

MAY 18 1987

LAW LIBRARY

The **NORTH CAROLINA REGISTER**

IN THIS ISSUE

EXECUTIVE ORDERS

FINAL DECISION LETTERS

PROPOSED RULES

Commerce

Crime Control & Public Safety

Human Resources

NR & CD

State Treasurer

LIST OF RULES AFFECTED

ISSUE DATE: MAY 15, 1987

Volume 2 • Issue 2 • Pages 138-169



INFORMATION ABOUT THE NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

NORTH CAROLINA REGISTER

The *North Carolina Register* is published monthly and contains information relating to agency, executive, legislative and judicial actions required by or affecting Chapter 150B of the General Statutes. All proposed administrative rules and amendments filed under Chapter 150B must be published in the Register. The Register will typically comprise approximately one hundred pages per issue of legal text.

State law requires that a copy of each issue be provided free of charge to each county in the state and to various state officials and institutions. The *North Carolina Register* is available by yearly subscription at a cost of ninety-five dollars (\$95.00) for 12 issues.

Requests for subscription to the *North Carolina Register* should be directed to the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, N. C. 27604, Attn: Subscriptions.

ADOPTION, AMENDMENT, AND REPEAL OF RULES

An agency intending to adopt, amend, or repeal a rule must first publish notice of the proposed action in the *North Carolina Register*. The notice must include a reference to the Statutory Authority for the action; the time and place of the public hearing and a statement of how public comments may be submitted to the agency either at the hearing or otherwise; the text of the proposed rule or amendment; and the proposed effective date.

The Director of the Office of Administrative Hearings has authority to publish a summary, rather than the full text, of any **amendment** which is considered to be too lengthy. In such case, the full text of the rule containing the proposed amendment will be available for public inspection at the Rules Division of the Office of Administrative Hearings and at the office of the promulgating agency.

Following publication of the proposal in the *North Carolina Register*, at least 60 days must elapse before the agency may take action on the proposed adoption, amendment or repeal.

When final action is taken, the promulgating agency must file any adopted or amended rule with the Office of Administrative Hearings. If it differs substantially from the proposed form published as part of the public notice, the adopted version will again be published in the *North Carolina Register*.

A rule, or amended rule, cannot become effective earlier than the first day of the second calendar month after the adoption is filed.

Proposed action on rules may be withdrawn by the promulgating agency at any time before final action is taken by the agency.

TEMPORARY RULES

Under certain conditions of an emergency nature, some agencies may issue temporary rules. A temporary rule becomes effective when adopted and remains in effect for the period specified in the rule or 120 days, whichever is less. An agency adopting a temporary rule must begin normal rule-making procedures on the permanent rule at the same time the temporary rule is adopted.

NORTH CAROLINA ADMINISTRATIVE CODE

The North Carolina Administrative Code (NCAC) is a compilation and index of the administrative rules of 25 state agencies and 38 occupational licensing boards. The NCAC comprises approximately 15,000 letter size, single spaced pages of material of which approximately 35% is changed annually. Compilation and publication of the NCAC is mandated by G.S. 150B-63(b).

The Code is divided into Titles and Chapters. Each state agency is assigned a separate title which is further broken down by chapters. Title 21 is designated for occupational licensing boards.

The NCAC is available in two formats.

- (1) In looseleaf pages at a minimum cost of two dollars and 50 cents (\$2.50) for 10 pages or less, plus fifteen cents (\$.15) per each additional page.
- (2) On microfiche. The microfiche edition is revised semi-annually (March and October) and can be purchased for forty dollars (\$40.00) per edition. Due to the volume of the Code, the complete copy can only be purchased on microfiche. The NCAC on microfiche is updated monthly by publication of a "List of Rules Affected" which sets out rules filed the previous month, the action taken, and the effective date of the change. This list is published in the *North Carolina Register*.

Requests for looseleaf pages of rules or the NCAC on microfiche should be directed to the Office of Administrative Hearings.

NOTE

The foregoing is a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Articles 2 and 5 of Chapter 150B of the General Statutes by examined carefully.

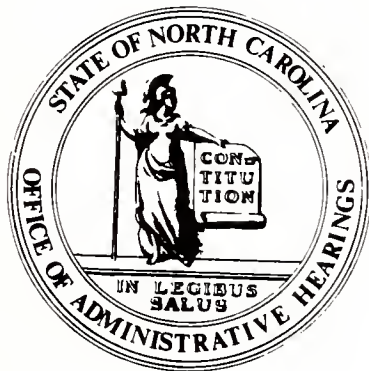
CITATION TO THE NORTH CAROLINA REGISTER

The *North Carolina Register* is cited by volume, issue, page number and date. 1:1 NCR 101-201, April 1, 1986 refers to Volume 1, Issue 1, pages 101 through 201 of the *North Carolina Register* issued on April 1, 1986.

North Carolina Register. Published monthly by the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, North Carolina 27604, pursuant to Chapter 150B of the General Statutes. Subscriptions ninety-five dollars (\$95.00) per year.

North Carolina Administrative Code. Published in March and October by the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, North Carolina 27604, pursuant to Chapter 150B of the General Statutes. Subscriptions forty dollars (\$40.00) per edition.

NORTH CAROLINA REGISTER



*Office of Administrative Hearings
P. O. Drawer 11666
Raleigh, NC 27604
(919) 733 - 2678*

Staff:

Robert A. McLott,
Director
James R. Scarcella,
Deputy Director
Molly Mason,
Assistant Director
Ruby Creech,
Publications Coordinator
Mary Fowler,
Editorial Assistant
Teresa Johnson,
Editorial Assistant
Jean Shirley,
Editorial Assistant
Tammy Poole,
Records Clerk

ISSUE CONTENTS

I. EXECUTIVE ORDERS

Executive Orders 43-46 . . . 138

II. FINAL DECISION LETTERS

Voting Rights Act 141

III. PROPOSED RULES

Commerce
 Departmental Rules 143
 Savings and Loan 147
Crime Control & Public Safety
 State Highway Patrol . . . 159
Human Resources
 AFDC 156
 Family Services 152
 Individual and Family
 Support 153
 Medical Services 149
NR&CD
 Coastal Management . . . 160
 Economic Opportunity . . . 161
State Treasurer
 Departmental Rules . . . 161

V. LIST OF RULES AFFECTED

Volume 12, No. 2 163
(May 1, 1987)

VI. CUMULATIVE INDEX . . . 168

NORTH CAROLINA REGISTER
Publication Deadlines and Schedules
(April 1987 - March 1988)

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing	Earliest Date for Adoption by Agency	* Earliest Effective Date
*****	*****	*****	*****	*****	*****
04/15/87	03/26/87	04/02/87	05/15/87	06/14/87	09/01/87
05/15/87	04/27/87	05/04/87	06/14/87	07/14/87	10/01/87
06/15/87	05/26/87	06/02/87	07/15/87	08/14/87	11/01/87
07/15/87	06/25/87	07/02/87	08/14/87	09/13/87	12/01/87
08/14/87	07/27/87	08/03/87	09/13/87	10/13/87	01/01/88
09/15/87	08/26/87	09/02/87	10/15/87	11/14/87	02/01/88
10/15/87	09/25/87	10/02/87	11/14/87	12/14/87	03/01/88
11/16/87	10/27/87	11/03/87	12/16/87	01/15/88	04/01/88
12/15/87	11/23/87	12/02/87	01/14/88	02/13/88	05/01/88
01/15/88	12/28/87	01/04/88	02/14/88	03/15/88	06/01/88
02/15/88	01/26/88	02/02/88	03/16/88	04/15/88	07/01/88
03/15/88	02/24/88	03/02/88	04/14/88	05/14/88	08/01/88

* The "Earliest Effective Date" is computed assuming that the agency files the rules with The Administrative Rules Review Commission the same calendar month as adoption by the agency and ARRC approves the rules at the next calendar month meeting.

EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER 43 NORTH CAROLINA EMERGENCY RESPONSE COMMISSION

The Emergency Planning and Community Right-to-Know Act of 1986 enacted by the United States Congress, requires the Governor of each state to appoint a State Emergency Response Commission.

NOW, IT IS THEREFORE ORDERED, pursuant to the authority vested in me by the laws and the Constitution of North Carolina and the laws of the United States:

Section 1. ESTABLISHMENT

There is hereby established the North Carolina Emergency Response Commission, hereinafter referred to as the "Commission." The Commission shall consist of not less than eight members and shall be composed of at least the following persons:

The Secretary of the Department of Crime Control and Public Safety or his designee;

A representative of the Environmental Management Commission appointed by the Secretary of the Department of Natural Resources and Community Development;

A representative of the Radiation Protection Commission appointed by the Secretary of the Department of Human Resources;

A representative of the Health Services Commission appointed by the Secretary of the Department of Human Resources;

The Commissioner of the Department of Labor or his designee;

The Secretary of the Department of Transportation or his designee;

A representative of the North Carolina Association of County Commissioners appointed by the Governor;

A representative of the North Carolina League of Municipalities appointed by the Governor; and

Such other persons as who have technical expertise in the emergency response field and are appointed by the Governor.

The Secretary of the Department of Crime Control and Public Safety or his designee shall serve as chairman of the Commission and all members of the Commission shall serve at the pleasure of the Governor.

Section 2. DUTIES

The Commission is designated as the State Emergency Response Commission as described in the Act and shall perform all duties required of it under the Act, including, but not limited to the following:

(A) Appoint local emergency planning committees described under Section 301(c) of the Act and supervise and coordinate the activities of such committees.

(B) Establish procedures for reviewing and processing requests from the public for information under Section 324 of the Act.

(c) Designate emergency planning districts to facilitate preparation and implementation of emergency plans as required under Section 301(b) of the Act.

(d) After public notice and opportunity for comment, designate additional facilities that may be subject to the Act under Section 302 of the Act.

(e) Notify the Administrator of the Environmental Protection Agency of facilities subject to the requirements of Section 302 of the Act.

(f) Review the emergency plans submitted by local emergency planning committees and make recommendations to the committees on revisions of the plans that may be necessary to ensure coordination of such plan with emergency response plans of other emergency planning districts.

Section 3. ADMINISTRATION

(a) The Department of Crime

Control and Public Safety shall provide administrative support and staff as may be required.

(b) Members of the Commission shall serve without compensation but may receive reimbursement, contingent on the availability of funds, for travel and subsistence expenses in accordance with state guidelines and procedures.

Section 4. EFFECTIVE DATE AND EXPIRATION

This executive order shall become effective immediately and will expire in accordance with North Carolina law two years from the date it is signed. It is subject to reissuance at expiration.

Done in the Capital city of Raleigh, this the 7th day of April, 1987.

EXECUTIVE ORDER NUMBER 44

AMENDMENT TO EXECUTIVE ORDER 29 GOVERNOR'S TASK FORCE ON RACIAL, RELIGIOUS AND ETHNIC VIOLENCE AND INTIMIDATION

The Governor's Task Force on Racial, Religious and Ethnic Violence and Intimidation was established under Executive Order Number 29 on the 2nd day of March, 1986 and provided that it was to consist of eleven (11) members. It has been made to appear to me that the Task Force should consist of not less than twelve (12) members and should include at least one American Indian.

Therefore, by the authority vested in me as Governor by the Constitution and laws of North Carolina, IT IS ORDERED:

Section 2 of Executive Order 29 is hereby amended to read as follows:

Section 2. The Task Force shall consist of not less than twelve persons to be appointed by the Governor for a term to begin upon appointment and expiring on December 31, 1988. The membership of the Task Force shall include at least one American Indian. The Chairman of the

Task Force shall be appointed by the Governor and the Vice-Chairman and Secretary of the Task Force shall be elected by the members of the Task Force.

All other sections and provisions of Executive Order 29 not inconsistent herewith shall remain in full force and effect.

Done in Raleigh, North Carolina this 22nd day of April, 1987.

EXECUTIVE ORDER NUMBER 45

THE GOVERNOR'S LANGUAGE INSTITUTES ADVISORY BOARD

As Governor of North Carolina it has been made to appear to me upon satisfactory information furnished to me as follows:

1. Educational programs for teachers of foreign languages will improve the quality of education for students in North Carolina.

2. Improvement of foreign language teaching methods in the secondary schools of North Carolina will improve proficiency in foreign languages and enhance opportunities for foreign trade in North Carolina.

NOW, therefore, it is hereby ordered, pursuant to the authority vested in me by the laws and Constitution of North Carolina:

Section 1. ESTABLISHMENT

The Governor's Language Institutes Advisory Board, hereinafter referred to as the "Board" is hereby established. The Board shall be composed of not more than twelve (12) members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall designate one of the members to serve as Chairman. The State Superintendent of Public Instruction shall be an ex-officio member of the Board in addition to those persons appointed by the Governor.

Section 2. FUNCTIONS

The Board shall have the following duties:

(A) Oversee planning and operation of the Governor's Language Institutes which shall be located in various locations across the State to provide

educational programs for North Carolina teachers of foreign languages.

(B) Select an external consultant to assist in the planning of the Governor's Language Institutes' programs and to recommend curriculum, instructors, location of Institutes, and sources of support, and

(C) Select a full-time Executive Director to manage the Institutes.

Section 3. ADMINISTRATION

(A) The State Department of Public Instruction shall provide administrative support and staff as may be required,

(B) Members of the Commission shall receive reimbursement from the State Department of Public Instruction, contingent on the availability of funds, for travel and subsistence expenses in accordance with state guidelines and procedures.

Section 4. EFFECTIVE DATE AND EXPIRATION DATE

This Executive order shall be effective immediately, and in accordance with North Carolina laws shall expire two years from date it is signed. It is subject to reissuance at expiration.

Done in the Capital City of Raleigh, North Carolina, this 22nd day of April, 1987.

EXECUTIVE ORDER NUMBER 46

AMENDMENT TO EXECUTIVE ORDER NUMBER 40 GOVERNOR'S COMMISSION FOR THE FAMILY

The Governor's Commission For the Family was established by Executive Order Number 40 on March 16, 1987, as a means of strengthening our nation's families.

It has been made to appear that the important work of this commission can be furthered through the appointment of additional members by the Governor.

Therefore, by the authority vested in me as Governor by the Constitution and laws of North Carolina, IT IS ORDERED:

Section I of Executive Order 40 is hereby amended to read as follows:

Section I. ESTABLISHMENT

The Governor's Commission For the Family is hereby established. The Commission shall be composed of not less than thirty members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall designate one of the members as Chairman and one as Vice-Chairman. The Secretaries of the Departments of Human Resources, Natural Resources and Community Development, Administration, Crime Control and Public Safety, and Cultural Resources shall be ex-officio members. The members appointed by the Governor shall be representatives from the following areas:

- (1) Private business and community leaders;
- (2) Law Enforcement;
- (3) At least one representative of the North Carolina Fund for Children and Families Commission;
- (4) Judicial System; and
- (5) Volunteers who have exhibited an interest in family issues.

All other sections and provisions of Executive Order Number 40 shall remain in effect.

Done in Raleigh, North Carolina, this 22nd day of April, 1987.

VOTING RIGHTS ACT FINAL DECISION LETTER

[G.S. 120-30.9H, effective July 16, 1986, requires that all letters and other documents issued by the Attorney General of the United States in which a final decision is made concerning a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 be published in the North Carolina Register.]

U.S. Department of Justice
Washington, D.C. 20530

WBR:MAP:TGL:dvs
DJ 166-012-3
R7408-7414
R9454

April 14, 1987

Richard J. Rose, Esq.
Poyner & Spruill
P. O. Box 353
Rocky Mount, North Carolina 27802-0353

Dear Mr. Rose:

This refers to the seven annexations (Ordinance Nos. 0-86-67, 0-86-73, 0-86-82, 0-86-86, 0-86-91, 0-86-92, and 0-87-4) and the designation of the wards to which the annexed areas are assigned for the City of Rocky Mount in Edgecombe and Neal Counties, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on February 13, 1987.

The Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See Section 51.41 of the Procedures for the Administration of Section 5 [52 Fed. Reg. 496 (1987)].

Future submissions under Section 5 should be addressed to the Chief, Voting Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530. The envelope and first page should be marked: Submission under Section 5 of the Voting Rights Act. See also Section 51.24 [52 Fed. Reg. 493 (1987)].

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

U.S. Department of Justice
Washington, D.C. 20530

WBR:LLT:AJD:gmh:jmc
DJ 166-012-3
N4082
N7093-7094
N7097
R9027-9046

April 27, 1987

Michael Crowell, Esq.
Tharrington, Smith & Hargrove
P. O. Box 1151
Raleigh, North Carolina 27602

Dear Mr. Crowell:

This refers to Chapter 972, H. B. No. 33 (1967), as amended by Chapter 1301, S.B. No. 576 (1969), which changes the method of selecting the five county school board members from a partisan, at-large elective-appointive system with a majority-vote requirement for nomination to a nonpartisan, at-large, direct elective system, increases the length of terms from two to four years, provides for staggered terms (3-2), changes the date on which the term of office begins, and provides an implementation schedule for staggering terms, including interim terms of less than four years; Chapter 216, H.B. No. 486 (1971), which provides for partisan elections; Chapter 499, H.B. No. 780 (1967), which permits deannexation from the county school district and the seventeen deannexations adopted in 1964, 1968, 1969, 1970, 1975, 1977, 1978, 1980, and 1982; Chapter 1189, H.B. No. 2141 (1974), which effects an annexation of an area located south of the Neuse River to the county school district; Chapter 855, H.B. No. 1176 (1975), which deannexes the Kinston City School District from the county school district; and Chapter 1179, S.B. No. 811 (1982), which fixes the boundaries of the county school district as they existed on June 16, 1982, for the county board of education in Lenoir County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the information to complete your submission on February 24, 1987.

The Attorney General does not interpose any objection to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See Section 51.41 of the procedures for the Administration of Section 5 [52 Fed. Reg. 496 (1987).]

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

TITLE 4 - DEPARTMENT OF COMMERCE

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Commerce intends to adopt regulations cited as 4 NCAC 1G .0101-.0103; .0201-.0203; and .0301-.0302.

The proposed effective date of this action is October 1, 1987.

The public hearing will be conducted at 2:00 p.m. on June 15, 1987 at Commerce Hearing Room 6168, Dobbs Building, 430 N. Salisbury St., Raleigh, N.C. 27611.

Comment Procedures: Attendance at Public Hearing or written statements may be addressed to Mr. William A. Dunn, Deputy Secretary at the above mentioned address.

CHAPTER 1 - DEPARTMENTAL RULES

SUBCHAPTER 1G - LOW-INCOME HOUSING TAX CREDIT PROGRAM

SECTION .0100 - GENERAL DESCRIPTION

.0101 BACKGROUND

The Rules of this Subchapter apply to the administration of the low-income housing tax credit program. Program administration involves the allocation and issuance of tax credits to the owners of rental housing who meet the low-income targeting and other applicable requirements of Section 42 of the Internal Revenue Code of 1986. The low-income targeting requirements must be met for a certain percentage of the units in a housing project throughout a 15 year compliance.

Statutory Authority G.S. 143B-429; 143B-430.

.0102 OBJECTIVES

The purpose of the Rules of this Subchapter is to establish a procedure for the allocation of the available low-income housing tax credits. The objective of the allocation procedure is to maximize the use of the credits available,

provide access to a wide variety of credit uses and to achieve a statewide distribution of program benefits.

Statutory Authority G.S. 143B-429; 143B-430.

.0103 DEFINITIONS

(a) Act - The Tax Reform Act of 1986, as amended.

(b) Agency - The North Carolina Housing Finance Agency.

(c) Code - The Internal Revenue Code of 1986, as amended, and including applicable treasury regulations proposed or promulgated thereunder.

(d) Committee - The North Carolina Tax Reform Allocation Committee created by Executive Order Number 3.

(e) Compliance Period - The Period defined in the Code, Section 42(i)(1) and equal to 15 taxable years beginning with the first taxable year of the credit period with respect thereto.

(f) Credit Period - The Period defined in the Code, Section 42(f)(1) and equal to the no taxable years beginning with the taxable year in which the building is placed in service, or at the election of the tax payer, the succeeding taxable year.

(g) Project - A qualified low-income project.

(h) Qualified Non-Profit Organization - A non-profit organization with the meaning of that term as defined in the Code, Section 42(h)(5)(C).

(i) Qualified Low-Income Project - A housing development which is a qualified low-income project with the meaning of that term as defined in the Code, Section 42(g).

(j) State Credit Ceiling - The tax credit amount allocated to each state as that term is defined in the Code, Section 42(h)(3)(C).

Statutory Authority G.S. 143B-429; 143B-430.

SECTION .0200 - REQUIREMENTS

.0201 ELIGIBLE PROJECTS

The low-income housing tax credit is available for the acquisition, construction and rehabilitation of

low-income rental housing. All projects must comply with the requirements of local housing and zoning laws and applicable state or federal laws, including Section 42 of the Internal Revenue Code.

Statutory Authority G.S. 143B-429; 143B-430.

.0202 APPLICATION PROCEDURE

(a) The agency will solicit applications for tax credits. Such action may include advertising in newspapers and other media, mailing information to prospective applicants and other methods of public announcement.

(b) Any sponsor may apply for an allocation of tax credits by submitting an application to the agency in the manner prescribed by the committee.

(c) The low-income housing tax credit is available for allocation on an annual basis. The committee may approve a sponsor's application for tax credits for a calendar year subsequent to the year of application, thereby reserving the credits from the subsequent year's credit ceiling.

(d) The Federal Tax Act requires that only ten percent of the state's tax credits be set aside for qualified non-profit organizations. The committee has stated that 20 percent of the state credit allocation will be set aside for such non-profit organizations, with the understanding. If, on November 1, of each year, it is apparent that the additional ten percent of the credits is not to be utilized; and thusly would expire, the committee will consider a reallocation of those credits to other applicants.

Statutory Authority G.S. 143B-429; 143B-430.

.0203 FEES

(a) An application for a reservation of tax credits must be accompanied by a non-refundable administrative fee in an amount determined from time to time by the committee.

(b) All fees will be used to reimburse the agency for cost incurred in processing applications

and in the monitoring of continuing compliance by the beneficiary as required by the federal code.

(c) The initial fee schedule will be as follows:

(1) The agency will collect a fee of two percent of the first years credit. For profit sponsors will submit four percent of the first year credit with the application. If the application goes forward and actually uses the credit, two percent (1/2 of the application fee) will be returned to the developer.

(2) If the developer withdraws or fails to meet the deadline to use the tax credits, the four percent application fee will be forfeited to the agency.

(3) Non-profit organizations will submit two hundred dollars (\$200.00) with the application and the remainder of the two percent will be paid to the agency at delivery of the tax credits.

Statutory Authority G.S. 143B-429; 143B-430.

SECTION .0300 - SELECTION PROCESS

.0301 REVIEW OF APPLICATIONS

(a) Applications will be accepted and reviewed by the agency in the order that they are received. Incomplete applications and those not accompanied by the required fees, if any, will not be accepted by the agency.

(b) Agency review of an application will include, but not be limited to, the following criteria:

(1) The ability of the proposed project to meet the requirements of Section 42 and other applicable sections of the Internal Revenue Code and regulations promulgated thereunder throughout the compliance period.

(2) The financial feasibility of the project.

(3) The ability, experience, financial condition and credit worthiness of the sponsor.

(4) The ability of the sponsor to successfully complete the project and place it in service before the close of the calendar

PROPOSED RULES

year for which the tax credits have been requested.

- (5) The project's compliance with local housing and zoning laws and other state or federal laws.

Statutory Authority G.S. 143B-429; 143B-430.

.0302 APPROVAL OR REJECTION OF APPLICATION

(a) Upon completion of its review of the application for tax credits the agency staff will recommend to the committee that the application approval be granted or denied.

(b) The agency staff recommendation will be presented to the committee for its consideration.

(c) Where the committee grants the approval of the application for allocation of the tax credit. The chairman of the committee, or his designee, will issue a communication which sets out the following:

(1) the amount of the low income housing tax credit allocation;

(2) the year date of the annual resource from which the allocation is made; and

(3) the date on which the allocation of tax credit would expire, unless, within ten business days after such date, the beneficiary of the credit, or his counsel, has completed, executed and returned to the committee, a form which states:

(A) the date the transaction was completed;

(B) the amount of the tax credit used in the transaction;

(C) the amount of unused allocation being returned to the statewide pool of low income housing tax credits.

(d) When the committee is unable to approve or decides to deny the application, the chairman of the committee, or his designee, will so indicate in writing, and with specificity, will state the reasons for such denial.

Statutory Authority G.S. 143B-429; 143B-430.

Notice is hereby given in accordance with G.S. 150B-12 that the

Department of Commerce intends to adopt regulation cited as 4 NCAC 111 .0100-.0103; .0201-.0204; and .0301-.0303.

The proposed effective date of this action is October 1, 1987.

The public hearing will be conducted at 3:00 p.m. on June 15, 1987 at Commerce Hearing Room, No. 6168 Dobbs Building, 430 North Salisbury St., Raleigh, N. C. 27611.

Comment Procedures: Attendance at Public Hearing or written statements may be addressed to Mr. William A. Dunn, Deputy Secretary at the above mentioned address.

SUBCHAPTER III - PRIVATE ACTIVITY BOND VOLUME CAPACITY PROGRAM

SECTION .0100 GENERAL DESCRIPTION

.0101 BACKGROUND

The rules of this Subchapter apply to the administration of the Private Activity Bond Volume Capacity Program. Made necessary by Federal legislation, this program will relate to a type of financing now defined and controlled as "private activity" bonds. Executive Order No. 37, issued by Governor James G. Martin on March 17, 1987 is a response to federal mandates. It is hereby referenced and incorporated herein as if fully set out in this Paragraph.

Statutory Authority G.S. 143B-429; 143B-430.

.0102 OBJECTIVES

The purpose of this Rule in this Subchapter is to set out the definitions, the procedures and the criteria by and under which the North Carolina Federal Tax Reform Allocation Committee will carry out the duties set out in Executive Order No. 37.

Statutory Authority G.S. 143B-429; 143B-430.

.0103 DEFINITION

(a) Act - shall mean the Tax Reform Act of 1986, as amended.

PROPOSED RULES

(b) Committee - shall mean the North Carolina Federal Tax Reform Allocation Committee created by Executive Order No. 37.

(c) Department - shall mean the North Carolina Department of Commerce.

(d) Issuer - shall mean the entity authorized to issue Private Activity Bonds, except that in the case of Private Activity Bonds issued pursuant to Article 22 of Chapter 160A of the General Statutes of North Carolina, or issued solely pursuant to regulations, rules, procedures or rulings of the Internal Revenue Service of the United States, "Issuer" shall mean the municipal corporation which created the issuing commission or the municipal corporation which approved the issuance of the bonds pursuant to such regulations, rules, procedures or rulings.

(e) "Private Activity Bond" - will mean any instrument of debt defined by federal law and regulation as a Private Activity Bond, thusly requiring an allocation of Private Activity Bond Volume capacity.

(f) "Private Activity Bond Volume Capacity" - will constitute a statewide resource which is measured by a formula contained in the federal tax reform act of 1986. The resource will constitute a total volume limitations of such bonds that can be issued by North Carolina issuers.

(g) "Uniform Volume Limitations" - shall mean the total volume capacity for North Carolina allowed by the formulas contained in federal legislation pertaining to private activity bonds.

(h) "Election as carryforward purpose" - shall mean a designation made by the committee under the definitions continued in federal legislation. Generally it allows an allocation made from the present year volume capacity to be used in a named subsequent year.

Statutory Authority G.S. 143B-429; 143B-430.

SECTION .0200 - APPLICATIONS AND PROCEDURE

.0201 GENERALLY

This Section provides the application procedures which shall be followed, including data and information shall be followed, including data and information submissions, before the North Carolina Tax Reform Activity Committee will make final decision relating to allocations of capacity for private activity bonds.

Statutory Authority G.S. 143B-429; 143B-430.

.0202 INFORMATION AND APPLICATIONS

Issuers and interested parties may obtain general information pertinent to this program at:

- (1) The North Carolina Department of Commerce, Room 6122 or 2019, Dobbs Building, 430 North Salisbury Street, Raleigh, NC 27611 (919) 733-4962 or 733-5297.
- (2) Office of State Treasurer, Room 100, Albemarle Building, Raleigh, NC 27611, (919) 733-3952 or 733-3064.

Applications may be filed at either of the above addresses, but for the most part, should be directed to the chairman of the committee in care of the Industrial Finance Group in the Department of Commerce, at Room 2019, Dobbs Building. Applications will include pertinent facts as to the project being financed, the time table for construction and financing of the project, the details of sale and market distribution, as well as details concerning economic benefits to the area impacted by the project.

Applications will be processed by the chairman or staff available to him, and presented to the committee.

Statutory Authority G.S. 143B-429; 143B-430.

.0203 FORMAL PROCEDURE APPROVAL

When the committee can approve the allocation of capacity, the chairman, or his designee, will so indicate in writing, any terms or conditions of the allocation, including the expiration date of the

PROPOSED RULES

allocation. Any unused portion of the allocation will revert back to the statewide pool of volume resource. The use of any allocation is predicted on the Issuer of the bonds, within ten business days after such issue, advising in writing, that the allocation has been used, and stating the amount of unused allocation. All allocations will be issued with a stated time of expiration. If the Issuer becomes aware that the bond closing cannot be effected within the time scheduled, he may apply for an extension. In the case of a time extension, issuer will provide written confirmation from all parties to the transaction that they have seen and agreed to all terms and conditions for the financing.

Statutory Authority G.S. 143B-429; 143B-430.

.0204 FORMAL APPLICATION PROCEDURES: DENIAL

When the committee is unable to approve the application, the chairman or his designee will so indicate in writing, with specificity, the reasons for such denial.

Statutory Authority G.S. 143B-429; 143B-430.

SECTION .0300 REVIEW CRITERIA

.0301 GENERAL

It is the purpose of this Section to specify the standards and the criteria the committee will use in making their decisions.

Statutory Authority G.S. 143B-429; 143B-430.

.0302 ESTABLISHMENT OF AVAILABILITY CAPACITY

The committee will determine the amount of the uniform bond limitations for Private Activity bonds available in North Carolina for the pertinent years. These formulas are contained in federal legislation.

Statutory Authority G.S. 143B-320; 143B-429.

.0303 CONSIDERATIONS OF RESOURCES USAGE AND DEMAND

The committee will consult with

informed authorities, with issuers, and with legislative lenders. When it appears that the demand for the resource will be large enough that the needs of all issuers can be met, the committee will make allocations on a first-come, first-serve basis. Where demand, or potential demand, appears so large that the resource might prove to be inadequate, the committee would consider, but not limit their consideration to, the following:

- (1) the overall good of the state and the people of North Carolina,
- (2) relative economic need and benefit to the issuer and the area to be impacted by the following,
- (3) whether or not alternative structure or mechanisms for the project agreements and the financing documents might resolve or reduce the need for a "private activity bond" capacity allocation, and
- (4) whether or not the overall project feasibility, is dependent on the availability of an allocation, and
- (5) whether or not the issuer is in competition with another out of state issuer for the project benefits such as jobs and tax base, and
- (6) whether or not the availability of the allocation is a crucial part of keeping an existing industrial plant open, whereas the alternatives would be for that plant to close.

Statutory Authority G.S. 143B-429; 143B-430.

Notice is hereby given in accordance with G.S. 150B-12 that the Savings and Loan Division intends to adopt and amend regulations cited as 4 NCAC 16D .0404; .0901; .1001-.1004; and 16F .0001.

The proposed effective date of this action is October 1, 1987.

The public hearing will be conducted at 10:00 a.m. on June 15, 1987 at Room 4205, Dobbs Building, 430 N. Salisbury St., Raleigh, N.C. 27611.

PROPOSED RULES

Comment Procedures: Written comments may be sent to Savings and Loan Division, P. O. Box 25249, Raleigh, NC, 27611. Requests for an opportunity to present oral testimony and a summary of the testimony must be received at this address no later than June 10, 1987.

CHAPTER 16 - SAVINGS AND LOAN DIVISION: SAVINGS AND LOAN COMMISSION

SUBCHAPTER 16D - OPERATION OF SAVINGS AND LOAN ASSOCIATIONS

SECTION .0400 - LOANS

.0404 ALTERNATIVE MORTGAGE INSTRUMENTS

(a) An association may use any alternative mortgage instrument agreed upon by the association and the borrower. The term "alternative mortgage instrument" shall include any type of mortgage instrument other than a conventional mortgage instrument with a fixed interest rate and fixed payments. This rule does not apply to equity lines of credit loans as defined in G.S. 45-81. An association is deemed to have complied with this Rule if it complies with similar requirements promulgated by the federal insurer of accounts. Paragraphs (b) and (c) of this Rule apply only to credit transactions where the borrower is a natural person and the intended use of the loan proceeds is for personal, family, or household purposes.

Statutory Authority G.S. 54B-55; 54B-163.

SECTION .0900 - INVESTMENTS

.0901 SECURITIES

An association may invest in any security that has been rated at least BAA or equivalent by a nationally recognized rating service. In no case may investments in BAA or equivalent securities exceed in the aggregate 25 percent of net worth.

Statutory Authority G.S. 54B-55; 54B-193.

SECTION .1000 - VOLUNTARY DISSOLUTION

.1001 PLAN OF LIQUIDATION

The administrator may specify

provisions which shall be included in the plan of liquidation.

Statutory Authority G.S. 54B-42; 54B-55.

.1002 DISPOSITION OF ASSETS

After approval of the plan of liquidation by the administrator, the association shall, except in case of dissolution under G.S. 55-116(a)(2), (3) and (4), immediately cause notice of the dissolution to be mailed to each known creditor of the association, and to the Secretary of Revenue, and such notice shall be published once a week for four successive weeks in a newspaper published in the county wherein the association has its principal office, and, if there be no newspaper published in such county, then in some newspaper of general circulation in such county. The association shall then proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its members or shareholders, pay, satisfy and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, including the collection of unpaid subscriptions necessary to equalize the agreed payments by subscribers of its shares. After paying or adequately providing for the payment of all its obligations, the association shall distribute the remainder of its assets, either in cash or in kind, among its members or shareholders according to their respective rights and interests.

Statutory Authority G.S. 54B-42; 54B-55.

.1003 RELOCATION AND CANCELLATION OF DISSOLUTION

(a) At any time after the filing of the plan of liquidation and prior to the filing of a certificate of dissolution, a voluntary dissolution may be revoked by filing of a statement of revocation of dissolution. The contents of such a statement and the proceedings taken so as to revoke a dissolution shall conform with such adaptations as

PROPOSED RULES

are appropriate to revocation under either G.S. 54B-40 or 54B-41.

(b) Upon the filing of such statement of revocation of dissolution, the revocation of the voluntary dissolution proceedings shall become effective and the association may again carry on business.

Statutory Authority G.S. 54B-42; 54B-55.

.1004 WAIVER

The administrator may waive or alter any requirements set forth in this Section to promote the best interests of the public or the association.

Statutory Authority G.S. 54B-42; 54B-55.

SUBCHAPTER 16F - SERVICE CORPORATIONS AND FINANCE SUBSIDIARIES

.0001 PERMITTED ACTIVITIES

The service corporation of an association may engage in those activities which are approved by the Federal Home Loan Bank Board federal insurer of accounts for service corporations owned solely by federal savings and loan associations which have principal offices in this state, and any investment authorized for state-chartered savings and loan associations and approved in advance in writing by the administrator.

Statutory Authority G.S. 54B-194.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-12 that the Division of Medical Assistance intends to adopt, amend, repeal regulations cited as 10 NCAC 26G .0402; .0403; .0707 and 26H .0601-.0605.

The proposed effective date of this action is October 1, 1987.

The public hearing will be conducted at 1:30 p.m. on June 15, 1987 at North Carolina Division of Medical Assistance, 1985 Umstead Drive, Room 201, Raleigh, N.C. 27603.

Comment Procedures: Written comments must be submitted by June 15, 1987 to: Director, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, N.C. 27603. Oral comments may be presented at the hearing.

CHAPTER 26 - MEDICAL SERVICES

SUBCHAPTER 26G - PROGRAM INTEGRITY

SECTION .0400 - AGENCY RECONSIDERATION AND EXECUTIVE DECISIONS

.0402 RECONSIDERATION REVIEW FOR PROGRAM ABUSE

(c) The Reconsideration Review decision will be sent to the provider in writing by certified mail within five working days following the date of review. It will state the schedule for implementing the administrative measures and/or recoupment plan, if applicable, and it will state that if the Reconsideration Review decision is not acceptable to the provider, he may request ~~an Executive Decision or, in cases of suspension or termination a hearing.~~ a contested case hearing in accordance with the provisions found at 10 NCAC 1B .0200. The provider shall have 15 working days to request a contested case hearing. Unless the request is received within the time provided, the Reconsideration Review decision shall become the division's final decision. In processing the contested case request, the Director of the Division of Medical Assistance shall serve as the secretary's designee and shall be responsible for making the final agency decision.

~~(d) The provider will be instructed that the request for an Executive Decision or hearing must be received within the time set by Rule .0403(b) of this Subchapter. If by that date the request for an Executive Decision has not been received, the administrative measures shall be implemented without further notification.~~

Statutory Authority G.S. 108A-25(b); 108A-54; 150B-22; 42 CFR Part 455.

PROPOSED RULES

.0403 EXECUTIVE DECISION FOR PROGRAM ABUSE (REPEALED)

*Statutory Authority G.S.
108A-25(b); 143B-153; 150B-11; 42
CFR Part 455.*

SECTION .0700 - ADMINISTRATIVE SANCTIONS AND RECOUPMENT

.0707 TECHNIQUE FOR PROJECTING MEDICAID OVERPAYMENTS

(a) The Medicaid agency will seek restitution of overpayments made to providers by the Medicaid program.

(b) The agency will use a Disproportionate Stratified Random Sampling Technique in establishing provider overpayments only for repeat offenders.

(c) This technique is an extrapolation of a statistical sampling of claims used to determine the total overpayment for recoupment.

(d) The provider may challenge the validity of the findings in the SAMPLE itself in accordance with the provisions found at Rule .0402 and .0403.

*Statutory Authority G.S.
108A-25(b); 108A-54; 108A-55;
108A-63; 42 CFR Part 455.*

Notice is hereby given in accordance with G.S. 150B-12 that the Division of Medical Assistance intends to repeal regulation cited as 10 NCAC 2611 .0501.

The proposed effective date of this action is October 1, 1987.

The public hearing will be conducted at 1:30 p.m. on June 15, 1987 at North Carolina Division of Medical Assistance, 1985 Umstead Drive, Room 201, Raleigh, NC 27603.

Comment Procedures: Written comments concerning this repeal must be submitted by June 15, 1987 to: Director, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603. Oral comments may be presented at the hearing.

SUBCHAPTER 2611 - REIMBURSEMENT PLANS

SECTION .0500 - REIMBURSEMENT FOR SERVICES

.0501 HOME HEALTH SERVICES (REPEALED)

*Statutory Authority G.S.
108A-25(b); S.L. 1985, c. 479, s. 86.*

SECTION .0600 - HOME HEALTH PROSPECTIVE REIMBURSEMENT

.0601 REIMBURSEMENT PRINCIPLES

All covered services provided by certified home health agencies participating in the North Carolina Medicaid Program are to be reimbursed on a prospective payment basis as set forth in this plan. The intent of this plan is to develop reasonable rates that provide incentives for the cost effective and efficient delivery of home health services.

*Statutory Authority G.S.
108A-25(b); 108A-54; 108A-55; S.L.
1985, c. 479, s. 86; 42 CFR 440.70.*

.0602 REIMBURSEMENT METHODS

(a) A maximum rate per visit is established annually for each of the following services:

- (1) Registered or Licensed Practical Nursing Visit;
- (2) Physical Therapy Visit;
- (3) Speech Therapy Visit;
- (4) Occupational Therapy Visit;
- (5) Home Health Aide Visit.

(b) The maximum rates for the services identified in Section (a) above are computed and applied as follows:

- (1) Payment of claims for visits is based on the lower of the billed customary charges or the maximum rate of the particular service. Governmental providers with nominal charges may bill at cost. For this purpose, a charge that is less than 50 percent of cost is considered a nominal charge.

- (2) The maximum rates are derived from a base year selected by the state. The base year maximum rates are set at 90 percent of the median charge per visit for each service.

- (3) To compute the annual maximum rates, the base year median rates per visit are

PROPOSED RULES

adjusted as described in Sections (4), (5), and (6).

- (4) Base year rates are adjusted by an annual cost index factor. The cost index has a labor component with a relative weight of 75 percent and a non-labor component with a relative weight of 25 percent. The relative weights are derived from the Medicare Home Health Agency Input Price Index published in the Federal Register dated May 30, 1986. Labor cost changes are measured by the annual percentage change in the average hourly earnings of North Carolina service workers. Non-labor cost changes are measured by the annual percentage change in the GNP Implicit Price Deflator.

- (5) The annual cost index equals the sum of the products of multiplying the forecasted labor cost percentage change by 75 percent and multiplying the forecasted non-labor cost percentage change by 25 percent. The base year rates are multiplied by the cost index factor for each year from the base year to the year in which the rates apply.

- (6) Other adjustments may be necessary for special factors relating to home health services or to comply with federal or state laws, regulations and policies.

(c) Medical supplies and Durable Medical Equipment are reimbursed at the lower of billed customary charges or a maximum amount determined for each supply and equipment item. The maximum amount for each item is determined by multiplying the prevailing Medicare Part B allowable amount by 145 percent to account for the allocation of overhead costs and by 80 percent to encourage maximum efficiency. Estimates of reasonable cost will be used if a Medicare allowable amount cannot be obtained for a particular supply or equipment item. The Medicare allowable amounts will be those amounts available to the Division of

Medical Assistance as of July 1 of each year.

(d) Parenteral and Enteral Therapy and other in-home therapies (e.g., chemotherapy, antibiotic therapy) covered under the North Carolina Medicaid Program are reimbursed at the lower of billed customary charges or the comparable Medicare Part B allowable amount.

(e) Extended home care nursing is reimbursed at the lower of billed customary charges or an established hourly rate. The rate is derived from the average billed charges per hour in the base year and is adjusted annually by the percentage change in the average hourly earnings of North Carolina service workers.

(f) In addition to prospective rate payments, a hardship cost settlement payment is made to a home health agency if the agency's total Medicaid reasonable cost significantly exceeds its total Medicaid payments as reported in an annual cost report. The amount of the hardship payment is equal to the excess cost minus ten percent of an agency's total Medicaid cost. Hardship settlement payments will not be available for cost reporting periods beginning on or after July 1, 1989.

<i>Statutory</i>	<i>Authority</i>	<i>G.S.</i>
<i>108A-25(b); 108A-54; 108A-55; S.L. 1985, c. 479, s. 86; 42 CFR 440.70.</i>		

.0603 APPEALS

Providers may appeal maximum rates by presenting written requests and supporting data. Rates will not be adjusted retroactively. Appeals will be processed in accordance with division procedures for Provider Reimbursement Reviews.

<i>Statutory</i>	<i>Authority</i>	<i>G.S.</i>
<i>108A-25(b); 108A-54; 108A-55; S.L. 1985, c. 479, s. 86; 42 CFR 440.70.</i>		

.0604 COST REPORTING AND AUDITING

Annual cost reporting and auditing are required in accordance with the Medicare principles of reimbursement and the Medicare intermediary's schedules, standards and procedures.

PROPOSED RULES

Statutory Authority G. S. 108A-25(b); 108A-54; 108A-55; S.L. 1985, c. 479, s. 86; 42 CFR 440.70.

.0605 PAYMENT ASSURANCES

(a) The state will pay the amounts determined under this plan for each covered service furnished in accordance with the requirements of the State Medicaid Plan, provider participation agreement, and Medicaid policies and procedures.

(b) Participation in the program is limited to providers who accept, as payment in full, the amounts paid in accordance with this plan.

(c) In all circumstances involving third party payment, Medicaid is the payor of last resort. Any amounts paid by non-Medicaid sources are deducted in determining Medicaid payment. For patients with both Medicare and Medicaid coverage, Medicaid payment is limited to the amount of coinsurance related to the services, supplies and equipment covered under the Medicare program.

(d) Payments may be recouped from any provider found to be billing amounts in excess of its customary charges, or costs if charges are nominal, as follows:

- (1) Amounts paid in excess of customary charges, or costs if charges are nominal.
- (2) A penalty amount equal to five dollars (\$5.00) per paid visit or 25 percent of customary charges for supplies, equipment and other services.

Statutory Authority G. S. 108A-25(b); 108A-54; 108A-55; S. L. 1985, c. 479, s. 86; 42 CFR 440.70.

Notice is hereby given in accordance with G.S. 150B-12 that the Social Services Commission intends to amend regulations cited as 10 NCAC 35E .0105; .0106; 42B .1201; .1203; 42C .2001; .2212; .2302; .2303; 49C .0101; .0301; .0302.

The proposed effective date of this action is September 1, 1987 and October 1, 1987.

The public hearing will be conducted at 10:00 a.m. on June 24, 1987 at Woodoak Building, Second Floor Conference Room, 1100 Navaho Drive, Raleigh, North Carolina 27609.

Comment Procedures: Any interested person may present his/her views and comments either in writing or orally at the hearing. Any person may request information, permission to be heard or copies of the proposed regulations by writing or calling Bonnie Allred, 324 N. Salisbury Street, Raleigh, North Carolina 27611.

CHAPTER 35 - FAMILY SERVICES

SUBCHAPTER 35E - SOCIAL SERVICES BLOCK GRANT (TITLE XX)

SECTION .0100 - CONDITIONS OF ELIGIBILITY

.0105 MAXIMUM INCOME LEVELS FOR SERVICES

(b) 80 Percent of Established Income. An individual whose gross monthly family income is as much as 60 percent but less than 80 percent of the state's established income for a family of that size may be eligible for any of the following services if available in the county in which he lives:

- (1) community living services;
- (2) day care services for adults;
- (3) delinquency prevention services-residential care;
- (4) health support services-resource items;
- (5) housing and home improvement services;
- (6) in-home services: chore services;
- (7) in-home services: homemaker services;
- (8) personal and family counseling;
- (9) preparation and delivery of meals;
- ~~(10) problem pregnancy services-residential care;~~
- ~~(11)~~ (10) residential treatment for the emotionally disturbed.

Statutory Authority G.S. 143B-153(2a) b.

.0106 WITHOUT REGARD TO INCOME

PROPOSED RULES

STATUS

(a) Individuals may be determined eligible for the following services on the basis of need for the service and without regard to their income:

- (1) adoption services;
- (2) foster care services for adults;
- (3) foster care services for children;
- (4) protective services for adults;
- (5) protective services for children;
- (6) any service funded under the Social Services Block Grant (Title XX) that is needed in conjunction with protective services may be provided without regard to income during the first 12 months that protective services is provided if such service is available in the county in which the individual lives and the agency has received a referral/report pursuant to G.S. 7A-543 or G.S. 108A, Article 6, has initiated protective services in accordance with program policies, and has determined that such other services are needed to support the provision of protective services;
- (7) delinquency prevention (excluding residential care);
- (8) employment and training support services (excluding transportation and resource items);
- (9) health support services (excluding transportation and resource items);
- (10) individual and family adjustment services (excluding camping component);
- (11) problem pregnancy ~~(excluding~~ (including residential care).

Statutory Authority G.S. 143B-153(2a) b.

CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

SUBCHAPTER 42B - LICENSING OF HOMES FOR DEVELOPMENTALLY DISABLED ADULTS

SECTION .1200 - PERSONNEL

.1201 PERSONNEL REQUIREMENTS

The qualifications of administrator, co-administrator, supervisor-in-charge, manager, and co-manager are as follows:

- (4) ~~must be of good character;~~
must provide written documentation about convictions of criminal offenses from the clerk of court in the county in which the conviction was made, and about any driving offenses other than minor traffic violations from the motor vehicles office;

Statutory Authority G.S. 131D-2; 143B-153; 168-1; 168-9.

.1203 QUALIFICATIONS OF RELIEF PERSON-IN-CHARGE

(a) Qualifications of relief person-in-charge are set forth in Rule .1202 of this Section except that the relief person-in-charge must provide written documentation about convictions of criminal offenses from the clerk of court in the county in which the conviction was made, and about any driving offenses other than minor traffic violations from the motor vehicles office;

Statutory Authority G.S. 131D-2; 143B-153.

SUBCHAPTER 42C - LICENSING OF FAMILY CARE HOMES

SECTION .2000 - PERSONNEL

.2001 QUALIFICATIONS OF ADMINISTRATOR

- (1) The potential administrator must apply on the License Application (DSS-1860). The Recommendation for a License (DSS-1861) is to be completed by the county department of social services and forwarded along with references and other appropriate forms to the Division of Facility Services for approval or disapproval;
- (2) The administrator (approved after January 1, 1977) must be at least a high school graduate or certified under the G.E.D. Program;
- (3) The administrator must be 18 years of age or older;
- (4) The administrator or

PROPOSED RULES

- corporation must be able to obtain credit or have other verified resources to meet operating costs and provide required services when unexpected situations arise, such as extended resident vacancies and major home repairs. Verification of ability to obtain credit or the availability of other resources must be documented by the administrator or corporation;
- (5) The administrator must be willing to work with bona fide inspectors and the monitoring and licensing agencies toward meeting and maintaining the Rules of this Subchapter and other legal requirements, including those of the Civil Rights Act of 1964 when the administrator has signed Form DSS-1464;
- (6) The administrator, or a person designated in writing by the administrator to act as his agent and make decisions on his behalf, must meet with the Adult Homes Specialist at the specialist's request at an agreed time in the home as often as necessary to insure compliance with the standards;
- (7) The administrator must meet the general health requirements specified in Rule .2004 of this Subchapter;
- (8) The administrator must provide at least three current reference letters and/or the names of individuals with whom a reference interview can be conducted. The individuals providing reference information must be knowledgeable of the applicant administrator's background and qualifications and must include at least one former employer. ~~The county department of social services is to check police and court records.~~
- (9) The administrator must provide written documentation about convictions of criminal offenses from the clerk of court in the county in which the conviction was made, and about any driving offenses other than
- minor traffic violations from the motor vehicles office;
- ~~(9)~~ (10) The administrator must meet the requirements of either Subparagraph (a) or (b) of this Paragraph in accordance with procedures established by the Department of Human Resources:
- (a) The administrator must verify that he has worked in a licensed domiciliary facility for at least 30 days in an on-the-job training program approved by the Department of Human Resources; or
- (b) The administrator must verify that he has past education, training and experience related to the management and operation of adult residential care facilities;
- ~~(10)~~ (11) The administrator must verify that he earns 15 hours a year of continuing education credits related to the management of domiciliary homes and care of aged and disabled persons in accordance with procedures established by the Department of Human Resources. The requirements for earning continuing education credits does not apply in those situations where the administrator is also a currently licensed nursing home administrator; and

Statutory Authority G.S. 131D-2; 143B-153.

SECTION .2200 - ARRANGEMENT AND SIZE OF ROOMS

.2212 HOUSEKEEPING AND FURNISHINGS

(c) Each bedroom must have the following furnishings in good repair and clean for each resident:

- (1) Single bed equipped with box springs and mattress or solid link springs and no-sag innerspring or foam mattress. Hospital bed appropriately equipped must be arranged for as needed. A double bed is allowed if used only for single occupancy, unless occupied by husband and wife. A water bed is allowed if requested by a resident and permitted by the

PROPOSED RULES

home. Each bed is to have the following:

- (A) at least one pillow with clean pillow case;
 - (B) clean top and bottom sheets on the bed, with bed changed as often as necessary but at least once a week; and
 - (C) clean bedspread and other clean coverings as needed;
- (2) a bedside type table for each bed accessible to the resident while in bed;
 - (3) chest of drawers or bureau when not provided as built-ins, or a double chest of drawers or double dresser for two residents;
 - (4) a wall or dresser mirror that can be used by each resident;
 - (5) a minimum of one comfortable chair (rocker or straight, arm or without arms, as preferred by resident), high enough from floor for easy rising;
 - (6) additional chairs available, as needed, for use by visitors;
 - (7) individual clean towel and wash cloth, and towel bar; and
 - (8) ~~a bedside lamp or a light~~ overhead of bed with a ~~toggle~~ switch within reach of person lying on bed; or a lamp. The light must be of 30 foot-candle power for reading.

Statutory Authority G.S. 131D-2; 143B-153.

SECTION .2300 - SERVICES

.2302 HEALTH CARE

(d) If a resident is hospitalized, a completed FL-2 or patient transfer form must be obtained before the resident can be readmitted to the facility.

(e) Between annual medical examinations there may be a need for a physician's care. The Form DSS-1867 or an equivalent record is to be used by the physician to report any drugs prescribed and any treatment given or recommended for minor illnesses.

(f) All contacts (office, home or telephone) with the resident's physician are to be recorded on Form DSS-1867 or an equivalent health services record which is to be

retained in the resident's record in the home. The physician's orders must be included in the health services record used for the resident, as follows:

- (1) when the resident is examined in the physician's office, the health services record is to be taken and the physician is to add all necessary information;
 - (2) when the physician examines the resident in the home, the physician is to add all necessary information into the health services record; and
 - (3) when a physician's order is given by telephone, the administrator or supervisor-in-charge must enter this into the health services record, initial it and have the physician sign it within 30 days from the date the order is given.
- (e) ~~(h)~~ The administrator must have specific written instructions recorded on Form DSS-1865 as to what to do in case of sudden illness, accident, or death of a resident.

Statutory Authority G.S. 131D-2; 143B-153.

.2303 FOOD SERVICE

(a) Preparation and Serving of Food:

(5) When room service is necessary for physical and/or emotional reasons, it must be as complete as table service with special attention to preparation and prompt serving in order that correct temperatures of food are maintained. Hot food must be served hot (above 140 degrees F; 60 degrees C) and cold food served cold (below 45 degrees F; 7 degrees C). Hot food shall be served hot and cold food served cold and in a consistency to meet individual needs. If residents require assistance in eating, food shall be maintained at serving temperature until assistance is provided.

(6) If food is transported from the kitchen to dining area(s) other than the main dining room, it must be transported in

PROPOSED RULES

a sanitary manner, with hot food served hot (above 140 degrees F; 60 degrees C) and cold food served cold (below 45 degrees F; 7 degrees C).

(c) Special Modified Diets:

- (1) All special modified diet orders must be in writing from the resident's physician. Special Modified diet orders must be caloric or gram specific unless standing orders, which include the definition of any special modified diets, have been obtained from the physician and are on file in the home.
- (2) Menus for these special modified diets must be planned or and/or reviewed and signed (including registration number) by a registered dietitian;
- (3) The administrator is responsible for maintaining an accurate and current listing of residents for whom special modified diets have been prescribed and a the special modified diet ordered, for use by food service personnel;
- (5) The administrator is responsible for assisting residents who need special modified diets in understanding and accepting these diets.

Statutory Authority G.S. 131D-2; 143B-153.

CHAPTER 49 - AFDC

SUBCHAPTER 49C - EMERGENCY ASSISTANCE

SECTION .0100 - COVERAGE

.0101 ELIGIBILITY FOR COVERAGE

(a) Eligibility for coverage will be as follows:

- (1) Emergency Assistance shall be provided to or on behalf of a needy child(ren) under the age of 21, the specified relative of the needy child(ren), the spouse of the specified relative and any other child(ren) under the age of 21 who may live in the home and is under the care and supervision of the specified relative all other individuals sharing the same single unit dwelling with the exception of

roomer/boarders and other individuals who occupy a separate apartment within the single unit dwelling. The needy child under the age of 21 who is within the specified degree of relationship must be living with the specified relative or have lived with the specified relative within six months prior to the month in which Emergency Assistance is requested.

- (2) Families of migrant workers shall be covered if the requirements stated in Paragraph (a) of this Rule and the regulations stated in 45 CFR 233.120 are met.

(b) Verification

- (1) The county shall accept the applicant's statement to verify the household composition.
- (2) The county shall accept the applicant's statement verifying living with and kinship unless questionable. If the applicant's statement is questionable, the county department of social services shall be required to verify living with and kinship according to Rules in 10 NCAC 49B .0304.

Statutory Authority Chapter 1014, Section 119, Session Laws 1985 (1986 Regular Session); 143B-153.

SECTION .0300 - RESERVE AND INCOME

.0301 RESERVE

(a) A family shall be allowed to reserve total resources at a maximum of two thousand two hundred dollars (\$2,200). Included in the two thousand two hundred dollar (\$2,200) total, a family shall be allowed to reserve liquid assets at a maximum of three hundred dollars (\$300). If the total reserve owned by the family exceeds two thousand two hundred dollars (\$2,200), it shall be ineligible. If the liquid assets owned by the family exceed three hundred dollars (\$300), the family shall be ineligible regardless of the total amount of reserve. Liquid assets shall include all reserve items listed in (c) below except (6), (7) and (8).

- (b) Resources owned by members

PROPOSED RULES

of the household applying for Emergency Assistance shall be counted.

(c) The following reserve items shall be counted:

- (1) cash on hand;
- (2) the current balance of savings account(s);
- (3) that portion of a checking account other than the monthly income deposited to meet the household's needs;
- (4) stocks, bonds, mutual fund shares, savings certificates;
- (5) revocable trust funds;
- (6) life estate and remainder interest, if salable;
- (7) net proceeds from a business, including a farm, which has been discontinued;
- (8) equity in real property not used as a home or producing an income.

(d) The following reserve items shall be excluded:

- (1) household or personal belongings (includes essential and non-essential personal property);
- (2) motor vehicles;
- (3) primary residence, including mobile home, and all contiguous property;
- (4) income-producing property;
- (5) insurance (including burial, term, and whole life cash values);
- (6) value of prepaid burial contracts;
- (7) value of burial plots;
- (8) savings of a student under the age of 21 who is saving his money for school expenses;
- (9) relocation assistance payments;
- (10) that portion of monthly income deposited in a checking account to meet monthly needs;
- (11) non-salable life estate or remainder interest;
- (12) heir property;
- (13) HUD community development block grants.

(e) Verification

- (1) Unless questionable, the value of the family's reserve shall be verified by the specified relative's statement.
- (2) If the family's resources equal

or exceed two thousand two hundred dollars (\$2,200) or the specified relative's statement is questionable, resources shall be verified according to 10 NCAC 49B .0307.

- (3) If additional verification is required, the application may pend beyond 48 hours.

Statutory Authority Chapter 1014, Section 119, Session Laws 1985 (1986 Regular Session); 143B-153.

.0302 INCOME

(a) Except for verification, base periods, and determination of net income, income Rules stated in 10 NCAC 49B .0308 shall control for Emergency Assistance.

(b) Base Periods

(1) For continuing earned income, the county department of social services shall use the applicant's most recently paid wage. The county department of social services shall convert this income to a monthly amount.

(2) For all other income except farm income, small business, property rentals and roomer/boarder income, the county department of social services shall use income actually received during the month prior to the month of application.

(3) For income from a farm, small business, property rental or a roomer/boarder, the base period shall be the month prior to the month of application through the date of application. The county department of social services shall divide the gross income received during this period by the number of months the income covers. If income from a farm, small business, property rental or a roomer/boarder is received other than the base period herein described, the county department of social services shall count the amount remaining as of the date of application in reserve.

(c) Determination of Net Income

(1) Net unearned income is the

PROPOSED RULES

- amount actually received by each applicant.
- (2) Net earned income, other than income from a farm, small business, property rental, or a roomer/boarder, is the amount remaining after payroll deductions for Social Security (FICA), federal and state taxes, medical and hospital insurance, retirement, union dues, and any other deduction required by the employer.
- (3) Net earned income from a farm is the amount remaining after deduction of operational expenses directly related to producing the income. These expenses include but are not limited to:
- (A) fertilizer, insecticides, seed, crop insurance;
 - (B) livestock maintenance;
 - (C) rent payments;
 - (D) taxes;
 - (E) building and equipment maintenance;
 - (F) interest on debts.
- (4) Net earned income from a small business or from self-employment is the amount remaining after deduction of operational expenses directly related to producing the income. These expenses may include but are not limited to:
- (A) taxes required to operate the business;
 - (B) licenses and permit fees;
 - (C) rent payments;
 - (D) insurance;
 - (E) labor costs;
 - (F) maintenance;
 - (G) products required to operate the business;
 - (H) interest on debts;
 - (I) food costs for self-employed babysitters.
- (5) Net earned income from property rental is the amount remaining after deduction of operational expenses directly related to producing the income. These expenses may include but are not limited to:
- (A) interest on debts;
 - (B) taxes;
 - (C) insurance;
 - (D) maintenance;
 - (E) utilities;
 - (F) labor costs;
 - (G) real estate agent's fees.
- (6) Net earned income from a roomer/boarder is the amount remaining after deduction of the cost of food directly related to producing the income.
- ~~(b)~~ (d) Verification
- (1) The county department of social services shall use any resources available at the county department to verify income of the family. These resources may include but are not limited to other public assistance case records of the family, income listings such as the State Data Exchange, Bendex, or Unemployment Insurance and Wage Files which is are available both on paper listing and on-line in the State's Eligibility Information System.
- (2) If records are unavailable at the county department of social services for verifying income, county departments of social services shall accept the specified relative's written statement as to the amount of the family's income, unless questionable, wage stubs or a written statement from the employer. If the county department of social services is unable to obtain wage stubs or a written statement from the employer, it shall accept the specified relatives written statement of each household member's income, unless questionable.
- (3) If no verification is available and the specified relative's statement is questionable, the county department of social services shall be required to verify income according to the Rules in 10 NCAC 49B .0308(g).
- (4) If additional verification is required, the application may pend beyond 48 hours.

Statutory Authority Chapter 1014, Section 119, Session Laws 1985 (1986 Regular Session); 143B-153.

Notice is hereby given in accordance with G.S. 150B-12 that the Social

PROPOSED RULES

Services Commission intends to amend regulation cited as 10 NCAC 35E .0315.

The proposed effective date of this action is October 1, 1987.

The public hearing will be conducted at 10:00 a.m. on June 15, 1987 at 4th Floor Conference Room, Albemarle Building, 325 N. Salisbury Street, Raleigh, NC.

Comment Procedures: Any interested person may present his/her comments either in writing three days prior to or at the hearing or orally at the hearing for a maximum of ten minutes. Any person may request information by writing or calling Victoria Voight, Office of Legislative and Legal Affairs, 325 N. Salisbury Street, Raleigh, NC 919-733-6920.

SECTION .0300 - SERVICE DEFINITIONS

.0315 PROBLEM PREGNANCY SERVICES

(a) Primary Service. Problem pregnancy services are services to individuals who are involved with an undesired pregnancy. Services include counseling to assist such individuals in looking at alternative solutions to the unwanted pregnancy (e.g., abortion, adoption, or keeping the baby), and at the probable consequences of each alternative; and assistance in arranging for and utilizing other needed services. Residential care, including a concentrated regimen of services as described in (a) of this Rule, room and board for up to six months, medical supervision, and medications required for health maintenance in pregnancy as prescribed by a physician may be provided when such care is provided in a licensed maternity home, an approved living arrangement prescribed in 10 NCAC 42F .0006 (5) and .0007 (f). Psychiatric counseling specifically related to help in coping with the pregnancy may also be included as an integral but subordinate part of the regimen of residential services.

*Statutory Authority G.S.
143B-153(2a) b.*

TITLE 14A - DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-12 that the Highway Patrol Division intends to adopt and amend regulations cited as 14A NCAC 9B .0101; 9H .0105; .0804-.0805; 9I .0003.

The proposed effective date of this action is October 1, 1987.

The public hearing will be conducted at 10:00 a.m. on June 22, 1987 at The Library, Second Floor, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina.

Comment Procedures: Any interested person may present comments relevant to the action proposed at the public hearing either in written or oral form. Written statements not presented at the public hearing must be directed prior to June 22, 1987 to the Administrative Procedures Coordinator, Second Floor, Archdale Building, 512 N. Salisbury Street, Raleigh or P.O. Box 27687, Raleigh, NC 27611-7687.

CHAPTER 9 - STATE HIGHWAY PATROL

SUBCHAPTER 9B - PERSONNEL REGULATIONS

SECTION .0100 - EMPLOYMENT REGULATIONS

.0101 HIGHWAY PATROL MANUAL ADOPTION BY REFERENCE

(a) The State Highway Patrol Division of the Department of Crime Control and Public Safety adopts by reference the portions of the Highway Patrol Manual, Personnel Regulations 9B .0100-.0400, effective ~~February 1, 1986~~ October 1, 1987.

(b) Copies of the Manual may be inspected in the Administrative Procedures Section of the Attorney General's Office, 10 E. Jones Street, Office of Administrative Hearings, Raleigh, North Carolina or the Highway Patrol Headquarters, First Floor, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina.

PROPOSED RULES

Statutory Authority G.S. 20-184; 20-185; 20-187; 20-188; 126-16; 143B-10; 150B-11; 150B-14.

SUBCHAPTER 9H - ENFORCEMENT REGULATIONS

SECTION .0100 - ENFORCEMENT ACTIONS

.0105 VALIDATING CITATIONS

Members shall deliver the N.C.U.C. to a judicial official of the General Court of Justice, for validation as soon after issuance as practical. In no case shall a member fail to deliver the N.C.U.C. within five calendar days of issuance, or prior to the designated court date, whichever should come first.

Statutory Authority G.S. 15A-302; 20-184; 20-185; 20-187; 20-188.

SECTION .0800 - PERSONS IN CUSTODY

.0804 TRANSPORTING FEMALES

(a) A male member shall not transport a female ~~prisoner~~ without a third person being present throughout the trip. Exceptions may be made whenever it is impossible or impractical to have a third person present.

(b) Whenever it is necessary for a male member to transport a female ~~prisoner~~ without the presence of a third person, he shall:

(1) Notify the telecommunicator on duty of the time of departure or arrest, the odometer reading, ~~place of intended incarceration~~ place of intended incarceration destination and the estimated time of arrival at that location.

(2) Upon arrival at the destination the member shall notify the telecommunicator of the time and the odometer reading.

(c) Exceptions may be made to the Rules set forth in this Section in individual cases when authorized by a First Sergeant or higher authority.

Statutory Authority G.S. 20-184; 20-185; 20-187; 20-188.

.0805 PROPERTY OF PRISONERS

(a) Members shall take all reasonable measures to protect the personal property in the possession

of prisoners at the time of arrest or detention.

(b) When a member stores or takes possession of a vehicle containing a domesticated animal or arrests an individual that has in his possession a domesticated animal, the member shall make reasonable efforts to ensure for the safety and well-being of the animal. Reasonable efforts may include contacting the animal's owner, an immediate family member of the owner, an Animal Shelter, or an Animal Control Officer.

Statutory Authority G.S. 20-184; 20-185; 20-187; 20-188.

SUBCHAPTER 9I - EFFECT AND USE OF MANUAL: LIABILITY

.0003 NO CONTRACT RIGHTS

This Manual, Chapter 9 of Title 14A of the N. C. Administrative Code, and all policies, rules, regulations, directives, and procedures of the Patrol and the Department of Crime Control and Public Safety shall not be construed to grant or guarantee to a member or an applicant any right or privilege or to establish a contract or mandatory procedure. Compliance with the State Personnel Act or other applicable law or procedure shall be deemed to be compliance with this Manual, policies, rules, regulations, directives, and procedures of the Patrol and the Department of Crime Control and Public Safety.

Statutory Authority G.S. 20-184; 20-185; 20-187; 20-188.

TITLE 15 - DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

Notice is hereby given in accordance with G.S. 150B-12 that the Division of Coastal Management intends to amend regulations cited as 15 NCAC 711 .0308.

The proposed effective date of this action is October 1, 1987.

The public hearing will be conducted at 10:00 a.m. on June 18, 1987 at

PROPOSED RULES

*Marine Fisheries Building, 3411
Arendell Street, Morehead City, NC*

*Comment Procedures: Written
comments may be submitted within
30 days prior to hearing to: Portia
Rochelle, Division of Coastal
Management, P.O. Box 27687,
Raleigh, NC 27611.*

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0300 - OCEAN HAZARD AREAS

.0308 SPECIFIC USE STANDARDS

(a)

- (3) Sand-Trapping Devices: Low
intensity off-shore passive
sand-trapping devices, ~~such as~~
~~artificial seaweed~~, may be
permitted provided:

*Statutory Authority G.S. 113A-107;
113A-113(b)(6).*

*Notice is hereby given in accordance
with G.S. 150B-12 that the Division
of Economic Opportunity intends to
amend regulations cited as 15 NCAC
16C .0105 and .0108.*

*The proposed effective date of this
action is October 1, 1987.*

*The public hearing will be conducted
at 10:00 a.m. on June 15, 1987, at
Fifth Floor Conference Room, 512 N.
Salisbury St., Raleigh, N. C. 27611.*

*Comment Procedures: All interested
persons are invited to attend.
Comments may be submitted in
writing or may be presented orally at
the hearing. Oral presentations
which exceed three minutes are
requested to have a written copy to
be filed with the hearing clerk.
Further details of the proposed
changes may be obtained by writing
or calling: Mr. James L. Forte,
Director, Division of Economic
Opportunity, Post Office Box 27687,
Raleigh, N. C. 27611; (919)
733-2633.*

CHAPTER 16 - DIVISION OF ECONOMIC OPPORTUNITY

SUBCHAPTER 16C - COMMUNITY SERVICES BLOCK GRANT PROGRAM

SECTION .0100 - GENERAL PROVISIONS

.0105 ELIGIBLE ACTIVITIES

- (6) to assist unemployed and
disadvantaged individuals
through Community Food and
Nutrition initiatives:
(a) to coordinate existing
private and public food
assistance resources, whenever
such coordination is determined
to be inadequate, to better serve
low-income populations;
(b) to assist low-income
communities to identify
potential sponsors of child
nutrition programs and to
initiate new programs in
underserved or unserved areas;
and
(c) to develop innovative
approaches at the state and
local level to meet the nutrition
needs of low-income people.

*Statutory Authority G.S.
143-323(d); 143B-276; 143B-277; 42
U.S.C. 9901-12.*

.0108 ALLOCATION OF CSBG FUNDS

(c) supplemental CSBG grants.
The preceding Paragraphs of this
Rule do not apply to the allocation
of supplemental CSBG grants to
North Carolina. Such allocations to
eligible applicants for eligible
activities will be made by the
division in a manner not inconsistent
with federal guidelines and
conditions on supplemental
appropriations. The division has the
flexibility to determine the number
of grants awarded and the manner in
which grantee(s) are selected based
upon the amount of the allocation
and the intent of the applicable
legislation and regulations.

*Statutory Authority G.S. 143B-276;
143B-277; 143-323(d); 42 U.S.C.
9901-12.*

TITLE 20 - DEPARTMENT OF STATE TREASURER

*Notice is hereby given in accordance
with G.S. 150B-12 that the State
Treasurer intends to amend*

PROPOSED RULES

regulation cited as 20 NCAC 1G .0402.

The proposed effective date of this action is November 1, 1987.

The public hearing will be conducted at 10:00 a.m. on June 24, 1987, at Conference Room (Room 100), Department of State Treasurer, 325 N. Salisbury Street, Raleigh, North Carolina.

Comment Procedures: A written copy of the comments will be

required of all persons wishing to speak at the public hearing.

CHAPTER 1 - DEPARTMENTAL RULES

SUBCHAPTER 1G - INVESTMENT PROGRAM

.0402 ELIGIBLE INVESTMENTS

(c) The cash reserves of the investment fund may be temporarily invested in the Short-Term Investment Fund or in securities eligible for purchase under G.S. 147-69.1(c).

Statutory Authority G.S. 147-69.3.

LIST OF RULES AFFECTED

NORTH CAROLINA ADMINISTRATIVE CODE

LIST OF RULES AFFECTED

EDITION XII, NO. 2

EFFECTIVE: May 1, 1987

AGENCY				ACTION TAKEN
ADMINISTRATION				
1	NCAC	12	.0601	Adopted
			.0902	Adopted
			.1005	Adopted
			.1201	Adopted
			.1402	Adopted
			.1406	Adopted
		35	.0101	Amended
			.0103	Amended
			.0301	Amended
			.0303	Amended
			.0403-.0404	Amended
			.0407	Adopted
CORRECTIONS				
5	NCAC	2A	.0202	Amended
		2B	.0103	Temp. Amended
				Expires 5-1-87
		2F	.2002	Temp. Amended
				Expires 5-1-87
			.2002	Amended
			.2003-.2006	Temp. Repealed
				Expires 5-1-87
			.2003-.2006	Repealed
		4C	.1801-.1806	Temp. Repealed
				Expires 5-1-87
			.1801-.1806	Repealed
GOVERNOR'S OFFICE				
9	NCAC	2	Executive Order Number 34	
			Executive Order Number 35	
			Executive Order Number 36	
			Executive Order Number 37	
			Executive Order Number 38	
			Executive Order Number 39	
			Executive Order Number 40	
			Executive Order Number 41	
			Executive Order Number 42	
HUMAN RESOURCES				
10	NCAC	4C	.0203-.0204	Amended
			.0402	Amended
		7A	.0401	Amended
		10A	.2001	Amended
			.2007-.2010	Amended
		10D	.2401	Amended
			.2407	Amended
			.2409-2411	Amended
		10F	.0001	Amended
			.0028-.0032	Amended

LIST OF RULES AFFECTED

			.0034	Amended
			.0041	Amended
			10G .0703-.0707	Amended
INSURANCE				
11	NCAC	15	.0001-.0010	Amended
LABOR				
13	NCAC	7C	.0101	Amended
CRIME CONTROL AND PUBLIC SAFETY				
14A	NCAC	8B	.0101	Amended
NATURAL RESOURCES AND COMMUNITY DEVELOPMENT				
15	NCAC	2B	.0304	Amended
		6E	.0101-.0108	Adopted
		7H	.0208	Amended
			.0309	Amended
		7J	.0312	Adopted
		10F	.0314	Amended
REVENUE				
17	NCAC	9G	.0505	Amended
			.0512	Amended
		9I	.0202	Amended
			.0502	Amended
			.0504	Amended
TRANSPORTATION				
19A	NCAC	3I	.0101	Amended
			.0104	Amended
			.0201-.0202	Amended
			.0204-.0205	Amended
			.0206	Repealed
			.0208	Amended
			.0304	Repealed
			.0306-.0307	Amended
			.0402-.0403	Amended
			.0501-.0502	Amended
			.0601	Amended
			.0701-.0702	Amended
			.0801	Amended
			.0803	Amended
			.0901-.0909	Repealed
		3J	.0101-.0102	Adopted
			.0201-.0208	Adopted
			.0301-.0308	Adopted
			.0401-.0403	Adopted
			.0501-.0508	Adopted
			.0601-.0606	Adopted
			.0701-.0703	Adopted
			.0801-.0803	Adopted
CPA EXAMINERS				
21	NCAC	8A	.0105	Amended
		16M	.0001-.0002	Amended
		38	.0104	Amended
			.0201	Amended
			.0202	Repealed
			.0204	Amended

LIST OF RULES AFFECTED

		.0303	Amended
		58A .1104	Amended
COMMUNITY COLLEGES			
23	NCAC	2D .0301	Amended
PERSONNEL			
25	NCAC	1D .0509	Amended

NCAC INDEX

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT
1	Administration, Department of
2	Agriculture, Department of
3	Auditor, Department of State
4	Commerce, Department of
5	Corrections, Department of
6	Council of State
7	Cultural Resources, Department
8	Elections, State Board of
9	Governor
10	Human Resources, Department of
11	Insurance, Department of
12	Justice, Department of
13	Labor, Department of
14A	Crime Control, Department of
15	Natural Resources and Community Development
16	Education, Department of
17	Revenue, Department of
18	Secretary of State
19A	Transportation, Department of
20	Treasurer, Department of State
*21	Occupational Licensing Boards
22	Administrative Procedures
23	Community Colleges, Department of
24	Independent Agencies
25	Personnel, Department of State
26	Office of Administrative Hearings

NOTE: Title 21 contains the chapters of the various occupational licensing boards.

CHAPTER	LICENSING BOARD
2	Architecture, Board of
4	Auctioneers, Commission for
6	Barber Examiners, Board of
8	Certified Public Accountant Examiners
10	Chiropractic Examiners, Board of
12	Contractors, Licensing Board for
14	Cosmetic Art Examiners, Board of
16	Dental Examiners, Board of
18	Electrical Contractors, Board of Examiners
20	Foresters, Board of Registration for
21	Geologists, Board of
22	Hearing Aid Dealers and Fitters Board
26	Landscape Architects, Licensing Board of
28	Landscape Contractors, Registration Board of
30	Law Examiners, Board of
31	Marital & Family Therapy Certification Board
32	Medical Examiners, Board of
33	Midwifery Joint Committee
34	Mortuary Science, Board of
36	Nursing, Board of
37	Nursing Home Administrators, Board of
38	Occupational Therapist, Board of
40	Opticians, Board of

NCAC INDEX

42	Optometry, Board of Examiners in
44	Osteopathic Examination and Registration
46	Pharmacy, Board of
48	Physical Therapy, Examining Committee of
50	Plumbing and Heating Contractors, Board of
52	Podiatry Examiners, Board of
53	Practicing Counselors, Board of
54	Practicing Psychologists, Board of
56	Professional Engineers and Land Surveyors
58	Real Estate Commission
60	Refrigeration Examiners, Board of
62	Sanitarian Examiners, Board of
64	Speech and Language Pathologists and Audiologists, Board of Examiners of
66	Veterinary Medical Board

CUMULATIVE INDEX

CUMULATIVE INDEX

(April 1987 - March 1988)

1987 - 1988

Pages	Issue
1 - 137	April
138 - 169	May

AO - Administrative Order
AG - Attorney General's Opinions
C - Correction
E - Errata
EO - Executive Order
FDL - Final Decision Letters
FR - Final Rule
GS - General Statute
JO - Judicial Order
LRA - List of Rules Affected
M - Miscellaneous
NP - Notice of Petitions
PR - Proposed Rule
SO - Statements of Organization
TR - Temporary Rule

ADMINISTRATION

State Employees Combined Campaign, 13 PR

AGRICULTURE

Pesticide Board, 13 PR

COMMERCE

Departmental Rules, 14 PR, 143 PR

Savings & Loan Division, 147 PR

CORRECTION

Division of Prisons, 105 FR

Parole Commission, 106 FR

CRIME CONTROL AND PUBLIC SAFETY

State Highway Patrol, 159 PR

EXECUTIVE ORDERS

Executive Orders 34 - 42, 1 EO
43 - 46, 138 EO

FINAL DECISION LETTERS

Voting Rights Act, 10 FDL, 141 FDL

HUMAN RESOURCES

AFDC, 156 PR

Family Services, 152 PR

CUMULATIVE INDEX

Individual and Family Support, 153 PR
Medical Services, 149 PR
Mental Health Retardation
and Substance Abuse, 15 PR

INSURANCE

Life Accident & Health Division, 17 PR

JUSTICE

Education and Training Standards, 19 PR

LICENSING BOARD

Medical Examiners, 95 PR

LIST OF RULES AFFECTED

Volume 12, No. 1
(April 1, 1987), 131 LRA
Volume 12, No. 2
(May 1, 1987), 163 LRA

NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

Coastal Management, 94 PR, 160 PR
Economic Opportunity, 161 PR
Environmental Management, 29 PR
Marine Fisheries, 84 PR

REVENUE

Individual Income Tax, 107 FR
Motor Fuels Tax, 108 FR

STATE PERSONNEL

State Personnel Commission, 96 PR

STATE TREASURER

Departmental Rules, 161 PR

TRANSPORTATION

Motor Vehicles, 109 FR

Office of Administrative Hearings
P. O. Drawer 11666
Raleigh, North Carolina 27604

PL
ST/
IH

FOLD HERE

NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

ORDER FORM

Please enter my subscription for the *North Carolina Register* to start with the _____ issue
(\$95.00/year subscription)

Please enter my subscription for the NCAC in microfiche form starting with the _____ edition
(Published in March and October: \$40.00 per edition)

Renew *North Carolina Register* ☐ Renew NCAC

Check Enclosed ☐ Please bill me

Please make checks payable to Office of Administrative Hearings

NAME _____ ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

Return to Office of Administrative Hearings - fold at line, staple at bottom and affix postage.)

CHANGE OF ADDRESS:

1. Present Address

NAME

ADDRESS

CITY

STATE

ZIP

2. New Address

NAME

ADDRESS

CITY

STATE

ZIP

Office of Administrative Hearings

P. O. Drawer 11666

Raleigh, North Carolina 27604

FIRST CLASS MAIL

1 756
UNIV. OF NORTH CAROLINA
LAW LIBRARY
VAN HECKE-WETTACH 064-A
CHAPEL HILL NC 27514-30000