # \_\_\_\_\_  
Emp. Code # \_\_\_\_\_  
Carrier Code # \_\_\_\_\_  
Carrier File # \_\_\_\_\_  
Employer FEIN \_\_\_\_\_

The Use Of This Form Is Required Under The Provisions of The Workers' Compensation Act

\_\_\_\_\_  
Employee's Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
\_\_\_\_\_  
Home Telephone \_\_\_\_\_ Work Telephone \_\_\_\_\_  
Social Security Number: \_\_\_\_\_ Sex: ☐ M ☐ F Date of Birth: \_\_\_\_\_  
\_\_\_\_\_  
Employer's Name \_\_\_\_\_ Telephone Number \_\_\_\_\_  
\_\_\_\_\_  
Employer's Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
\_\_\_\_\_  
Insurance Carrier  
\_\_\_\_\_  
Carrier's Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
\_\_\_\_\_  
Carrier's Telephone Number \_\_\_\_\_ Carrier's Fax Number \_\_\_\_\_

We, The Undersigned, Do Hereby Agree and Stipulate As Follows:

1. \_\_\_\_\_ Date of injury: \_\_\_\_\_
2. \_\_\_\_\_ The employee ☐ returned to work / ☐ was rated on \_\_\_\_\_ (date), at a weekly wage of \$ \_\_\_\_\_.
3. \_\_\_\_\_ The employee became totally disabled on \_\_\_\_\_.
4. \_\_\_\_\_ Employee's average weekly wage ☐ was reduced / ☐ was increased on \_\_\_\_\_, from \$ \_\_\_\_\_ per week to \$ \_\_\_\_\_ per week.
5. \_\_\_\_\_ The employer and carrier/administrator hereby undertake to pay compensation to the employee at the rate of \$ \_\_\_\_\_ per week.



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**PROPOSED RULES**

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Beginning \_\_\_\_\_, and continuing for \_\_\_\_\_ weeks. The type of disability compensation is \_\_\_\_\_.

6. \_\_\_\_\_ State any further matters agreed upon, including disfigurement or temporary partial disability: \_\_\_\_\_.

7. ~~IMPORTANT NOTICE TO EMPLOYEE: The Industrial Commission's fee for processing this agreement is \$300.00 to be paid in equal shares by the employee and the employer. You are not required to pay your portion of the fee in advance, and if your award is \$3,000.00 or less, you are not responsible for any portion of the fee. If your award is more than \$3,000.00, the employer shall deduct \$150.00 from your award, unless you and your employer agree otherwise.~~

~~Check one of the boxes below if the award is more than \$3,000.00:~~

~~☐ The employer will deduct \$150.00 from the amount to be paid pursuant to this agreement.~~

~~☐ The employee and employer have agreed that the employer will pay the entire fee.~~

8. \_\_\_\_\_ The date of this agreement is \_\_\_\_\_.

\_\_\_\_\_  
Name Of Employer \_\_\_\_\_ Signature \_\_\_\_\_ Title \_\_\_\_\_

\_\_\_\_\_  
Name Of Carrier/Administrator \_\_\_\_\_ Signature \_\_\_\_\_ Title \_\_\_\_\_

By signing I enter into this agreement and certify that I have read the "Important Notices to Employee" printed on Pages 1 and 2 of this form.

\_\_\_\_\_  
Signature of Employee \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_  
Signature of Employee's Attorney \_\_\_\_\_ Address \_\_\_\_\_

☐ Check box if no attorney retained.

North Carolina Industrial Commission  
The Foregoing Agreement Is Hereby Approved:

\_\_\_\_\_  
Claims Examiner \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Attorney's fee approved

~~IMPORTANT NOTICE TO EMPLOYEE CLAIMING ADDITIONAL WEEKLY CHECKS OR LUMP SUM PAYMENTS~~

~~Once your compensation checks have been stopped, if you claim further compensation, you must notify the Industrial Commission in writing within two years from the date of receipt of your last compensation check or your rights to these benefits may be lost.~~

~~IMPORTANT NOTICE TO EMPLOYEE INJURED BEFORE JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS~~

~~If your injury occurred before July 5, 1994, you are entitled to medical compensation as long as it is reasonably necessary, related to your workers' compensation case, and authorized by the carrier or the Industrial Commission.~~

~~IMPORTANT NOTICE TO EMPLOYEE INJURED ON OR AFTER JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS~~

~~If your injury occurred on or after July 5, 1994, your right to future medical compensation will depend on several factors. Your right to payment of future medical compensation will terminate two years after your employer or carrier/administrator last pays any medical compensation or other compensation, whichever occurs last. If you think you will need future medical compensation, you must apply to the Industrial Commission in writing within two years, or your right to these benefits may be lost. To apply you may also use Industrial Commission Form 18M, Employee's Application for Additional Medical Compensation (G.S. 97-25.1), available at <http://www.ic.nc.gov/forms.html>.~~

~~IMPORTANT NOTICE TO EMPLOYER~~

~~This form shall be used only to supplement Form 21, Agreement for Compensation for Disability (G.S. 97-82), or an award in cases in which subsequent conditions require a modification of a former agreement or award. The employee must be provided a copy of the form when the agreement is signed by the employee. Pursuant to Rule 11 NCAC 23A .0501, within 20 days after receipt of the agreement executed by the employee, the employer or carrier/administrator must submit the agreement to the Industrial Commission, or show cause~~

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**PROPOSED RULES**

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~~for not submitting the agreement. The employer or carrier/administrator shall file a Form 28B, Report of Compensation and Medical Compensation Paid, within 16 days after the last payment made pursuant to this agreement or be subject to a penalty.~~

**NEED ASSISTANCE?**

~~If you have questions or need help and you do not have an attorney, you may contact the Industrial Commission at (800) 688-8349.~~

~~Form 26~~

~~11/2014~~

~~Self Insured Employer or Carrier Mail to:~~

~~NCIC—Claims Administration~~

~~4335 Mail Service Center~~

~~Raleigh, North Carolina 27699-4335~~

~~Main Telephone: (919) 807-2500~~

~~Helpline: (800) 688-8349~~

~~Website: <http://www.ic.nc.gov/>~~

(a) ~~(Effective July 1, 2015)~~ If the parties to a workers' compensation claim have previously entered into an approved agreement on a Form 21, Agreement for Compensation for Disability, or a Form 26A, Employer's Admission of Employee's Right to Permanent Partial Disability, they shall use the following Form 26, Supplemental Agreement as to Payment of Compensation, for agreements regarding subsequent additional disability and payment of compensation pursuant to G.S. 97-29 and 97-30. Additional issues agreed upon by the parties such as payment of compensation for permanent partial disability may also be included on the form. This form is necessary to comply with Rule 11 NCAC 23A .0501, where applicable. The Form 26, Supplemental Agreement as to Payment of Compensation, shall read as follows:

North Carolina Industrial Commission  
Supplemental Agreement as to Payment  
of Compensation (G.S. §97-82)

IC File # \_\_\_\_\_  
Emp. Code # \_\_\_\_\_  
Carrier Code # \_\_\_\_\_  
Carrier File # \_\_\_\_\_  
~~Employer FEIN \_\_\_\_\_~~

The Use Of This Form Is Required Under The Provisions of The Workers' Compensation Act

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Home Telephone Work Telephone  
Last 4 digits of Social Security Number: \_\_\_\_\_ Sex: ☐ M ☐ F Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
Employer's Name Telephone Number

\_\_\_\_\_  
Employer's Address City State Zip

\_\_\_\_\_  
Insurance Carrier

\_\_\_\_\_  
Carrier's Address City State Zip

\_\_\_\_\_  
Carrier's Telephone Number Carrier's Fax Number

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**PROPOSED RULES**

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We, The Undersigned, Do Hereby Agree and Stipulate As Follows:

1. Date of injury: \_\_\_\_\_.
2. The employee ☐ returned to work / ☐ was rated on \_\_\_\_\_ (date), at a weekly wage of \$\_\_\_\_\_.
3. The employee became totally disabled on \_\_\_\_\_.
4. Employee's average weekly wage ☐ was reduced / ☐ was increased on \_\_\_\_\_, from \$\_\_\_\_\_ per week to \$\_\_\_\_\_ per week.
5. The employer and carrier/administrator hereby undertake to pay compensation to the employee at the rate of \$\_\_\_\_\_ per week.  
Beginning \_\_\_\_\_, and continuing for \_\_\_\_\_ weeks. The type of disability compensation is \_\_\_\_\_.
6. State any further matters agreed upon, including disfigurement or temporary partial disability: \_\_\_\_\_.
7. The date of this agreement is \_\_\_\_\_.

Name Of Employer	Signature	Title
<hr/>		
Name Of Carrier/Administrator	Signature	Title

By signing I enter into this agreement and certify that I have read the "Important Notices to Employee" printed on Page 2 of this form.

Signature of Employee	Address
<hr/>	
Signature of Employee's Attorney	Address

☐ Check box if no attorney retained.

North Carolina Industrial Commission  
The Foregoing Agreement Is Hereby Approved:

Claims Examiner	Date
<hr/>	

Attorney's fee approved

**IMPORTANT NOTICE TO EMPLOYEE CLAIMING ADDITIONAL WEEKLY CHECKS OR LUMP SUM PAYMENTS**  
Once your compensation checks have been stopped, if you claim further compensation, you must notify the Industrial Commission in writing within two years from the date of receipt of your last compensation check or your rights to these benefits may be lost.

**IMPORTANT NOTICE TO EMPLOYEE INJURED BEFORE JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS**  
If your injury occurred before July 5, 1994, you are entitled to medical compensation as long as it is reasonably necessary, related to your workers' compensation case, and authorized by the carrier or the Industrial Commission.

**IMPORTANT NOTICE TO EMPLOYEE INJURED ON OR AFTER JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS**  
If your injury occurred on or after July 5, 1994, your right to future medical compensation will depend on several factors. Your right to payment of future medical compensation will terminate two years after your employer or carrier/administrator last pays any medical compensation or other compensation, whichever occurs last. If you think you will need future medical compensation, you must ~~apply to the Industrial Commission in writing~~ file an application for additional medical compensation pursuant to G.S. 97-25.1 within two years, or your right to these benefits may be lost. ~~To apply you may also use Industrial Commission Form 18M, Employee's Application for Additional Medical Compensation (G.S. 97-25.1), available at <http://www.ic.nc.gov/forms.html>.~~ An application for additional medical compensation may be made on a Form 18M Employee's Application for Additional Medical Compensation or by written request. In the alternative, an employee may file an application for additional medical compensation by filing a Form 33 Request that Claim be Assigned for Hearing pursuant to 11 NCAC 23A .0602. All Industrial Commission forms are available at <https://www.ic.nc.gov/forms.html>.

**IMPORTANT NOTICE TO EMPLOYER**

This form shall be used only to supplement Form 21, *Agreement for Compensation for Disability* (G.S. 97-82), or an award in cases in which subsequent conditions require a modification of a former agreement or award. The employee must be provided a copy of the form when the agreement is signed by the employee. Pursuant to Rule 11 NCAC 23A .0501, within 20 days after receipt of the agreement executed by the employee, the employer or carrier/administrator must submit the agreement to the Industrial ~~Commission. Commission,~~ ~~or show cause for not submitting the agreement.~~ The employer or carrier/administrator shall file a Form 28B, *Report of Compensation and Medical Compensation Paid*, within 16 days after the last payment made pursuant to this agreement or be subject to a penalty.

#### NEED ASSISTANCE?

If you have questions or need help and you do not have an attorney, you may contact the Industrial Commission at (800) 688-8349.

Form 26  
7/20158/2020

Self-Insured Employer or Carrier, File via Electronic Document Filing Portal ("EDFP"); ~~Carrier Mail to:~~

~~NCIC- Claims Administration~~

~~4335 Mail Service Center~~

~~Raleigh, North Carolina 27699-4335~~

~~Main Telephone: (919) 807-2500~~

~~Helpline: (800) 688-8349~~

~~Website: <http://www.ic.nc.gov/>~~

~~<https://www.ic.nc.gov/docfiling.html>~~

Contact Information:

NCIC- Claims Administration

Telephone: (919) 807-2502

Helpline: (800) 688-8349

Website: <https://www.ic.nc.gov>

(b) The copy of the form described in Paragraph (a) of this Rule can be accessed at ~~<http://www.ic.nc.gov/forms/form26.pdf>~~. ~~<https://www.ic.nc.gov/forms/form26.pdf>~~. The form may be reproduced only in the format available at ~~<http://www.ic.nc.gov/forms/form26.pdf>~~ ~~<https://www.ic.nc.gov/forms/form26.pdf>~~ and may not be altered or amended in any way.

Authority G.S. 97-73; 97-80(a); 97-81(a); 97-82; S.L. 2014-77.

#### **11 NCAC 23L .0103 FORM 26A – EMPLOYER'S ADMISSION OF EMPLOYEE'S RIGHT TO PERMANENT PARTIAL DISABILITY**

~~(a) (Effective until July 1, 2015) The parties to a workers' compensation claim shall use the following Form 26A, Employer's Admission of Employee's Right to Permanent Partial Disability, for agreements regarding the employee's entitlement to and the employer's payment of compensation for permanent partial disability pursuant to G.S. 97-31. Additional issues agreed upon by the parties, such as election of payment of temporary partial disability pursuant to G.S. 97-30, may also be included on the form. This form is necessary to comply with Rule 11 NCAC 23A .0501, where applicable. The Form 26A, Employer's Admission of Employee's Right to Permanent Partial Disability, shall read as follows:~~

~~North Carolina Industrial Commission~~

~~Employer's Admission of Employee's Right to Permanent Partial Disability~~

~~(G.S. §97-31)~~

~~IC File # \_\_\_\_\_~~

~~Emp. Code # \_\_\_\_\_~~

~~Carrier Code # \_\_\_\_\_~~

~~Carrier File # \_\_\_\_\_~~

~~Employer FEIN \_\_\_\_\_~~

~~The Use Of This Form Is Required Under The Provisions of The Workers' Compensation Act~~

\_\_\_\_\_  
~~Employee's Name~~

PROPOSED RULES

Address

City State Zip

Home Telephone Work Telephone

Social Security Number: Sex: ☐ M ☐ F Date of Birth:

Employer's Name Telephone Number

Employer's Address City State Zip

Insurance Carrier

Carrier's Address City State Zip

Carrier's Telephone Number Carrier's Fax Number

WE, THE UNDERSIGNED, DO HEREBY AGREE AND STIPULATE AS FOLLOWS:

1. All the parties hereto are subject to and bound by the provisions of the Workers' Compensation Act and \_\_\_\_\_ is the Carrier/Administrator for the Employer.
2. The employee sustained an injury by accident or the employee contracted an occupational disease arising out of and in the course of employment on \_\_\_\_\_.
3. The injury by accident or occupational disease resulted in the following injuries: \_\_\_\_\_

4. The employee ☐ was ☐ was not paid for the 7 day waiting period.  
If not, was salary continued? ☐ yes ☐ no. Was employee paid for the date of injury? ☐ yes ☐ no

5. The average weekly wage of the employee at the time of the injury, including overtime and all allowances, was \$ \_\_\_\_\_. This results in a weekly compensation rate of \$ \_\_\_\_\_.

6. The employee ☐ has ☐ has not returned full time to work for \_\_\_\_\_  
on \_\_\_\_\_, at an average weekly wage of \$ \_\_\_\_\_.

7. Claimant was released ☐ with permanent restrictions ☐ without permanent restrictions.

8. Permanent partial disability compensation will be paid to the injured worker as follows:

\_\_\_\_\_ weeks of compensation at rate of \$ \_\_\_\_\_ per week for \_\_\_\_\_ % rating to \_\_\_\_\_ (body part)  
\_\_\_\_\_ weeks of compensation at rate of \$ \_\_\_\_\_ per week for \_\_\_\_\_ % rating to \_\_\_\_\_ (body part)  
\_\_\_\_\_ weeks of compensation at rate of \$ \_\_\_\_\_ per week for \_\_\_\_\_ % rating to \_\_\_\_\_ (body part)

Total amount of permanent partial disability compensation is \$ \_\_\_\_\_. Date of first payment: \_\_\_\_\_.

9. State any further matters agreed upon, including disfigurement, loss of teeth, election of temporary partial disability, waiting period or other: \_\_\_\_\_.

10. An overpayment is claimed in the amount of \$ \_\_\_\_\_. Overpayment was calculated as follows: \_\_\_\_\_.

If overpayment claimed, a Form 28B, Report of Compensation and Medical Compensation Paid, is attached. ☐ yes ☐ no

11. If applicable, the Second Injury Fund Assessment is \$ \_\_\_\_\_. A check ☐ is ☐ is not included.

12. IMPORTANT NOTICE TO EMPLOYEE: The Industrial Commission's fee for processing this agreement is \$300.00 to be paid in equal shares by the employee and the employer. You are not required to pay your portion of the fee in advance, and if your award is \$3,000.00 or less, you are not responsible for any portion of the fee. If your award is more than \$3,000.00, the employer shall deduct \$150.00 from your award, unless you and your employer agree otherwise.

Check one of the boxes below if the award is more than \$3,000.00:

☐ The employer will deduct \$150.00 from the amount to be paid pursuant to this agreement.

☐ The employee and employer have agreed that the employer will pay the entire fee.

The undersigned hereby certify that the material medical and vocational reports related to the injury have been provided to the employee or the employee's attorney and have been filed with the Industrial Commission for consideration pursuant to G.S. 97-82(a) and Rule 11 NCAC 23A .0501.

Name Of Employer Signature Title Date

Name Of Carrier/Administrator Signature Direct Phone Number Title Date

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**PROPOSED RULES**

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*By signing I enter into this agreement and certify that I have read the "Important Notices to Employee" printed on pages 2 and 3 of this form.*

<hr/> <i>Signature of Employee</i>	<hr/> <i>Address</i>	<hr/> <i>Date</i>
<hr/> <i>Signature of Employee's Attorney</i>	<hr/> <i>Address</i>	<hr/> <i>Date</i>

☒ *Check box if no attorney retained.*

*North Carolina Industrial Commission  
The Foregoing Agreement Is Hereby Approved:*

<hr/> <i>Claims Examiner</i>	<hr/> <i>Date</i>
------------------------------	-------------------

*Attorney's fee approved*

***IMPORTANT NOTICE TO EMPLOYEE CLAIMING ADDITIONAL WEEKLY CHECKS OR LUMP SUM PAYMENTS***

*Once your compensation checks have been stopped, if you claim further compensation, you must notify the Industrial Commission in writing within two years from the date of receipt of your last compensation check or your rights to these benefits may be lost.*

***IMPORTANT NOTICE TO EMPLOYEE INJURED BEFORE JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS***

*If your injury occurred before July 5, 1994, you are entitled to medical compensation as long as it is reasonably necessary, related to your workers' compensation case, and authorized by the carrier or the Industrial Commission.*

***IMPORTANT NOTICE TO EMPLOYEE INJURED ON OR AFTER JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS***

*If your injury occurred on or after July 5, 1994, your right to future medical compensation will depend on several factors. Your right to payment of future medical compensation will terminate two years after your employer or carrier/administrator last pays any medical compensation or other compensation, whichever occurs last. If you think you will need future medical compensation, you must apply to the Industrial Commission in writing within two years, or your right to these benefits may be lost. To apply you may also use Industrial Commission 18M, Employee's Application for Additional Medical Compensation (G.S. 97-25.1), available at <http://www.ic.nc.gov/forms.html>.*

***IMPORTANT NOTICE TO EMPLOYER***

*The employee must be provided a copy when the agreement is signed by the employee. Pursuant to Rule 11 NCAC 23A .0501, within 20 days after receipt of the agreement executed by the employee, the employer or carrier/administrator must submit the agreement to the Industrial Commission, or show cause for not submitting the agreement. The employer or carrier/administrator shall file a Form 28B, Report of Compensation and Medical Compensation Paid, within 16 days after the last payment made pursuant to this agreement or be subject to a penalty.*

***NEED ASSISTANCE?***

*If you have questions or need help and you do not have an attorney, you may contact the Industrial Commission at (800) 688-8349.*

*Form 26A  
11/2014*

*Self-Insured Employer or Carrier Mail to:  
NCIC—Claims Administration  
4335 Mail Service Center  
Raleigh, North Carolina 27699-4335  
Main Telephone: (919) 807-2500  
Helpline: (800) 688-8349  
Website: <http://www.ic.nc.gov/>*

*(a) (Effective July 1, 2015) The parties to a workers' compensation claim shall use the following Form 26A, Employer's Admission of Employee's Right to Permanent Partial Disability, for agreements regarding the employee's entitlement to and the employer's payment of compensation for permanent partial disability pursuant to G.S. 97-31. Additional issues agreed upon by the parties, such as election of payment of temporary partial disability pursuant to G.S. 97-30, may also be included on the form. This form is necessary to comply*

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**PROPOSED RULES**

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with Rule 11 NCAC 23A .0501, where applicable. The Form 26A, *Employer's Admission of Employee's Right to Permanent Partial Disability*, shall read as follows:

North Carolina Industrial Commission  
Employer's Admission of Employee's Right to Permanent Partial Disability  
(G.S. §97-31)

IC File # \_\_\_\_\_  
Emp. Code # \_\_\_\_\_  
Carrier Code # \_\_\_\_\_  
Carrier File # \_\_\_\_\_  
~~Employer FEIN~~ \_\_\_\_\_

The Use Of This Form Is Required Under The Provisions of The Workers' Compensation Act

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Home Telephone Work Telephone  
Last 4 digits of Social Security Number: \_\_\_\_\_ Sex: ☐ M ☐ F Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
Employer's Name Telephone Number

\_\_\_\_\_  
Employer's Address City State Zip

\_\_\_\_\_  
Insurance Carrier

\_\_\_\_\_  
Carrier's Address City State Zip

\_\_\_\_\_  
Carrier's Telephone Number Carrier's Fax Number

WE, THE UNDERSIGNED, DO HEREBY AGREE AND STIPULATE AS FOLLOWS:

1. All the parties hereto are subject to and bound by the provisions of the Workers' Compensation Act and \_\_\_\_\_ is the Carrier/Administrator for the Employer.

2. The employee sustained an injury by accident or the employee contracted an occupational disease arising out of and in the course of employment on \_\_\_\_\_.

3. The injury by accident or occupational disease resulted in the following injuries: \_\_\_\_\_.

4. The employee ☐ was ☐ was not paid for the 7 day waiting period.

If not, was salary continued? ☐ yes ☐ no. Was employee paid for the date of injury? ☐ yes ☐ no

5. The average weekly wage of the employee at the time of the injury, including overtime and all allowances, was \$\_\_\_\_\_. This results in a weekly compensation rate of \$\_\_\_\_\_.

6. The employee ☐ has ☐ has not returned full time to work for \_\_\_\_\_ on \_\_\_\_\_, at an average weekly wage of \$\_\_\_\_\_.

7. Claimant was released ☐ with permanent restrictions ☐ without permanent restrictions. If claimant was released with permanent restrictions and has returned to work for the employer of injury, attach a job description if known to exist.

8. Permanent partial disability compensation will be paid to the injured worker as follows:

\_\_\_\_\_ weeks of compensation at rate of \$\_\_\_\_\_ per week for \_\_\_\_\_ % rating to \_\_\_\_\_ (body part)

\_\_\_\_\_ weeks of compensation at rate of \$\_\_\_\_\_ per week for \_\_\_\_\_ % rating to \_\_\_\_\_ (body part)

\_\_\_\_\_ weeks of compensation at rate of \$\_\_\_\_\_ per week for \_\_\_\_\_ % rating to \_\_\_\_\_ (body part)

Total amount of permanent partial disability compensation is \$\_\_\_\_\_. Date of first payment:\_\_\_\_\_.

9. State any further matters agreed upon, including disfigurement, loss of teeth, election of temporary partial disability, waiting period or other: \_\_\_\_\_.

**PROPOSED RULES**

10. An overpayment is claimed in the amount of \$\_\_\_\_\_. Overpayment was calculated as follows:\_\_\_\_\_.

If overpayment claimed, a Form 28B, Report of Compensation and Medical Compensation Paid, is attached. ☐ yes ☐ no

11. If applicable, the Second Injury Fund Assessment is \$ \_\_\_\_\_. A check ☐ is ☐ is not included.

The undersigned hereby certify that the material medical and vocational ~~reports~~ records related to the ~~injury~~ injury, including any job description known to exist if the employee has permanent restrictions and has returned to work for the employer of injury, have been provided to the employee or the employee's attorney and have been filed with the Industrial Commission for consideration pursuant to G.S. 97-82(a) and Rule 11 NCAC 23A .0501.

Name Of Employer	Signature	Title	Date
Name Of Carrier/Administrator	Signature	Direct Phone Number	<u>Email Address</u> Title Date

By signing I enter into this agreement and certify that I have read the "Important Notices to Employee" printed on Page 3 of this form.

Signature of Employee	Address	<u>Email Address</u>	Date
Signature of Employee's Attorney	Address	<u>Email Address</u>	Date

☐ Check box if no attorney retained.

North Carolina Industrial Commission  
The Foregoing Agreement Is Hereby Approved:

Claims Examiner	Date
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Attorney's fee approved

**IMPORTANT NOTICE TO EMPLOYEE CLAIMING ADDITIONAL WEEKLY CHECKS OR LUMP SUM PAYMENTS**

Once your compensation checks have been stopped, if you claim further compensation, you must notify the Industrial Commission in writing within two years from the date of receipt of your last compensation check or your rights to these benefits may be lost.

**IMPORTANT NOTICE TO EMPLOYEE INJURED BEFORE JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS**

If your injury occurred before July 5, 1994, you are entitled to medical compensation as long as it is reasonably necessary, related to your workers' compensation case, and authorized by the carrier or the Industrial Commission.

**IMPORTANT NOTICE TO EMPLOYEE INJURED ON OR AFTER JULY 5, 1994 CLAIMING ADDITIONAL MEDICAL BENEFITS**

If your injury occurred on or after July 5, 1994, your right to future medical compensation will depend on several factors. Your right to payment of future medical compensation will terminate two years after your employer or carrier/administrator last pays any medical compensation or other compensation, whichever occurs last. If you think you will need future medical compensation, you must ~~apply to the Industrial Commission in writing~~ file an application for additional medical compensation pursuant to G.S. 97-25.1 within two years, or your right to these benefits may be lost. To apply you may also use Industrial Commission 18M, Employee's Application for Additional Medical Compensation (G.S. 97-25.1), available at <http://www.ic.nc.gov/forms.html>. An application for additional medical compensation may be made on a Form 18M Employee's Application for Additional Medical Compensation or by written request. In the alternative, an employee may file an application for additional medical compensation by filing a Form 33 Request that Claim be Assigned for Hearing pursuant to 11 NCAC 23A .0602. All Industrial Commission forms are available at <https://www.ic.nc.gov/forms.html>.

**IMPORTANT NOTICE TO EMPLOYER**

The employee must be provided a copy when the agreement is signed by the employee. Pursuant to Rule 11 NCAC 23A .0501, within 20 days after receipt of the agreement executed by the employee, the employer or carrier/administrator must submit the agreement to the Industrial Commission. ~~Commission, or show cause for not submitting the agreement.~~ The employer or carrier/administrator shall file a Form 28B, Report of Compensation and Medical Compensation Paid, within 16 days after the last payment made pursuant to this agreement or be subject to a penalty.



**NEED ASSISTANCE?**

If you have questions or need help and you do not have an attorney, you may contact the Industrial Commission at (800) 688-8349.

Form 26A

~~7/2015~~ 6/20208/2020

Self-Insured Employer or Carrier, File via Electronic Document Filing Portal ("EDFP"): ~~Carrier Mail to:~~

~~NCIC- Claims Administration~~

~~4335 Mail Service Center~~

~~Raleigh, North Carolina 27699-4335~~

~~Main Telephone: (919) 807-2500~~

~~Helpline: (800) 688-8349~~

~~Website: <http://www.ic.nc.gov/>~~

~~<https://www.ic.nc.gov/docfiling.html>~~

Contact Information:

NCIC- Claims Administration

Telephone: (919) 807-2502

Helpline: (800) 688-8349

Website: <https://www.ic.nc.gov>

(b) A copy of the form described in Paragraph (a) of this Rule can be accessed at ~~<http://www.ic.nc.gov/forms/form26a.pdf>~~.  
~~<https://www.ic.nc.gov/forms/form26a.pdf>~~. The form may be reproduced only in the format available at  
~~<http://www.ic.nc.gov/forms/form26a.pdf>~~ ~~<https://www.ic.nc.gov/forms/form26a.pdf>~~ and may not be altered or amended in any way.

*Authority G.S. 97-30; 97-31; 97-73; 97-80(a); 97-81(a); 97-82; S.L. 2014-77.*

**11 NCAC 23L .0105 FORM T-42 – APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM**

(a) Persons seeking to appear on behalf of an infant or incompetent shall apply on a Form T-42, Application for Appointment of Guardian Ad Litem, in accordance with Rule 11 NCAC 23B .0203. The Form T-42, Application for Appointment of Guardian Ad Litem, shall read as follows:

North Carolina Industrial Commission

IC File # TA- \_\_\_\_\_

Application for Appointment of Guardian Ad Litem

The use of this Form is required under Rule 11 NCAC 23B .0203

\_\_\_\_\_ Plaintiff(s) v. \_\_\_\_\_ Defendant(s)

To the North Carolina Industrial Commission:

The undersigned \_\_\_\_\_ respectfully shows unto the North Carolina Industrial Commission that \_\_\_\_\_ is an \_\_ infant or \_\_ incompetent without general or testamentary guardian in this State, and that by reason thereof can bring an action only by a guardian ad litem; that the infant or incompetent has a cause of action against the defendants on account of the following matter and things:

\_\_\_\_\_  
The undersigned is a reputable person closely connected with the infant or incompetent having the relationship with the infant or incompetent as follows: \_\_\_\_\_

Wherefore, the undersigned prays the Commission that a fit and proper person be appointed Guardian Ad Litem for the infant or incompetent for the purpose of bringing on his or her behalf an action as above set out.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

(Please complete page 2 of form)

Order Appointing Guardian Ad Litem

It appearing to the North Carolina Industrial Commission from the above application that \_\_\_\_\_ is an \_\_ infant or \_\_ incompetent having no general or testamentary guardian within this State and that said infant or incompetent appears to have a good cause of action against the defendant(s); and it further appearing to the Commission after due inquiry that \_\_\_\_\_ is a

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**PROPOSED RULES**

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fit and proper person to be appointed guardian ad litem for the infant or incompetent for the purpose of bringing this action on his or her behalf;

It is therefore ordered that \_\_\_\_\_ be and is hereby appointed guardian ad litem of \_\_\_\_\_ to bring action on his or her behalf.

This \_\_\_\_\_ day of \_\_\_\_\_.

~~Commissioner~~ or ~~Deputy Commissioner~~ Commissioner, Deputy Commissioner, or Executive Secretary

---

Please type or print:

Full name and address of minor or incompetent:

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Birth date of minor: \_\_\_\_\_

Full name and address of proposed guardian ad litem:

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**Important Information for Parties**

Parties should take notice of the provisions set forth in Rule 11 NCAC 23B .0203.

**11 NCAC 23B .0203 Infants and Incompetents**

(a) Persons seeking to appear on behalf of an infant or incompetent, in accordance with G.S. 1A-1, Rule 17, shall apply on a Form T-42 Application for Appointment of Guardian ad Litem. The Commission shall appoint a fit and proper person as guardian ad litem, if the Commission determines it to be in the best interest of the minor or incompetent. The Commission shall appoint the guardian ad litem only after due inquiry as to the fitness of the person to be appointed.

(b) The Commission may assess a fee to be paid to an attorney who serves as a guardian ad litem for actual services rendered upon receipt of an affidavit of actual time spent in representation of the minor or incompetent as part of the costs.

**ATTORNEYS: File via Electronic Document Filing Portal ("EDFP")**

<https://www.ic.nc.gov/docfiling.html>

**UNREPRESENTED PLAINTIFFS: File via EDPF, <https://www.ic.nc.gov/docfiling.html> OR**

**Mail to: Industrial Commission Clerk's Office, 1236 Mail Service Center, Raleigh NC 27699-1236 OR**

**File via hand delivery: Business days from 8 a.m. – 5 p.m., Dobbs Building, 6<sup>th</sup> floor, 430 N. Salisbury Street, Raleigh NC 27603.**

**SEND TO:**

**[dockets@ic.nc.gov](mailto:dockets@ic.nc.gov)**

**Office of the Clerk**

**1236 Mail Service Center**

**Raleigh, NC 27699-1236**

**Main telephone: (919) 807-2500**

**Helpline (800) 688-8349**

**Website: <http://www.ic.nc.gov>**

**FORM T-42**

(b) A copy of the form described in Paragraph (a) of this Rule can be accessed at ~~<http://www.ic.nc.gov/formt42.pdf>~~ <https://www.ic.nc.gov/forms/formt-42.pdf>. The form shall be reproduced only in the format available at ~~<http://www.ic.nc.gov/forms/formt42.pdf>~~ <https://www.ic.nc.gov/forms/formt-42.pdf> and shall not be altered or amended in any way.

*Authority G.S. 143-291; 143-295; 143-300.*

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

**CHAPTER 16 – BOARD OF DENTAL EXAMINERS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rules cited as 21 NCAC 16B .1101; 16C .0303, .0601; 16G .0103; and 16H .0104.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
[www.ncdentalboard.org](http://www.ncdentalboard.org)

**Proposed Effective Date:** *September 1, 2020*

**Public Hearing:**

**Date:** *June 11, 2020*

**Time:** *6:30 p.m.*

**Location:** *2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560*

**Reason for Proposed Action:**

*21 NCAC 16B .1101; 16C .0601 are proposed for amendment to make them consistent with the content and structure of all other amended application rules.*

*21 NCAC 16C .0303 is proposed for amendment to make the Board's examination rules for dentists and dental hygienists consistent.*

*21 NCAC 16G .0103 is proposed for amendment to prohibit dental hygienists and dental assistants from administering anesthesia and sedation consistent with the Board's other rules and guidance to dentists.*

*21 NCAC 16H .0104 is proposed for amendment to exclude coronal polishing from functions that may be delegated to a Dental Assistant I in training.*

**Comments may be submitted to:** *Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560*

**Comment period ends:** *June 15, 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

**SUBCHAPTER 16B - LICENSURE DENTISTS**

**SECTION .1100 - REINSTATEMENT**

**21 NCAC 16B .1101 APPLICATION FOR REINSTATEMENT AND PROOF OF COMPETENCY**

(a) Any person desiring to practice dentistry in North Carolina whose North Carolina dental license has been revoked, suspended, retired, or expired shall submit to the Board an application for reinstatement. All applications for reinstatement of a dental license shall be submitted on forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and no application shall be deemed complete that does not set forth all the information required relative to the applicant. Incomplete applications shall be returned to the applicant. shall include:

- (1) original dental license number and date of issuance;
- (2) full name;
- (3) street address as of the date of the application;
- (4) telephone number;
- (5) email address;
- (6) citizenship or immigration status, with verifying documentation;
- (7) a statement disclosing and explaining the nature, facts, and disposition of any matter where 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;
- (8) whether the applicant is under investigation as of the date of the application or has ever been investigated by the Board or any other licensing board;
- (9) whether the applicant has ever had a civil lawsuit related to the practice of dentistry settled;
- (10) all dental licenses from other jurisdictions ever held by the applicant, including dates of licensure;
- (11) a statement disclosing all the applicant's dental practices from dental school graduation to the date of the application, including:
- (A) the dates during which the applicant was engaged in practice as a dentist;
- (B) the addresses of the offices or places at which the applicant was employed or practicing, and the names and addresses of all employers, partners, associates, or persons 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;
- (12) 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;
- (13) two letters of character reference from non-family members;
- (14) 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;
- (15) documentation of the applicant's completion of continuing education courses, as set out in 21 NCAC 16R .0200, in amounts equal to the number of hours required for renewal of a dental license; and
- (16) a copy of an unexpired CPR certificate.
- (b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information and materials listed in Paragraph (a) of this Rule, shall be accompanied by: by the nonrefundable reinstatement application fee set forth in 21 NCAC 16M .0101(a)(8) and the renewal fees set forth in 21 NCAC 16M .0101(a)(2) and (b).
- (1) the non-refundable reinstatement fee;
- (2) two letters of character reference from non-family members;
- (3) a current report from the National Practitioner Databank;
- (4) proof of completion of continuing education courses in clinical patient care from Board-approved sponsors, as defined in Rule 16R .0104 of this Chapter in amounts equal to the hours required for renewal of a dental license; and
- (5) a copy of current CPR card.
- (c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever been Applicants who are licensed in other states states, the applicant shall request the dental regulatory authority or other occupational or professional regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental license to send to the Board office, in an unopened envelope sealed by the authority, a certificate of the applicant's licensure status accompanied by a disclosure of any disciplinary action taken or investigation pending, shall ensure that the Board receives verification of licensure from the board of each state in which they are licensed.
- (d) Applicants An applicant whose North Carolina license has been revoked, suspended, inactive or lapsed retired, or expired for more than one year shall submit to the Board a completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history record check from the North Carolina State Bureau of Investigation, check. The form and card are available from the Board office.
- (e) Applicants An applicant for reinstatement whose North Carolina dental license has been revoked, suspended, inactive or lapsed retired, or expired for two to five years may be required, at the Board's discretion, to shall take refresher courses on topics as specified by the Board. Refresher courses may be required Board if the Board determines, based upon the facts of the case, determines that the applicant may lack lacks skills or knowledge to practice dentistry, dentistry competently. Refresher courses for individuals an applicant whose licenses have been license was revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher courses for individuals an applicant whose licenses have license has been inactive or lapsed retired or expired shall be specified by the Board taking take into account the amount of time the license has been inactive or lapsed retired or expired and the individual's applicant's level of experience.

(f) ~~Applicants~~ An applicant for seeking reinstatement of a whose North Carolina dental license that has been revoked, suspended, inactive or lapsed retired, or expired for more than five years must successfully shall pass the clinical examination given to first time applicants American Board of Dental Examiners dental licensure clinical examinations before applying for reinstatement.

(g) The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and the applicant's passing scores on any examinations required under Paragraph (f) 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 fees.

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

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

*Authority G.S. 90-30; 90-41; 90-42.*

## **SUBCHAPTER 16C - LICENSURE DENTAL HYGIENISTS**

### **SECTION .0300 - APPLICATION**

#### **21 NCAC 16C .0303 BOARD APPROVED EXAMINATIONS**

(a) All applicants for dental hygiene licensure shall achieve passing scores on the Board's sterilization and jurisprudence examinations. ~~Reexamination on the written examinations shall be governed by Rule .0311 of this Section.~~

(b) All applicants for dental hygiene licensure shall achieve passing scores on ~~written~~ the examination administered by the Joint Commission on National Dental Examinations and clinical examinations administered by Board approved testing agencies. The Board shall determine which testing agencies are approved based on the requirements set forth in Paragraphs (c) and (d) of this Rule.

(c) ~~Clinical testing~~ To qualify as an approved testing agency, the test-development agencies shall permit allow Board representation on the Board of Directors examination review committee and the Examination Review Committee board of directors of the agency or equivalent committee and allow Board input in the examination development and administration.

(d) ~~The~~ To qualify as an approved testing agency, the clinical examination administered by a testing agency shall:

- ~~(1) be substantially equivalent to or an improvement to the clinical licensure examination most recently administered by the Board;~~
- ~~(2)~~ (1) include procedures performed on human subjects as part of the assessment of clinical competency;
- ~~(3)~~ (2) include probing, supra supra- and subgingival scaling scaling, and soft tissue management; and
- ~~(4)~~ (3) provide the following:
  - (A) anonymity between applicants and examination graders;

- (B) standardization and calibration of graders;
- (C) a mechanism for post exam analysis;
- (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, ~~averaged~~ averaged, or overall scoring to compensate for failures in individual subject areas;
- (E) a minimum passing score set by the testing agency for each subject area tested;
- (F) an annual review of the examination;
- (G) a task analysis performed at least once every seven years that surveys dentists nationwide to determine the content ~~domain to be scored and how the sections of the examination are scored;~~ of the examination;
- (H) a ~~defined~~ system of quality assurance to ensure uniform, consistent administration of the examination at each testing site; and
- (I) does not permit a dental hygiene instructor to grade candidates at any institution at which the instructor is ~~employed on a full time basis.~~ employed.

(e) The Board shall accept examination scores for five years following the date of the examination. ~~Each applicant shall arrange for and ensure the submission to the Board office the applicant's scores. Individuals who apply for licensure more than five years after the examination date must shall re-take the examination. Each Each applicant shall arrange for and ensure that the applicant's scores are to be submitted to the Board office. The applicant shall comply with all requirements of such testing agency in applying for and taking the examination.~~

(f) ~~The Board shall specify the agencies that will conduct Board approved licensure examinations. The applicant shall comply with all requirements of the testing agency in applying for and taking the examination.~~

*Authority G.S. 90-224.*

## **SECTION .0600 – REINSTATEMENT OF DENTAL HYGIENE LICENSE**

#### **21 NCAC 16C .0601 APPLICATION FOR REINSTATEMENT AND PROOF OF COMPETENCY**

(a) Any person desiring to practice dental hygiene in North Carolina whose North Carolina dental hygiene license has been revoked, suspended, retired, or expired shall submit to the Board an application for reinstatement. All applications for reinstatement of a dental hygiene license shall be made on the forms furnished by the Board at www.ncdentalboard.org and no application shall be deemed complete that does not set forth all the information required relative to the applicant. Incomplete applications shall be returned to the applicant. Any applicant who

changes his or her address shall notify the Board office within 10 business days. shall include:

- (1) original dental hygiene license number and date of issuance;
- (2) full name;
- (3) street address as of the date of the application;
- (4) telephone number;
- (5) email address;
- (6) citizenship or immigration status, with verifying documentation;
- (7) a statement disclosing and explaining the nature, facts, and disposition of any matter where 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;
- (8) whether the applicant is under investigation as of the date of the application or has ever been investigated by the Board or any other licensing board;
- (9) whether the applicant has ever had a civil lawsuit related to the practice of dentistry settled;
- (10) all dental hygiene licenses from other jurisdictions ever held by the applicant, including dates of licensure;
- (11) a statement disclosing all the applicant's dental hygiene practices, including:
  - (A) the dates during which the applicant was employed as a dental hygienist;
  - (B) the name and address of each employer; and
  - (C) the reason for the termination of each employment;
- (12) 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;
- (13) two letters of character reference from non-family members;
- (14) 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;
- (15) documentation of the applicant's completion of continuing education courses, as set out in 21 NCAC 16I, in amounts equal to the number of hours required for renewal of a dental hygiene license; and
- (16) a copy of an unexpired CPR certificate.

(b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable reinstatement application fee set forth in 21 NCAC 16M .0102(a)(3) and the renewal fees set forth in 21 NCAC 16M .0102(a)(2) and (b). shall accompany the application.

(c) All applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for more than five years must successfully pass the clinical examination given to first time applicants before seeking reinstatement. In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever been licensed in other states, the applicant shall request the dental regulatory authority or other occupational or professional regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental hygiene license to send to the Board office, in an unopened envelope sealed by the authority, a certificate of the applicant's licensure status accompanied by a disclosure of any disciplinary action taken or investigation pending.

(d) An applicant whose North Carolina license has been revoked, suspended, retired, or expired for more than one year shall submit to the Board a completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based criminal history check from the North Carolina State Bureau of Investigation.

~~(d)(e) Applicants~~ An applicant for reinstatement whose North Carolina dental hygiene license has been revoked, suspended, ~~inactive or lapsed~~ retired, or expired for two to five years ~~may, at the Board's discretion, be required to~~ shall take refresher courses as specified by the Board. ~~Refresher courses may be required~~ Board if the Board ~~determines, based upon the facts of the case,~~ determines that the applicant ~~may lack~~ lacks skills or knowledge to practice dental hygiene. ~~hygiene competently~~. Refresher courses for ~~individuals an applicant~~ whose ~~licenses have been~~ license has been ~~inactive or lapsed~~ retired or expired shall be specified by the Board ~~taking~~ take into account the amount of time the license has been ~~inactive or lapsed~~ retired or expired and the ~~individual's~~ applicant's level of experience.

~~(e) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the board of each state in which they are licensed.~~

~~(f) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one year shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of the application for reinstatement. The form and card are available from the Board office. An applicant for reinstatement whose North Carolina dental hygiene license has been revoked, suspended, retired, or expired for more than five years shall pass the American Board of Dental Examiners dental hygiene licensure clinical examinations before seeking reinstatement.~~

~~(g) Applicants shall provide proof of continuing education in clinical patient care, by Board approved sponsors, equal to the number of hours currently required for the renewal of a dental hygiene license and current CPR certification. The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and the applicant's passing scores on any examinations required under Paragraph (f) 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 fees.~~

~~(h) Two letters of character reference from non family members. Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.~~

~~(i) A report from the National Practitioner Databank. Any license obtained through fraud or by any false representation shall be revoked.~~

Authority G.S. 90-223; 90-224; 90-229.

## SUBCHAPTER 16G - DENTAL HYGIENISTS

### SECTION .0100 - FUNCTIONS THAT MAY BE DELEGATED

#### 21 NCAC 16G .0103 PROCEDURES PROHIBITED

Those procedures that require the professional education and skill of a dentist and ~~may~~ shall not be delegated to a dental hygienist ~~shall~~ include:

- (1) performing comprehensive examination, diagnosis, and treatment planning;
- (2) performing surgical or cutting procedures on hard or soft tissues, including laser, air abrasion, or micro-abrasion procedures;
- (3) placing or removing therapeutic sulcular nonresorbable agents;
- (4) issuing prescription drugs, medications, or work authorizations;
- (5) performing the final placement or intraoral adjustment of a fixed or removable appliance;
- (6) performing intraoral occlusal adjustments that affect function, fit, or occlusion of any temporary or permanent restoration or appliance;
- (7) performing direct pulp capping or pulpotomy;
- (8) placing sutures;
- (9) performing final placement or cementation of orthodontic bands or brackets;
- (10) performing the placement or cementation of final restorations;
- (11) administering any anesthetic by any route except administering topically-applied agents intended to anesthetize only cutaneous tissue;
- (12) using a high-speed handpiece intraorally;
- (13) performing cementation of endodontic posts;
- (14) condensing Amalgam;
- (15) using a transcutaneous electrical nerve stimulation (TENS) unit;
- (16) applying formocresol;
- (17) placing stainless steel crown on permanent or primary teeth;
- (18) performing pulp vitality testing;
- (19) performing curettage;
- (20) placing periodontal or surgical dressing;
- (21) performing oral brush biopsy;
- (22) taking bite registration or Elastometrics;
- (23) placing eugenol wick in dry socket;
- (24) fabricating or delivering sleep apnea appliance; ~~and~~
- (25) removing, replacing, or torqueing either impression or prosthetic implant ~~abutments~~ abutments; ~~and~~
- (26) administering any sedation or general anesthesia pharmacological agents, including drawing a dosage into a syringe.

Authority G.S. 90-221(a); 90-223(b).

## SUBCHAPTER 16H - DENTAL ASSISTANTS

### SECTION .0100 - CLASSIFICATION AND TRAINING

#### 21 NCAC 16H .0104 APPROVED EDUCATION AND TRAINING PROGRAMS

(a) To be classified as a Dental Assistant II, an assistant shall have and maintain an unexpired CPR certification and also shall meet one of the following criteria:

- (1) completion of:

- (A) an ADA-accredited dental assisting program; or
- (B) one academic year or longer in an ADA-accredited dental hygiene program; ~~or~~
- (2) completion of the Dental Assistant certification examination(s) administered by the Dental Assisting National Board; or
- (3) completion of:
  - (A) ~~full-time~~ employment as a Dental Assistant I for two years of the preceding five, consisting of at least 3,000 hours total;
  - (B) a 3-hour course in sterilization and infection control; and
  - (C) a 3-hour course in dental office emergencies.

(b) A Dental Assistant I who has completed the requirements of ~~sections Parts (a)(3)(B)-(C) of this Rule~~ but not completed the training pursuant to ~~section (a)(3)(A) may~~ Part (a)(3)(A) of this Rule may be trained ~~in any dental delivery setting by a licensed dentist~~ and allowed to perform the functions of a Dental Assistant II, as specified in ~~21 NCAC 16H .0203, under Rule .0203 of this Subchapter, under the direct control and supervision of a licensed dentist.~~ dentist, except that a Dental Assistant I performing the functions of a Dental Assistant II pursuant to this Paragraph shall not perform the coronal polishing function set out in Rule .0203(a)(21) of this Subchapter.

(c) ~~An~~ For purposes of this Rule, an unexpired CPR certification ~~as used herein~~ is one that is in effect and valid at the time of classification as a Dental Assistant II and remains so at all times while employed as a Dental Assistant II or while performing any of the permitted functions under ~~21 NCAC 16H .0203. Rule .0203 of this Subchapter.~~

(d) ~~No~~ A Dental Assistant ~~may~~ shall not take radiographs before completing radiology training consistent with G.S. 90-29(c)(12).

Authority G.S. 90-29(c)(9).

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the rules cited as 21 NCAC 16F .0104, .0105; 16I .0101; 16N .0403; 16R .0101, .0102, and .0108.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
[www.ncdentalboard.org](http://www.ncdentalboard.org)

**Proposed Effective Date:** September 1, 2020

**Public Hearing:**

**Date:** June 11, 2020

**Time:** 6:30 p.m.

**Location:** 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

**Reason for Proposed Action:**

*21 NCAC 16F .0104, .0105; 16I .0101; 16R .0101, .0102, and .0108 are proposed for amendment to make them consistent with the content and structure of all other amended application rules. 21 NCAC 16N .0403 is proposed for amendment to update the statutory citation and to match the statute's timeframe for a declaratory ruling.*

**Comments may be submitted to:** Bobby White, 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

**Comment period ends:** June 15, 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

**SUBCHAPTER 16F - PROFESSIONAL CORPORATIONS**

**SECTION .0100 – SCOPE**

**21 NCAC 16F .0104 CERTIFICATE OF REGISTRATION**

(a) Each professional corporation, association, or limited liability company shall submit an application ~~Application~~ for a certificate of registration ~~shall be made in writing to the Board, and shall be submitted upon~~ on the form provided by the Board for that purpose. ~~The application shall be accompanied by a certified copy of the certificate of incorporation and articles of incorporation of a P.A. or P.C. or a certified copy of the articles of organization of a P.L.L.C., together with a check in the amount of fifty dollars (\$50.00) in payment of the registration fee.~~ purpose, and shall include the following information:

- (1) name of the company;
- (2) street address of the company;
- (3) mailing address of the company, if different from the street address;
- (4) email address of the company;



- (5) name, address, and dental license number of each shareholder or member, and each dentist to be employed by the company once it is registered;
- (6) name, address, and occupation of each corporation director and officer, or each limited liability company manager; and
- (7) name, address, and duties of each person, other than dentists, to be employed by the company once it is registered.

(b) The application shall be:

- (1) signed by the president or vice president of the professional corporation or association or by a manager of the professional limited liability company, and notarized;
- (2) submitted to the Board with all the information listed in Paragraph (a) of this Rule;
- (3) accompanied by the registration fee of fifty dollars (\$50.00); and
- (4) accompanied by a certified copy of the certificate of incorporation and articles of incorporation of the professional corporation or association or a certified copy of the articles of organization of the professional limited liability company. For purposes of this Subparagraph, "certified" means the copy is accompanied by certification of filing from the Secretary of State as set forth in G.S. 55D-17.

~~(b)(c)~~ The initial certificate of registration shall remain effective for one year from the date of ~~issuance thereof~~, issuance, unless suspended or terminated as ~~by law provided~~, provided in G.S. 55B-13, and each subsequent renewal of the certificate shall be effective for a period of one year from the date of issue.

*Authority G.S. 55B-10; 57D-2-01; 90-48.*

#### **21 NCAC 16F .0105 APPLICATION FOR RENEWAL**

(a) At least 20 days prior to the date of expiration of the ~~certificate~~, certificate of registration, the corporation or limited liability company shall submit its ~~written~~ application for renewal upon a form ~~to be provided by the Board. The application must be accompanied by a check in the amount of twenty five dollars (\$25.00) in payment of the renewal fee.~~ Board, and shall include the following information:

- (1) name of the company as shown on the certificate of registration;
- (2) name of the company as of the date of the application for renewal, if the company name has been amended;
- (3) street address of the company;
- (4) mailing address of the company, if different from the street address;
- (5) email address of the company; and
- (6) name and dental license number of each dentist practicing under the company.

(b) The application shall be submitted by the president or vice president of the professional corporation or association or by a manager of the professional limited liability company to the

Board with all the information listed in Paragraph (a) of this Rule, accompanied by the renewal fee of twenty-five dollars (\$25.00).

*Authority G.S. 55B-11; 57D-2-01; 90-48.*

### **SUBCHAPTER 16I - ANNUAL RENEWAL OF LICENSE AND CONTINUING EDUCATION REQUIREMENTS: DENTAL HYGIENIST**

#### **SECTION .0100 - ANNUAL RENEWAL**

##### **21 NCAC 16I .0101 APPLICATIONS**

(a) A renewal application ~~for a dental hygiene license shall be completed and received in the Board's office submitted electronically before midnight on January 31 of each year. Any renewal applications received after that date will require a late fee.~~ year through the Board's website: [www.ncdentalboard.org](http://www.ncdentalboard.org). The renewal application shall include:

- (1) dental hygiene license number;
- (2) full name;
- (3) mailing address and any secondary address the licensee wishes to provide;
- (4) telephone number;
- (5) fax number;
- (6) email address;
- (7) citizenship or immigration status, with verifying documentation;
- (8) whether, during the calendar year preceding the application, the licensee has:

- (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;
- (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony or misdemeanor;
- (H) been disciplined by any professional licensing board; or

**SUBCHAPTER 16N - RULEMAKING AND  
ADMINISTRATIVE HEARING PROCEDURES**

**SECTION .0400 - DECLARATORY RULINGS**

**21 NCAC 16N .0403 DISPOSITION OF REQUESTS**

(a) When the Board deems it appropriate to issue a declaratory ~~ruling it ruling, it~~ shall issue ~~such the~~ declaratory ruling as soon as practicable but no longer than the period set out in G.S. 150B-4(a)1. ~~60 days after receipt of the petition.~~

(b) A declaratory ruling proceeding may consist of written submissions or other procedures ~~as may be appropriate in the~~ Board determines to be in the interests of justice and judicial economy based on the content and circumstances of the ~~particular~~ request.

(c) Whenever the Board ~~believes finds for~~ good cause exists to deny the request for ~~that the issuance of a declaratory ruling, ruling is undesirable,~~ the Board may ~~refuse deny~~ the request to issue ~~such a declaratory ruling. When good cause is deemed to exist,~~ In that event, the Board ~~will shall~~ notify the petitioner of its decision in writing, stating the reasons for the denial of the declaratory ruling.

(d) For purposes of Paragraph (c) of this Rule, good cause for the denial of the Board will ordinarily refuse to issue a declaratory ruling; ruling request may include one of the following:

- (1) ~~Unless the petitioner shows~~ does not show that the circumstances are ~~so~~ changed since the adoption of the rule ~~that such and a declaratory ruling would be warranted;~~
- (2) ~~Unless the petitioner shows that the agency did not give to the factors specified in the request for a declaratory ruling a full consideration at the time the rule was adopted; adopted, the Board gave full consideration to the factors specified in the request for a declaratory ruling;~~
- (3) ~~Where there has been a previous determination of a contested case involving similar factual questions; and or~~
- (4) ~~Where the subject matter of the request is involved in pending litigation in any state State or federal court in North Carolina.~~

*Authority G.S. 150B-4.*

**SUBCHAPTER 16R – ANNUAL RENEWAL OF LICENSE  
AND CONTINUING EDUCATION REQUIREMENTS:  
DENTIST**

**SECTION .0100 - RENEWAL OF LICENSE**

**21 NCAC 16R .0101 APPLICATIONS**

(a) A renewal application for a dental license shall be ~~completed and received in the Board's office~~ submitted electronically before midnight on January 31 of each year. ~~The renewal form may be obtained on the board's year through the Board's website: www.ncdentalboard.org. The renewal application shall include:~~

- (1) dental license number;
- (2) full name;
- (3) mailing address;

- (I) had a malpractice suit settled or pending against the licensee;
- (9) whether the licensee has been investigated for employee misclassification as an independent contractor within the five years preceding the application;
- (10) employment status as a dental hygienist as of the date of the application, including:
  - (A) whether the licensee is currently working as a dental hygienist;
  - (B) name of the practice in which the licensee provides services;
  - (C) primary setting in which the licensee provides services;
  - (D) type of employer for which the licensee works; and
  - (E) number of hours the licensee works in an average week;
- (11) a report of the licensee's completion of continuing education hours related to clinical patient care during the calendar year preceding the application, or the licensee's exemption from reporting;
- (12) whether the licensee holds an unexpired CPR certification;
- (13) whether the licensee has been employed as a limited supervision hygienist as set forth in 21 NCAC 16Z during the calendar year preceding the application; and
- (14) a written statement certifying that the information submitted is accurate to the best of the licensee's knowledge.

(b) In addition to the requirements of Paragraph (a) of this Rule, the licensee shall mail to the Board the following materials for review by the Board before the license will be renewed:

- (1) for each matter existing under Subparagraph (a)(8) of this Rule, a statement describing the nature, facts, and disposition of the matter, and include a copy, certified by the clerk of court or the applicable licensing board, of the disposition or judgment in the matter; and
- (2) for each matter under Subparagraph (a)(9) of this Rule, documentation of the results of the investigation.

(c) The Board shall receive all information and documentation set forth in Paragraphs (a) and (b) of this Rule, accompanied by the renewal fees set forth in 21 NCAC 16M .0102, for the renewal application to be complete. If a renewal application is not complete, the license shall not be renewed.

(d) Eligible licensees shall be granted an extension period as set out in Rule .0111 of this Subchapter in which to pay renewal fees, obtain CPR certification, and comply with the Board's continuing education rules.

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

*Authority G.S. 90-227; 93B-15.*

- (4) telephone number;
  - (5) fax number;
  - (6) email address;
  - (7) citizenship or immigration status, with verifying documentation;
  - (8) whether, during the calendar year preceding the application, the licensee has:
    - (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;
    - (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony or misdemeanor;
    - (H) been disciplined by any professional licensing board; or
    - (I) had a malpractice suit settled or pending against the licensee;
  - (9) whether the licensee has been investigated for employee misclassification as an independent contractor within the five years preceding the application;
  - (10) employment status as a dentist as of the date of the application, including:
    - (A) whether the licensee is currently working as a dentist;
    - (B) primary practice area;
    - (C) name of the practice in which the licensee provides services;
    - (D) primary setting in which the licensee provides services;
    - (E) number of hours the licensee works in an average week;
    - (F) whether the licensee is self-employed;
    - (G) if not self-employed, the type of employer for which the licensee works; and
    - (H) if self-employed, the number of dentists, hygienists, and dental assistants working in the licensee's practice;
  - (11) a report of the licensee's completion of continuing education hours related to clinical patient care during the calendar year preceding the application, or the licensee's exemption from reporting;
  - (12) whether the licensee is enrolled in or completed a residency program during the calendar year preceding the application;
  - (13) whether the licensee holds an unexpired CPR certification;
  - (14) whether the licensee employed dental hygienists as limited supervision hygienists as set forth in 21 NCAC 16Z during the calendar year preceding the application;
  - (15) whether the licensee is registered with and using the N.C. Controlled Substances Reporting System as of the date of the application;
  - (16) whether the licensee has an active U.S. Drug Enforcement Administration license as of the date of the application to prescribe schedule II-IV controlled medications;
  - (17) whether the licensee has completed at least one hour of continuing education in controlled substance prescribing practices and controlled substance prescribing for chronic pain management during the calendar year preceding the application; and
  - (18) a written statement certifying that the information submitted is accurate to the best of the licensee's knowledge.
- (b) In addition to the requirements of Paragraph (a) of this Rule, the licensee shall mail to the Board the following materials for review by the Board before the license will be renewed:
- (1) for each matter existing under Subparagraph (a)(8) of this Rule, a statement describing the nature, facts, and disposition of the matter, and include a copy, certified by the clerk of court or the applicable licensing board, of the disposition or judgment in the matter; and
  - (2) for each matter under Subparagraph (a)(9) of this Rule, documentation of the results of the investigation.
- (c) The Board shall receive all information and documentation set forth in Paragraphs (a) and (b) of this Rule, accompanied by the renewal fees set forth in 21 NCAC 16M .0101, for the renewal application to be complete. If a renewal application is not complete, the license will not be renewed.
- ~~(b)(d) Eligible licensees as defined by Rule .0206 of this Subchapter shall be granted an extension period in accordance with 26 U.S.C. 7508 as set out in 21 NCAC 16B .0900 in which to pay license, general anesthesia, and sedation permit renewal fees, obtain CPR certification, renew professional association and corporation registrations and comply with the Dental Board's continuing education rules.~~

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

*Authority G.S. 90-28; 90-31; 90-39; 93B-15.*

**21 NCAC 16R .0102 FEE FOR LATE FILING AND  
DUPLICATE LICENSE**

(a) If the application for a renewal certificate, including all information and documentation set out in Rule .0101 of this Subchapter and accompanied by the renewal fees ~~fee~~ required by 21 NCAC 16M .0101, is not received in ~~to~~ the Board's office before midnight on January 31 of each year, an additional fee of ~~fifty dollars (\$50.00)~~ for late renewal shall be charged ~~for the renewal certificate, as set out in 21 NCAC 16M .0101.~~

(b) A fee of ~~twenty five dollars (\$25.00)~~ shall be charged for each duplicate of any license or certificate issued by the ~~Board.~~ Board as set out in 21 NCAC 16M .0101.

*Authority G.S. 90-31; 90-39.*

**21 NCAC 16R .0108 LICENSE VOID UPON FAILURE  
TO TIMELY RENEW**

If an application for a renewal certificate, including all information and documentation set out in Rule .0101 of this Subchapter and accompanied by the renewal ~~fee~~ and ~~any applicable~~ late filing fees required by 21 NCAC 16M ~~.0101~~ .0101, is not received in the Board's office before midnight on March 31 of each year, the license shall become void and the applicant ~~must~~ shall apply for ~~reinstatement. A copy of the reinstatement application form and the location of the Board's office can be found at www.ncdentalboard.org.~~ reinstatement in accordance with 21 NCAC 16B .1101.

*Authority G.S. 90-31; 90-34.*

**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](http://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 60<sup>th</sup> 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 08 – STATE BOARD OF ELECTIONS

**Rule-making Agency:** Executive Director of the State Board of Elections

**Rule Citation:** 08 NCAC 01 .0106

**Effective Date:** March 20, 2020

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

**Reason for Action:** G.S. 163-27.1 authorizes the Executive Director of the State Board of Elections to exercise emergency powers to conduct an election in a district where the normal schedule for the election is disrupted by a natural disaster, extremely inclement weather, or armed conflict. The coronavirus outbreak in North Carolina compels the Executive Director of the State Board of Elections to amend her emergency powers to include catastrophic conditions, including a disease epidemic, so that any necessary modifications to the normal schedule or operations of the election can be addressed as soon as possible.

### CHAPTER 01 - DEPARTMENTAL RULES

#### 08 NCAC 01 .0106      **EMERGENCY POWERS OF EXECUTIVE DIRECTOR**

(a) In exercising his or her emergency powers and determining whether the "normal schedule" for the election has been disrupted in accordance with G.S. ~~163A-750~~, 163-27.1, the Executive Director shall consider whether one or more components of election administration has been impaired. The Executive Director shall consult with State Board members when exercising his or her emergency powers if feasible given the circumstances set forth in this Rule.

(b) For the purposes of G.S. ~~163A-750~~, 163-27.1, the following shall apply:

- (1) A natural disaster or extremely inclement weather include ~~as~~ any of the following:
  - (A) Hurricane;
  - (B) Tornado;
  - (C) Storm or snowstorm;
  - (D) Flood;
  - (E) Tidal wave or tsunami;
  - (F) Earthquake or volcanic eruption;
  - (G) Landslide or mudslide; or
  - (H) Catastrophe arising from natural causes ~~resulted~~ resulting in a disaster declaration by the President of the United States or the ~~Governor~~. Governor, a national emergency declaration by the President of the

United States, or a state of emergency declaration issued under G.S. 166A-19.3(19). "Catastrophe arising from natural causes" includes a disease epidemic or other public health incident that makes it impossible or extremely hazardous for elections officials or voters to reach or otherwise access the voting place or that creates a significant risk of physical harm to persons in the voting place, or that would otherwise convince a reasonable person to avoid traveling to or being in a voting place.

- (2) An armed conflict includes mobilization, pre-deployment, or deployment of active or reserve members of the United States armed forces or National Guard during a national emergency or time of war.

(c) The Executive Director acting under G.S. ~~163A-750~~ 163-27.1 to conduct an election in a district where the normal schedule for the election is disrupted must ensure that remedial measures are calculated to offset the nature and scope of the disruption(s). In doing so, the Executive Director shall consider the following factors:

- (1) Geographic scope of disruption;
- (2) Effects on contests spanning affected and non-affected areas;
- (3) Length of forewarning and foreseeability of disruption;
- (4) Availability of alternative registration or voting opportunities;
- (5) Duration of disruption;
- (6) Displacement of voters or election workers;
- (7) Access to secure voting locations;
- (8) Sufficiency of time remaining for the General Assembly and the Governor to adopt emergency legislation addressing the disruption;
- (9) Detrimental effects on election integrity and ballot security; and
- (10) Aggregate effects on important Federal and State certification deadlines.

*History Note:* Authority G.S. ~~163A-750~~, 163-27.1;  
Eff. October 1, 2018;  
Emergency Amendment Eff. March 20, 2020.

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

**CHAPTER 06 – BOARD OF BARBER EXAMINERS**

**Rule-making Agency:** *North Carolina Board of Barber Examiners*

**Rule Citation:** *21 NCAC 06F .0128 and 06N .0111*

**Effective Date:** *March 27, 2020*

**Findings Reviewed and Approved by the Codifier:** *March 19, 2020*

**Reason for Action:** *A serious and unforeseen threat to the public health, safety or welfare has arisen with the coronavirus outbreak in North Carolina. The governor declared a state of emergency on March 10, 2020. Several barber schools have given the board notice that they have closed or will be closing their facilities due to the outbreak. To allow students to continue to receive education, the board proposes to eliminate rules that would prevent schools from being able to offer online classes. In addition, the board proposed to extend the timeframes for reporting requirements so that schools with absent staff members can still fulfill their obligations.*

**SUBCHAPTER 06F – BARBER SCHOOL**

**SECTION .0100 – BARBER SCHOOL**

**21 NCAC 06F .0128 WAIVER OF REQUIREMENTS  
DURING DISASTER OR EMERGENCY**

(a) If the governor declares a state of emergency, the following exceptions shall apply to barber schools and students, the requirements in this Subchapter notwithstanding:

- (1) Schools shall maintain a monthly record of the subject matter taught to the student in theory classes, despite the requirement in Rule .0110(4) of this Subchapter for a weekly record.
- (2) Schools shall provide to the Board the list of students required by G.S. 86A-22(5) by the last day of each month, despite the requirement in Rule .0110(6) of this Subchapter for schools to submit the list by the 15th of each month.
- (3) Within 60 days of the date on which any student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall return the student permit to the Board, despite the requirement in Rule .0113(d) of this Subchapter to return the student permit within five business days.
- (4) Students shall not be required to meet the requirements in Rule .0122 of this Subchapter if the students are attending online classes.
- (5) No student shall be given credit for more than 10 total hours during any instruction day, despite the restriction to eight hours in Rule .0124(a) of this Subchapter.

(6) The restrictions on off-campus hours in Rule .0124(c) of this Subchapter shall not apply to hours that students receive during a state of emergency.

(7) Schools shall not be required to revise the handbooks required by Rule .0125 of this Subchapter to reflect the exceptions listed in this Rule.

(b) The exceptions in this Rule shall only apply during the effective period of the state of emergency.

**History Note:** *Authority G.S. 86A-22;  
Emergency Adoption Eff. March 27, 2020.*

**SUBCHAPTER 06N – FEES AND FORMS**

**21 NCAC 06N .0111 FORM BAR-10**

(a) The Form BAR-10 is a report that shall be filed monthly by the manager of the school for each student enrolled in barber school. It requires the following:

- (1) the name of the school submitting the report;
- (2) the name and date of enrollment of the student;
- (3) the month and year for which the report is filed;
- (4) the dates and hours of the student's absences;
- (5) the dates and hours of the student's attendance;
- (6) the number of patrons served for clinical services; and
- (7) the subject matter covered in practical and theory courses.

(b) The Form BAR-10 shall be submitted to the Board over the signature of the manager of the school and co-signed by the student.

(c) ~~The Form BAR-10 shall be returned to the Board within five business days of the date on which~~ If a student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall return the Form BAR-10 to the Board:

- (1) within five business days; or
- (2) within 30 days if the student's enrollment ends during the effective period of a state of emergency declared by the governor.

**History Note:** *Authority G.S. 86A-22;  
Eff. May 1, 1989;  
Readopted Eff. July 1, 2016, 2016;  
Emergency Adoption Eff. March 27, 2020.*

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**CHAPTER 18 – BOARD OF EXAMINERS OF  
ELECTRICAL CONTRACTORS**

**Rule-making Agency:** *Board of Examiners of Electrical Contractors*

**Rule Citation:** *21 NCAC 18B .1109*

**Effective Date:** *March 30, 2020*

**Findings Reviewed and Approved by the Codifier:** March 20, 2020

**Reason for Action:** Due to a serious and unforeseen threat to the public health and safety the Board has adopted this emergency rule. 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 and have encouraged social distancing to reduce infection rates. The State Board of Examiners of Electrical Contractors seeks to assist contractors who are unable to locate a sufficient number of hours of in person continuing education classes that are required by 21 NCAC 18B .1101 by granting a one-time waiver of the annual requirement set forth in that rule under the authority of G.S. 87-44.1. In addition, the State Board of Examiners of Electrical Contractors seeks to contribute towards the social isolation efforts that have been directed by the Federal and State Government by this action.

**SUBCHAPTER 18B - BOARD'S RULES FOR THE  
IMPLEMENTATION OF THE ELECTRICAL  
CONTRACTING LICENSING ACT**

**SECTION .1100 - CONTINUING EDUCATION**

**21 NCAC 18B .1109      EMERGENCY WAIVER OF  
CONTINUING EDUCATION REQUIREMENTS:  
LISTED QUALIFIED INDIVIDUALS**

Effective March 20, 2020, and in response to an ongoing National Health emergency, all existing listed qualified individuals shall receive a one-time waiver of their continuing education requirements to be effectuated by each listed qualified individual receiving credit for their required number of annual hours for their classification as that number is set forth in Rule .1101 of this Section.

History Note:      Authority G.S. 87-42; 87-44.1;  
Emergency Adoption Eff. March 30, 2020.

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**CHAPTER 46 – BOARD OF PHARMACY**

**Rule-making Agency:** Board of Pharmacy

**Rule Citation:** 21 NCAC 46 .1819

**Effective Date:** April 1, 2020

**Findings Reviewed and Approved by the Codifier:** March 24, 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. COVID-19 is as respiratory disease that can result in serious illness or death. COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of 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. The search for potential treatments for COVID-19 has caused shortages and threatens to cause further shortages in certain drugs. On March 24, 2020, the North Carolina Secretary of Health and Human Services and the State Health Director requested that the Medical Board and the Board of Pharmacy adopt the COVID-19 Drug Preservation Rule in order to alleviate shortages and ensure that these drugs are available to patients who need them.

**SECTION .1800 – PRESCRIPTIONS**

**21 NCAC 46 .1819      COVID-19 DRUG  
PRESERVATION RULE**

(a) The following drugs are "Restricted Drugs" as that term is used in this Rule:

- (1)      Hydroxychloroquine;
- (2)      Chloroquine;
- (3)      Lopinavir-ritonavir;
- (4)      Ribavirin;
- (5)      Oseltamivir;
- (6)      Darunavir; and
- (7)      Azithromycin.

(b) A pharmacist shall fill or refill a prescription for a Restricted Drug only if that prescription bears a written diagnosis from the prescriber consistent with the evidence for its use.

(c) When a patient has been diagnosed with COVID-19, any prescription of a Restricted Drug for the treatment of COVID-19 shall:

- (1)      Indicate on the prescription order that the patient has been diagnosed with COVID-19;
- (2)      Be limited to no more than a 14 day supply; and
- (3)      Not be refilled, unless a new prescription order is issued in conformance with this Rule, including not being refilled through an emergency prescription refill.

(d) A pharmacist shall not fill or refill a prescription for a Restricted Drug for the prevention of, or in anticipation of, the contraction of COVID-19 by someone who has not yet been diagnosed.

(e) A prescription for a Restricted Drug may be transmitted orally only if all information required by this Rule is provided to the pharmacy by the physician or the physician's agent, and that information is recorded in writing by the pharmacy, along with the identity of the physician or physician's agent transmitting the prescription.

(f) This Rule does not affect orders for administration to inpatients of health care facilities.

(g) This Rule does not apply to prescriptions for a Restricted Drug for a patient previously established on that particular Restricted Drug on or before March 10, 2020.

*History Note:* Authority G.S. 90-85.6; 90-85.26; 90-85.32; Emergency Adoption Eff. April 1, 2020.

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## CHAPTER 57 – APPRAISAL BOARD

**Rule-making Agency:** *Appraisal Board*

**Rule Citation:** *21 NCAC 57B .0615*

**Effective Date:** *April 1, 2020*

**Findings Reviewed and Approved by the Codifier:** *March 24, 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. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issues Executive Order No. 117 that prohibited mass gatherings, closed schools, and urged social distancing. These rules would prohibit in class offerings, in compliance with the Governor's Executive Order and allow the Board to lift regulations and allow course providers to offer virtual and online options.*

### SUBCHAPTER 57B - REAL ESTATE APPRAISAL EDUCATION

#### SECTION .0600 - CONTINUING EDUCATION COURSES

#### **21 NCAC 57B .0615      EMERGENCY PROVISIONS FOR QUALIFYING EDUCATION, CONTINUING EDUCATION AND LICENSING EXAMINATION**

Due to the current State of Emergency in North Carolina and the United States the North Carolina Appraisal Board is taking the following action:

- (1) Schools and course sponsors for qualifying education courses and continuing education

courses shall cancel or suspend all in-person courses immediately until May 30, 2020.

- (2) Until June 30, 2020, schools and course sponsors may offer remote distance-learning for continuing education courses. In order to offer remote distance learning the school shall provide to the Board documentation that it has met the following requirements prior to the course taking place:

- (a) The educational offering under consideration is currently approved for traditional classroom presentation;
- (b) The platform utilized for distance education is live and interactive;
- (c) The instructor verifies photo identification of the students; and
- (d) The instructor maintains an attendance roster, which includes verifying 100% classroom attendance by, for example, taking attendance at various established times during the course.

- (3) Schools shall allow students to make-up qualifying education course hours by attending another course that is equivalent to the original course offered by the same school. The make-up hours attended by the student shall be for the same content that the student missed.

- (4) Until June 30, 2020, schools and course sponsors may offer remote distance-learning for qualifying education courses, as long as the qualifying education courses are approved in accordance with Sections III D.3 and III.F.6 of the AQB criteria.

- (5) All other Board rules that apply to continuing education or qualifying education that do not conflict with this Rule are in effect and enforced by the Board.

- (6) An applicant who is unable to take the licensing examination within one year pursuant to 21 NCAC 57A .0301 due to illness or the testing service locations being closed shall make a written request to the Board. The Board shall grant applicants an extension to take the licensing examination.

*History Note:* Authority G.S. 93E-1-6; 93E-1-7; 93E-1-8; Emergency Adoption Eff. April 1, 2020.

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## CHAPTER 58 – REAL ESTATE COMMISSION

**Rule-making Agency:** *North Carolina Real Estate Commission*

**Rule Citation:** *21 NCAC 58G .0104 and .0105*

**Effective Date:** *March 26, 2020*



**Findings Reviewed and Approved by the Codifier:** *March 18, 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. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issued Executive Order 117 that prohibited mass gatherings, closed schools, and urged social distancing.*

**SUBCHAPTER 58G – NORTH CAROLINA REAL ESTATE COMMISSION**

**SECTION .0100 – GENERAL**

**21 NCAC 58G .0104 LIMITED EDUCATION REQUIREMENTS FOR PUBLIC HEALTH EMERGENCY**

(a) Schools and course sponsors shall cancel or suspend all in-person courses until April 30, 2020.

(b) Until June 10, 2020, schools and course sponsors may offer synchronous distance-learning for continuing education courses. Until June 30, 2020, schools and course sponsors may offer synchronous distance-learning for prelicensing and postlicensing courses. "Synchronous distance-learning" means the instructor and students are separated only by distance and not time, allowing for real-time monitoring of student participation.

(c) Schools shall allow students to make-up prelicensing and postlicensing course hours by attending another course of the same type offered by the same school. The make-up hours attended by the student shall be for the same content that the student missed.

(d) An applicant who is unable to take the licensing examination within 180 days pursuant to 21 NCAC 58A .0401 due to illness or the testing service locations being closed shall make a written request using the Commission's website. The Commission shall grant each applicant an extension to take the licensing examination.

(e) A broker requiring an extension of time to complete the 12-hour Broker-in-Charge Course pursuant to 21 NCAC 58A .0110(e) and .1712(b)(5) shall make a written request using the Commission's website prior to the licensee's original 120 day deadline. The Commission shall grant each broker an extension to complete the 12-hour Broker-in-Charge Course.

(f) The Commission shall grant all brokers an extension of time to complete postlicensing or continuing education courses.

(g) The Commission shall waive the prelicensing and postlicensing course examination requirements of 21 NCAC 58H .0210(a)(2), .0210(b)(2) and .0210(c).

History Note: Authority G.S. 93A-3(c); 93A-4.1(c);  
Emergency Adoption Eff. March 26, 2020.

**21 NCAC 58G .0105 LIMITED INSTRUCTOR EDUCATION REQUIREMENTS FOR PUBLIC HEALTH EMERGENCY**

Instructors shall not be required to comply with 21 NCAC 58H .0306(b)(4) prior to June 30, 2020, to renew instructor approval.

History Note: Authority G.S. 93A-3(c); 93-4.1(c);  
Emergency Adoption Eff. March 26, 2020.

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**CHAPTER 61 – RESPIRATORY CARE BOARD**

**Rule-making Agency:** *Respiratory Care Board*

**Rule Citation:** *21 NCAC 61 .0901*

**Effective Date:** *March 30, 2020*

**Findings Reviewed and Approved by the Codifier:** *March 20, 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 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. This National Emergency Response is to ensure respiratory care practitioners can be licensed without any delay.*

**SECTION .0900 – NATIONAL EMERGENCY RESPONSE WAIVERS FOR CERTAIN RULES**

**21 NCAC 61 .0901 RULE WAIVERS**

In light of the State of National Emergency declared by President Trump as a result of the COVID-19 Virus, and the urgent need to have respiratory care practitioners available to provide respiratory services to patients afflicted with COVID-19 Virus, the Board has determined to waive certain provisions in its rules, as set forth below, and during the effective period of this Emergency Rule.

(a) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0201 (a)(4) that requires each applicant for renewal to provide a copy of current certification in Basic Life Support (BLS);

(b) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0201(b)(1) which states that for applicants who

have not practiced respiratory care for a period of time greater than one year, but less than five years, the applicant must provide evidence of twelve hours of continuing education, that meet the requirements of 21 NCAC 61 .0401, for each full year of inactivity;

(c) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0204 (a)(4) that requires the late renewal of any license, an additional late fee of seventy-five dollars (\$75.00);

(d) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0302 (c) that requires each applicant for renewal to provide proof of completion of continuing education requirements as established in this Chapter;

(e) The Board shall waive the requirement for licensure set forth in 21 NCAC 61 .0302 (e) that requires each applicant for renewal to provide a copy of current certification in Basic Life Support (BLS);

(f) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0302 (f) that requires licenses lapsed in excess of 24 months shall not be renewable;

(g) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0305 (b) that requires an individual licensed on inactive status to convert his or her license to active status by submission of a renewal application and payment of the renewal fee and late fee and evidence of the completion of a minimum of 12 hours of continuing education that meets the requirements of 21 NCAC 61 .0401 for each full year of inactivity;

(h) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0401 (a) for continuing education requirements, and shall renew licenses without compliance with this provision;

(i) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0401 (e) that requires a licensee to be subjected to a random audit for proof of compliance with the Board's requirements for continuing education; and

(j) The Board shall waive the requirement for licensure set forth in 21 NCAC 61.0401 (f) that requires continuing education audits be submitted to the Board no later than 30 days of receipt of the audit notice.

History Note: Authority G.S. 90-652(1); 90-652(2); 90-652(9); 90-652(11); 90-652(13);  
Emergency Adoption Eff. March 30, 2020.

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## **CHAPTER 64 – BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**

**Rule-making Agency:** *Board of Examiners for Speech and Language Pathologists and Audiologists*

**Rule Citation:** *21 NCAC 64 .0219*

**Effective Date:** *March 27, 2020*

**Findings Reviewed and Approved by the Codifier:** *March 19, 2020*

**Reason for Action:** *In accordance with Executive Order No. 116 and in order to alleviate access to health care concerns during the COVID-19 outbreak and for the purpose of public safety of both patients and licensed practitioners, relaxation of telepractice rules are required in order to allow Speech and Language Pathology-Assistants to safely provide help with Speech and Language Pathologists' caseloads from a distance, while still under the supervision of the Speech and Language Pathologist.*

### **SECTION .0200 - INTERPRETATIVE RULES**

#### **21 NCAC 64 .0219 TELEPRACTICE**

(a) The Board shall temporarily waive the requirement for licensure for telepractice in order to allow speech and language pathologists to delegate telepractice to speech and language pathology-assistants under the same level of direct supervision as required by 21 NCAC 64 .1003(e)(1)(2) and (6). This temporary waiver of licensure shall apply only to speech and language pathology-assistants and shall continue for the duration of the declared emergency as set forth in Executive Order No. 116 issued March 10, 2020.

~~(a)~~(b) For purposes of this Rule the following words shall have the following meanings:

- (1) "Patient site" means the patient's physical location at the time of the receipt of the telepractice services.
- (2) "Provider" means a licensed speech and language pathologist or audiologist who provides telepractice services.
- (3) "Provider site" means the licensee's physical location at the time of the provision of the telepractice services.
- (4) "Telepractice" means the use of telecommunications and information technologies for the exchange of encrypted patient data, obtained through real-time interaction, from patient site to provider site for the provision of speech and language pathology and audiology services to patients through hardware or internet connection. Telepractice also includes the interpretation of patient information provided to the licensee via store and forward techniques.

~~(b)~~(c) Telepractice shall be obtained in real time and in a manner sufficient to ensure patient confidentiality.

~~(e)~~(d) Telepractice is subject to the same standard of practice stated in Rules .0205 and .0216 of this Chapter as if the person being treated were physically present with the licensee. Telepractice is the responsibility of the licensee and shall not be delegated.

~~(d)~~(e) Providers must hold a license in the state of the provider site and shall be in compliance with the statutory and regulatory requirements of the patient site.

~~(e)~~(f) Licensees and staff involved in telepractice must be trained in the use of telepractice equipment.

~~(f)~~(g) Notification of telepractice services shall be provided to the patient and guardian if the patient is a minor. The notification shall include the right to refuse telepractice services and options for alternate service delivery.

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## ***EMERGENCY RULES***

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~~(g)~~(h) Telepractice constitutes the practice of Speech and Language Pathology and Audiology in both the patient site and provider site.

*History note:* Authority G.S. 90-304(a)(3);

*Eff. July 1, 2010;*

*Amended Eff. March 1, 2014;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;*

*Emergency Amendment Eff March 27, 2020.*

*This Section contains information for the meeting of the Rules Review Commission March 19, 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 2<sup>nd</sup> 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 (1<sup>st</sup> Vice Chair)  
Andrew P. Atkins  
Anna Baird Choi (2<sup>nd</sup> 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

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### **RULES REVIEW COMMISSION MEETING MINUTES**

#### **March 19, 2020**

The Rules Review Commission met on Thursday, March 19, 2020 in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via telephone. The Commissioners held a telephonic meeting due to multiple Executive Orders limiting mass gatherings, such as Executive Order 117, which were issued to address the COVID-19 virus.

Commissioner Jeff Hyde was present in the Commission Room, and Commissioners present via teleconference were Andrew Atkins, Anna Baird Choi, Bobby Bryan, Margaret Currin, Jeanette Doran, Garth Dunklin, Brian LiVecchi, Paul Powell, and Tommy Tucker.

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

The meeting was called to order at 9:05 a.m. with Chairman Hyde presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

#### **APPROVAL OF MINUTES**

Chairman Hyde asked for any discussion, comments, or corrections concerning the minutes of the February 20, 2020 meeting. There were none and the minutes were approved as distributed.

The Chair notified the Commissioners that the following item on the agenda would be taken up out of order at the end of the agenda: Permanent Rules for the Department of Insurance.

#### **FOLLOW UP MATTERS**

##### **Department of Natural and Cultural Resources**

07 NCAC 13F .0202, .0303, and .0304 – All rewritten rules were approved with the following exception:

The Commission objected to 07 NCAC 13F .0202 based upon ambiguity.

Specifically, the Commission found that as reflected in the Request for Technical Changes, the rule contains multiple terms, such as “high quality” [in Subparagraph (a)(2)] and “substantial evidence” [in Part (b)(3)(A)], that are ambiguous and therefore make the rule unclear as written.

**Board of Elections**

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

**Commission for the Blind**

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

**Department of Insurance**

11 NCAC 12 .0321, .0514, .1501, .1502, .1503, .1504, .1505, .1506, .1507, .1508, .1509, .1803 - The agency is addressing the request for technical changes from the February meeting. No action was required by the Commission.

**Criminal Justice Education and Training Standards Commission**

12 NCAC 09E .0105 – The rule was returned to the agency. No action was required by the Commission.

**Environmental Management Commission**

15A NCAC 02B .0240 (to be recodified as 15A NCAC 02B .0703) was unanimously approved.

**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, and .1206 - The agency is addressing the objections. No action was required by the Commission.

**Sedimentation Control Commission**

15A NCAC 04A .0101 and .0105; 04B .0105, .0106, .0107, .0108, .0109, .0110, .0111, .0112, .0113, .0115, .0118, .0120, .0124, .0125, .0126, .0127, .0129, .0130, .0131, and .0132; 04C .0103, .0106, .0107, .0108, .0110, and .0111; 04D .0102; 04E .0101, .0102, .0104, .0201, .0203, .0403, .0405, .0406, .0501, .0502, .0503, and .0504 - All rules were unanimously approved with the following exceptions:

The Commission objected to 15A NCAC 04C .0103 based upon lack of necessity. Specifically, the Commission found that the rule states that the Secretary may assess civil penalties. However, both of the statutes cited in the History Note for this Rule, G.S. 113A-55 and 113A-64, state that the Secretary assesses civil penalties. As this Rule simply repeats statute, the Commission determined that it is unnecessary.

The Commission objected to Rule 15A NCAC 04C .0106 for lack of statutory authority. Specifically, the Commission found that the rule purported to set criteria the Secretary will use in assessing civil penalties, which were in addition to the criteria set forth in G.S. 113-64(a)(3). The Commission determined the agency does not have authority to create new criteria through rulemaking.

**Coastal Resources Commission**

15A NCAC 07H .0304, .0305, .0309, .0313, .1901, .1902, .1904, and .1905 - All rules were unanimously approved.

**Psychology Board**

21 NCAC 54 .2006 and .2008 - The agency is addressing the objections from the February meeting. No action was required by the Commission.

21 NCAC 54 .1602, .1605, .1606, .1607, .1608, .1609, .1610, .1611, .1612, .1701, .1702, .1703, .1705, .1706, .1707, .1802, .1803, .1901, .1903, .1904, .2001, .2002, .2005, .2007, .2009, .2101, .2102, .2103, .2104, .2202, .2203, .2301, .2302, .2303, .2304, .2305, .2308, .2309, .2311, .2314, .2401, .2402, .2601, .2701, .2703, .2704, .2705, .2706, .2801, .2802, .2803, .2804, .2805, and .2806 - All rules were unanimously approved.

**Building Code Council**

Residential Code, N1106.2 (R406.2); Energy Conservation Code, R202; and Energy Conservation Code R406.2. – At the November meeting, the Commission voted pursuant to G.S. 150B-21.9 to ask the Office of State Budget and Management to determine if the above-referenced rules have a substantial economic impact and therefore require a fiscal note. A

response to this request pursuant to G.S. 150B-21.9 will assist the Commission in determining whether the agency adopted the rules in accordance with the Administrative Procedure Act. OSBM has not formally responded to this request. No action was required by the Commission.

These Rules will remain under the Commission's review until after review by OSBM and subsequent action by the agency pursuant to G.S. 150B-21.12.

#### **LOG OF FILINGS (PERMANENT RULES)**

##### **Structural Pest Control Committee**

The Commission extended the period of review for 02 NCAC 34 .0302, .0309, .0328, .0331, .0501, .0502, .0503, .0504, .0505, .0506, .0602, .0703, and .1206 in accordance with G.S. 150B-21.10. They did so in response to a request from the Structural Pest Control Committee to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

##### **Medical Care Commission**

10A NCAC 13B – All rules were unanimously approved.

10A NCAC 13F and G - The Commission extended the period of review for 10A NCAC 13F .0202, .0204, .0208, .0209, .0212; and 13G .0202, .0204, .0208, .0209, .0212, and .0213 in accordance with G.S. 150B-21.10. They did so in response to a request from the Medical Care Commission to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

##### **Commission for Public Health/DHHS 10A NCAC 41B**

All rules were unanimously approved.

##### **Department of Insurance**

All rules were unanimously approved with the following exception:

The Commission objected to 11 NCAC 04 .0418 in accordance with G.S. 150B-21.10.

The Commission objected to this Rule for ambiguity in Subparagraph (b)(3) and Paragraph (d). Specifically, Subparagraph (b)(3) does not define or explain what qualifies as a "pricing guide." In Paragraph (d), the process for calculating a car's "actual cash value" is unclear as written.

Daniel Wyatt with Collision Service Investigators of North Carolina addressed the Commission.

John Hoomani, with the agency, addressed the Commission.

##### **Commission for Public Health**

15A NCAC 18C .1305 was unanimously approved.

##### **Cemetery Commission**

21 NCAC 07D .0108 was unanimously approved.

##### **Board of Dental Examiners**

21 NCAC 16A .0106 was unanimously approved.

##### **Medical Board**

All rules were unanimously approved.

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

##### **Midwifery Joint Committee**

All rules were approved with Commissioner Tucker voting against.

Prior to the review of the rule from the Midwifery Joint Committee, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides legal counsel to the Board.

**Board of Pharmacy**

All rules were unanimously approved.

**EXISTING RULES REVIEW**

**Department of Environmental Quality**

01 NCAC 41C, D and 04 NCAC 12 - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than January 31, 2021 pursuant to G.S. 150B-21.3A(d)(2).

**Environmental Management Commission**

15A NCAC 02I, J - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than January 31, 2021 pursuant to G.S. 150B-21.3A(d)(2).

**COMMISSION BUSINESS**

The meeting adjourned at 10:34 a.m.

The next regularly scheduled meeting of the Commission is Thursday, April 16, 2020 at 9:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:  
Jeff Hyde, Chair

**March 19, 2020**

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Dan Wyatt	CSI-NC
DAVID PICARD	DHS-CCPE

Via Teleconference

<b>Individual and Agency</b>
Jennifer Everett, DEQ
Phillip Reynolds, DOJ
Sondra Panico, DOJ
Daniel Collins, Psychology Board
Jay Frick, DEQ
John Huisman, DEQ
Charminique Williams, CJETS
Virginia Niehaus, CPH
Kirsten Leloudis, DHHS
John Barkley, DHHS
Kenny Benfield, DPH
John Hoomani, DOI
Loretta Peace-Bunch, DOI
Kathy Shortt, DOI





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

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

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

March 19, 2020

Jennifer Everett, Rulemaking Coordinator  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

**Re: 01 NCAC 41C, D and 04 NCAC 12**

Dear Ms. Everett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the March 19, 2020 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached document shall be readopted by the agency no later than January 31, 2021.

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

Sincerely,

Amber May  
Commission Counsel

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

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

Judges and  
Assistants  
919/431-3000  
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Clerk's Office  
919/431-3000  
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Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

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

An Equal Employment Opportunity Employer

**RRC DETERMINATION  
PERIODIC RULE REVIEW  
December 13, 2018  
APO Review: February 16, 2019  
Environmental Quality, Department of  
Total: 22**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>
<u>01 NCAC 41C .0101</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0201</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0202</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0203</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0204</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0205</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0206</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0207</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0208</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0209</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0210</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0211</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0301</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0302</u>	Necessary with substantive public interest
<u>01 NCAC 41C .0303</u>	Necessary with substantive public interest
<u>01 NCAC 41D .0101</u>	Necessary with substantive public interest
<u>01 NCAC 41D .0102</u>	Necessary with substantive public interest
<u>01 NCAC 41D .0201</u>	Necessary with substantive public interest
<u>01 NCAC 41D .0202</u>	Necessary with substantive public interest
<u>01 NCAC 41D .0301</u>	Necessary with substantive public interest
<u>01 NCAC 41D .0302</u>	Necessary with substantive public interest
<u>01 NCAC 41D .0401</u>	Necessary with substantive public interest

**RRC DETERMINATION  
PERIODIC RULE REVIEW  
August 17, 2017  
APO Review: October 17, 2017  
Environmental Quality, Department of  
Total: 5**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>
<u>04</u> <u>NCAC 12C .0108</u>	Necessary with substantive public interest
<u>04</u> <u>NCAC 12D .0102</u>	Necessary with substantive public interest
<u>04</u> <u>NCAC 12D .0103</u>	Necessary with substantive public interest
<u>04</u> <u>NCAC 12D .0116</u>	Necessary with substantive public interest
<u>04</u> <u>NCAC 12D .0117</u>	Necessary with substantive public interest



**STATE OF NORTH CAROLINA  
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March 19, 2020

Jennifer Everett, Rulemaking Coordinator  
Environmental Management Commission  
1601 Mail Service Center  
Raleigh, NC 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 02I and 02J**

Dear Ms. Everett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the March 19, 2020 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than January 31, 2021.

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

Sincerely,

Amber May  
Commission Counsel

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

An Equal Employment Opportunity Employer

**RRC DETERMINATION  
PERIODIC RULE REVIEW  
December 13, 2018  
APO Review: February 16, 2019  
Environmental Management Commission  
Total: 15**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>
<u>15A NCAC 02I .0101</u>	Necessary with substantive public interest
<u>15A NCAC 02I .0102</u>	Necessary with substantive public interest
<u>15A NCAC 02I .0103</u>	Necessary with substantive public interest
<u>15A NCAC 02I .0106</u>	Necessary with substantive public interest
<u>15A NCAC 02I .0203</u>	Necessary with substantive public interest
<u>15A NCAC 02I .0302</u>	Necessary with substantive public interest
<u>15A NCAC 02J .0102</u>	Necessary with substantive public interest
<u>15A NCAC 02J .0103</u>	Necessary with substantive public interest
<u>15A NCAC 02J .0104</u>	Necessary with substantive public interest
<u>15A NCAC 02J .0106</u>	Necessary with substantive public interest
<u>15A NCAC 02J .0107</u>	Necessary with substantive public interest
<u>15A NCAC 02J .0108</u>	Necessary with substantive public interest
<u>15A NCAC 02J .0109</u>	Necessary with substantive public interest
<u>15A NCAC 02J .0110</u>	Necessary with substantive public interest
<u>15A NCAC 02J .0111</u>	Necessary with substantive public interest

**LIST OF APPROVED PERMANENT RULES**  
**March 19, 2020 Meeting**

**NATURAL AND CULTURAL RESOURCES, DEPARTMENT OF**

<u>Management of Natural River Areas</u>	07 NCAC 13F .0303
<u>Management of Scenic River Areas</u>	07 NCAC 13F .0304

**MEDICAL CARE COMMISSION**

<u>Definitions</u>	10A NCAC 13B .1902
<u>Adult Care Home Personnel Requirements</u>	10A NCAC 13B .1915
<u>Training</u>	10A NCAC 13B .1918
<u>Required Spaces</u>	10A NCAC 13B .1925
<u>Definitions</u>	10A NCAC 13B .3001
<u>General Requirements</u>	10A NCAC 13B .3101
<u>Itemized Charges</u>	10A NCAC 13B .3110
<u>Transfer Agreement</u>	10A NCAC 13B .3204
<u>Discharge of Minor or Incompetent</u>	10A NCAC 13B .3205
<u>Minimum Provisions of Patient's Bill of Rights</u>	10A NCAC 13B .3302
<u>Procedure</u>	10A NCAC 13B .3303
<u>Additional Requirements for Traumatic Brain Injury Patients</u>	10A NCAC 13B .5412
<u>Additional Requirements for Spinal Cord Injury Patients</u>	10A NCAC 13B .5413

**PUBLIC HEALTH, COMMISSION FOR/HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

<u>Intoximeter: Model: EC/IR II</u>	10A NCAC 41B .0322
<u>Preventative Maintenance: Intoximeter: Model EC/IR II</u>	10A NCAC 41B .0323
<u>Approved Alcohol Screening Test Devices; Calibration</u>	10A NCAC 41B .0503

**INSURANCE, DEPARTMENT OF**

<u>Motor Vehicle Repair Estimates</u>	11 NCAC 04 .0419
<u>Handling of Loss and Claim</u>	11 NCAC 04 .0421
<u>Definitions</u>	11 NCAC 04 .0425
<u>Definitions</u>	11 NCAC 06A .1001
<u>Ethical Standards</u>	11 NCAC 06A .1002
<u>Consent To Rate Procedures: Rate Bureau Coverages</u>	11 NCAC 10 .0602

**ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Nutrient Offset Credit Training</u>	15A NCAC 02B .0240
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**SEDIMENTATION CONTROL COMMISSION**

<u>Offices of the Sedimentation Control Commission</u>	15A NCAC 04A .0101
<u>Definitions</u>	15A NCAC 04A .0105
<u>Protection of Property</u>	15A NCAC 04B .0105
<u>Basic Erosion and Sedimentation Control Plan Objectives</u>	15A NCAC 04B .0106
<u>Mandatory Standards for Land-Disturbing Activity</u>	15A NCAC 04B .0107
<u>Design and Performance Standard</u>	15A NCAC 04B .0108
<u>Storm Water Outlet Protection</u>	15A NCAC 04B .0109
<u>Borrow and Waste Areas</u>	15A NCAC 04B .0110

<u>Access and Haul Roads</u>	15A NCAC 04B .0111
<u>Operations in Lakes or Natural Watercourses</u>	15A NCAC 04B .0112
<u>Responsibility for Maintenance</u>	15A NCAC 04B .0113
<u>Additional Measures</u>	15A NCAC 04B .0115
<u>Approval of Plans</u>	15A NCAC 04B .0118
<u>Inspections and Investigations</u>	15A NCAC 04B .0120
<u>Design Standards in Sensitive Watersheds</u>	15A NCAC 04B .0124
<u>Buffer Zone Requirements</u>	15A NCAC 04B .0125
<u>Application Fee</u>	15A NCAC 04B .0126
<u>Plan Approval Certificate</u>	15A NCAC 04B .0127
<u>Erosion Control Plan Expiration Date</u>	15A NCAC 04B .0129
<u>Emergencies</u>	15A NCAC 04B .0130
<u>Self-Inspections</u>	15A NCAC 04B .0131
<u>Design Standards for the Upper Neuse River Basin</u>	15A NCAC 04B .0132
<u>Procedures: Notices</u>	15A NCAC 04C .0107
<u>Requests for Administrative Hearing</u>	15A NCAC 04C .0108
<u>Administrative Hearing</u>	15A NCAC 04C .0110
<u>Further Remedies</u>	15A NCAC 04C .0111
<u>Model Ordinance</u>	15A NCAC 04D .0102
<u>General Purpose</u>	15A NCAC 04E .0101
<u>Definitions</u>	15A NCAC 04E .0102
<u>Copies of Rules</u>	15A NCAC 04E .0104
<u>Form and Content of Petition</u>	15A NCAC 04E .0201
<u>Disposition of Petitions</u>	15A NCAC 04E .0203
<u>Written Submissions</u>	15A NCAC 04E .0403
<u>Statement for Reasons of Decisions</u>	15A NCAC 04E .0405
<u>Record of Proceedings</u>	15A NCAC 04E .0406
<u>Declaratory Rules: Generally</u>	15A NCAC 04E .0501
<u>Procedure for Requesting Declaratory Rulings</u>	15A NCAC 04E .0502
<u>Disposition of Request</u>	15A NCAC 04E .0503
<u>Record of Decision</u>	15A NCAC 04E .0504

#### **COASTAL RESOURCES COMMISSION**

<u>AECs Within Ocean Hazard Areas</u>	15A NCAC 07H .0304
<u>AECs Within Ocean Hazard Areas</u>	15A NCAC 07H .0304
<u>General Identification and Description of Landforms</u>	15A NCAC 07H .0305
<u>Use Standards for Ocean Hazard Areas: Exceptions</u>	15A NCAC 07H .0309
<u>Use Standards for State Ports Inlet Management Areas</u>	15A NCAC 07H .0313
<u>Purpose</u>	15A NCAC 07H .1901
<u>Approval Procedures</u>	15A NCAC 07H .1902
<u>General Conditions</u>	15A NCAC 07H .1904
<u>Specific Conditions</u>	15A NCAC 07H .1905

#### **PUBLIC HEALTH, COMMISSION FOR**

<u>Source Water Protection Planning</u>	15A NCAC 18C .1305
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#### **CEMETERY COMMISSION**

<u>Withdrawals from Perpetual Care Trust Funds</u>	21 NCAC 07D .0108
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**DENTAL EXAMINERS, BOARD OF**

Petition for Predetermination 21 NCAC 16A .0106

**MEDICAL BOARD**

Continuing Medical Education (CME) Required 21 NCAC 32R .0101

Continuing Medical Education 21 NCAC 32S .0216

**MIDWIFERY JOINT COMMITTEE**

Administrative Body and Definitions 21 NCAC 33 .0101

Fees 21 NCAC 33 .0102

Application 21 NCAC 33 .0103

Due Process 21 NCAC 33 .0105

Reporting Criteria 21 NCAC 33 .0110

**PHARMACY, BOARD OF**

Device and Medical Equipment Committee 21 NCAC 46 .1207

Eligibility To Vote 21 NCAC 46 .2102

Committee on Nominations 21 NCAC 46 .2104

Device and Medical Equipment Committee Representatives 21 NCAC 46 .2109

**PSYCHOLOGY BOARD**

Board Address and Forms 21 NCAC 54 .1602

Fees 21 NCAC 54 .1605

Waiver of Compliance with Rules 21 NCAC 54 .1606

Delegation of Authority 21 NCAC 54 .1607

Ethical Violations 21 NCAC 54 .1608

Termination of Practice 21 NCAC 54 .1609

Practice By Psychologists who are not Residents of North ... 21 NCAC 54 .1610

Practice by Postdoctoral Trainees 21 NCAC 54 .1611

Criminal History Record Check 21 NCAC 54 .1612

Information Required 21 NCAC 54 .1701

Foreign Degree Application Policy 21 NCAC 54 .1702

Temporary Licenses 21 NCAC 54 .1703

Issuance of License 21 NCAC 54 .1705

Reapplication 21 NCAC 54 .1706

Senior Psychologist 21 NCAC 54 .1707

Psychological Associate 21 NCAC 54 .1802

Licensed Psychologist 21 NCAC 54 .1803

Examinations 21 NCAC 54 .1901

Retaking the National Examination 21 NCAC 54 .1903

Failure to Appear for the National Examination 21 NCAC 54 .1904

Supervisor 21 NCAC 54 .2001

Nature of Supervision 21 NCAC 54 .2002

Definition of Face to Face Supervision 21 NCAC 54 .2005

Applicants and Other Nonlicensed Individuals 21 NCAC 54 .2007

Licensed Psychologist 21 NCAC 54 .2009

License Renewal Form 21 NCAC 54 .2101



<u>Second Notice</u>	21 NCAC 54	.2102
<u>Reinstatement</u>	21 NCAC 54	.2103
<u>Continuing Education</u>	21 NCAC 54	.2104
<u>Certificate of Registration</u>	21 NCAC 54	.2202
<u>Renewal of Certificate of Registration</u>	21 NCAC 54	.2203
<u>Right to Hearing</u>	21 NCAC 54	.2301
<u>Request for Hearing</u>	21 NCAC 54	.2302
<u>Granting or Denying Hearing Requests</u>	21 NCAC 54	.2303
<u>Notice of Hearing</u>	21 NCAC 54	.2304
<u>Who Shall Hear Contested Cases</u>	21 NCAC 54	.2305
<u>Disqualification of Board Member</u>	21 NCAC 54	.2308
<u>Failure to Appear</u>	21 NCAC 54	.2309
<u>Subpoenas</u>	21 NCAC 54	.2311
<u>Presiding Officer</u>	21 NCAC 54	.2314
<u>Petition for Rulemaking Hearings</u>	21 NCAC 54	.2401
<u>Disposition of Petition</u>	21 NCAC 54	.2402
<u>Request for Declaratory Ruling</u>	21 NCAC 54	.2601
<u>Health Services Activities</u>	21 NCAC 54	.2701
<u>Display of Certificate</u>	21 NCAC 54	.2703
<u>HSP-P Requirements</u>	21 NCAC 54	.2704
<u>HSP-PP Requirements</u>	21 NCAC 54	.2705
<u>HSP-PA Requirements</u>	21 NCAC 54	.2706
<u>Scope</u>	21 NCAC 54	.2801
<u>Titles</u>	21 NCAC 54	.2802
<u>Employment and Supervision of Unlicensed Individuals</u>	21 NCAC 54	.2803
<u>Qualifications and Training</u>	21 NCAC 54	.2804
<u>Services Appropriate for Ancillary Services Personnel</u>	21 NCAC 54	.2805
<u>Services Not Appropriate for Unlicensed Individuals</u>	21 NCAC 54	.2806

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**CONTESTED CASE DECISIONS**

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*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](mailto: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	Bawtinheimer
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	Bawtinheimer
				<b>Unpublished</b>			
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