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The **NORTH CAROLINA REGISTER**

IN THIS ISSUE

EXECUTIVE ORDERS

PROPOSED RULES

Agriculture

Education

Human Resources

NRCD

N.C. Board of Nursing

FINAL RULES

List of Rules Codified

ISSUE DATE: JUNE 1, 1989

Volume 4 • Issue 5 • Pages 290-311



INFORMATION ABOUT THE NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

NORTH CAROLINA REGISTER

The *North Carolina Register* is published bi-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 fifty 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 one hundred and five dollars (\$105.00) for 24 issues.

Requests for subscriptions 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 the time and place of the public hearing; 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; a reference to the Statutory Authority for the action 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.

Unless a specific statute provides otherwise, at least 30 days must elapse following publication of the proposal in the *North Carolina Register* before the agency may conduct the required public hearing and take action on the proposed adoption, amendment or repeal.

When final action is taken, the promulgating agency must file any adopted or amended rule for approval by the Administrative Rules Review Commission. Upon approval of ARRC, the adopted or amended rule must be filed with the Office of Administrative Hearings. If it differs substantially from the proposed form published as part of the public notice, upon request by the agency, 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 with the Office of Administrative Hearings for publication in the NCAC.

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 180 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) Single pages may be obtained at a minimum cost of two dollars and 50 cents (\$2.50) for 10 pages or less, plus fifteen cents (\$0.15) per each additional page.
- (2) The full publication consists of 52 volumes, totaling in excess of 15,000 pages. It is supplemented monthly with replacement pages. A one year subscription to the full publication including supplements can be purchased for seven hundred and fifty dollars (\$750.00). Individual volumes may also be purchased with supplement service. Renewal subscriptions for supplements to the initial publication available.

Requests for pages of rules or volumes of the NCAC 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 be 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.

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NORTH CAROLINA REGISTER



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NORTH CAROLINA REGISTER
Publication Deadlines and Schedules
 (January 1989 - May 1990)

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing & Adoption by Agency	* Earliest Effective Date
*****	*****	*****	*****	*****
01/02/89	12/08/88	12/15/88	02/01/89	05/01/89
01/16/89	12/27/88	01/03/89	02/15/89	05/01/89
02/01/89	01/10/89	01/17/89	03/03/89	06/01/89
02/15/89	01/26/89	02/02/89	03/17/89	06/01/89
03/01/89	02/08/89	02/15/89	03/31/89	07/01/89
03/15/89	02/21/89	03/02/89	04/14/89	07/01/89
04/03/89	03/10/89	03/17/89	05/03/89	08/01/89
04/14/89	03/23/89	03/31/89	05/14/89	08/01/89
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10/16/89	09/25/89	10/02/89	11/15/89	02/01/90
11/01/89	10/11/89	10/18/89	12/01/89	03/01/90
11/15/89	10/24/89	10/31/89	12/15/89	03/01/90
12/01/89	11/07/89	11/15/89	12/31/89	04/01/90
12/15/89	11/22/89	12/01/89	01/14/90	04/01/90
01/02/90	12/07/89	12/14/89	02/01/90	05/01/90
01/16/90	12/20/89	12/29/89	02/15/90	05/01/90
02/01/90	01/10/90	01/18/90	03/03/90	06/01/90
02/15/90	01/25/90	02/01/90	03/17/90	06/01/90
03/01/90	02/08/90	02/15/90	03/31/90	07/01/90
03/15/90	02/22/90	03/01/90	04/14/90	07/01/90
04/02/90	03/12/90	03/19/90	05/02/90	08/01/90
04/16/90	03/23/90	03/30/90	05/16/90	08/01/90
05/01/90	04/09/90	04/17/90	05/31/90	09/01/90
05/15/90	04/24/90	05/01/90	06/14/90	09/01/90

* The "Earliest Effective Date" is computed assuming that the public hearing and adoption occur in the calendar month immediately following the "Issue Date", that the agency files the rule with The Administrative Rules Review Commission by the 20th of the same calendar month and that ARRC approves the rule at the next calendar month meeting.

EXECUTIVE ORDER NUMBER 87

AMENDING EXECUTIVE ORDER NUMBER 75
CONCERNING THE RESPONSIBILITIES OF
THE MEMBERS AND PERSONNEL OF THE
NORTH CAROLINA WILDLIFE RESOURCES
COMMISSION

Pursuant to the authority vested in me as Governor by the Constitution and the laws of North Carolina, it is ORDERED:

Section 1: Paragraph III-3 of Executive Order No. 75 is amended to read as follows:

"Violation of this Executive Order shall be justification for the removal of members of the Commission, the Executive Director or any person serving as Commission personnel under the Executive Director."

Section 2: This Executive Order shall become effective immediately.

Done in Raleigh, North Carolina, this 27th day of April, 1989.

EXECUTIVE ORDER NUMBER 88

COLUMBUS VOYAGES QUINCENTENARY
COMMISSION

Recognition of the heritage of the United States of America is a vital part of good citizenship. The year 1992 marks the five hundredth anniversary of the voyages of discovery by Christopher Columbus. His voyages joined the New World to the Old and were decisive events at the dawn of the modern era of human history.

It is appropriate that citizens in the State of North Carolina join with their fellow Americans throughout our Nation to plan, promote, and assist statewide and local celebrations and observances of this important event.

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

- (a) The Columbus Voyages Quincentenary Commission is hereby established under the Department of Administration. The Commission shall be composed of not less than twelve (12) members appointed by the Governor to serve at the pleasure of the Governor throughout their terms. Of the members, one shall be the Director of the Division of Archives and History in the North Carolina Department of Cultural

Resources, who shall serve as the liaison between the national and state commissions. Another shall be the Secretary of the Department of Cultural Resources or her designate. Members shall be appointed for the life of the Commission. Vacancies shall be filled by the Governor. The Governor shall designate one of the members as chairman and at least one member as vice-chairman.

- (b) The Commission shall meet at the call of the Chairman, at the times and places which he or she deems appropriate.

- (c) The Commission shall have the following duties:

- (1) Coordinate activities through the Director of the Division of Archives and History with the national Christopher Columbus Quincentenary Jubilee Commission created by P.L. 98-375;
- (2) Procure supplies, services, and property, and make contracts, in fulfillment of its purpose;
- (3) Prescribe regulations under which the Commission may accept, use, solicit, and dispose of donations of money, property, or personal services;
- (4) Plan and develop appropriate ceremonial and educational activities to commemorate the quincentenary of the voyages of Columbus, including a limited number of projects to be undertaken by the State;
- (5) Provide advice and assistance to private organizations and local governments for organization of and participation in ceremonial and educational activities commemorating the quincentennial;
- (6) Serve as a clearinghouse for the collection and dissemination of information about quincentennial events and plans in the State;
- (7) Encourage State agencies to develop quincentenary programs such as the creation of public programs in State and local parks, museums, and libraries;
- (8) Seek cooperation, advice, and assistance from both private and governmental agencies and organizations, including local governments, learned societies, academic institutions and historical, patriotic, philanthropic, civic, and professional groups; and
- (9) Submit an annual report to the Governor until such Commission terminates. The first such report shall include specific recommendations for commemoration and coordination of quincentenary activities.

- (d) Administrative support for this Commission shall be provided by the Department of Administration. Upon the request of the Commission, the head of any state agency may assign any employee of such agency to assist the Commission in its duties under this Executive Order. Such assistance shall be without reimbursement by the Commission to the agency.
- (e) Members of the Commission may be reimbursed for necessary travel and subsistence expenses as authorized by N.C.G.S. 138-5. Members who are State officials or employees shall be reimbursed as authorized by N.C.G.S. 138-6. Funds for reimbursement of such expenses shall be made available from funds authorized to the Department of Administration.
- (f) This order shall be effective immediately and shall terminate on March 1, 1993.

Done in Raleigh, North Carolina this 8th day of May, 1989.

EXECUTIVE ORDER NUMBER 89

TRANSFERRING THE STATE EMPLOYEES' ADVISORY GROUP (SEAG) TO THE OFFICE OF STATE PERSONNEL

The State Employees' Advisory Group (SEAG) was created by Governor James B. Hunt's Management Directive on Productivity Number 4. It is now under the supervision and control of the Governor's Management Council in the Department of Administration. It was created to pro-

mote employee involvement in the improvement of production and the quality of work life in State government.

By the authority vested in me by the Constitution and laws of North Carolina, NOW, THEREFORE, IT IS ORDERED:

Section 1. SUPERVISION

The functions and powers of the Secretary of the Department of Administration relating to the administration of the State Employees' Advisory Group (SEAG) are hereby transferred to the Employee Relations Division of the Office of State Personnel. These functions, powers and duties include any duties that are currently or may in the future be assigned to SEAG, either by statute or by agreement among the various State Departments, Commissions, or other entities of State government.

Section 2. MEMBERS

The current SEAG members shall continue to serve and future members shall continue to be selected by the procedures now in place. Vacancies shall be filled by the person responsible for the former appointment to the vacant position.

This Executive Order is effective immediately and shall remain effective unless rescinded by further Executive Order.

This the 8th day of May, 1989.

TITLE 2 - DEPARTMENT OF AGRICULTURE

Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Pesticide Board intends to amend and repeal rule(s) cited as 2 NCAC 9L .0601, .0602, .0603, .0604, .1901, .1902, .1904, .1905, .1906, .1907, .1910, .1911 and .1912.

The proposed effective date of this action is October 1, 1989.

The public hearing will be conducted at 1:00 p.m. on July 6, 1989 at Board Room, Agriculture Building, One Edenton Street, Raleigh, NC 27611.

Comment Procedures: Interested persons may present statements either orally or in writing at the public hearing or in writing prior to the hearing by mail addressed to John L. Smith, Secretary, North Carolina Pesticide Board, P. O. Box 27647, Raleigh, NC 27611.

CHAPTER 9 - FOOD AND DRUG PROTECTION DIVISION

SUBCHAPTER 9L - PESTICIDE SECTION

SECTION .0600 - PESTICIDE AND PESTICIDE CONTAINER DISPOSAL

.0601 DEFINITIONS

The following definitions will be in effect throughout 2 NCAC 9L .0600:

- (1) "Complete destruction" of pesticides means alteration by physical or chemical processes to inorganic forms.
- (4) "Inorganic pesticides" means noncarbon-containing substances used as pesticides.
- (5) "Heavy metals" means metallic elements of higher atomic weights, including but not limited to arsenic, cadmium, copper, lead, mercury, manganese, zinc, chromium, tin, thallium, and selenium.
- (6) "Metallo-organic pesticides" means a class of organic pesticides containing one or more metal or metalloid atoms in the structure.
- (7) "Organic pesticides" means carbon-containing substances used as pesticides, excluding metallo-organic compounds.
- (8) "Pesticide incinerator" means any installation capable of the controlled combustion of pesticides, at a temperature of 1000 degrees Centigrade (1832 degrees Fahrenheit) for two seconds dwell time in the combustion zone, or lower temperatures and re-

lated dwell times that will assure complete conversion of the specific pesticide to inorganic gases and solid ash residues.

- (11) "Sanitary landfill" means an approved disposal facility employing an engineered method of disposing of solid wastes on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume and applying cover material at the end of each working day.
- (12) "Specially designated landfill" means a landfill at which complete protection is provided for the quality of surface and subsurface waters from pesticides, pesticide containers and pesticide-related wastes deposited therein, and against hazard to public health and the environment. Such sites should be located and engineered to avoid direct hydraulic continuity with surface and subsurface waters, and any leachate or subsurface flow into the disposal area should be contained within the site unless treatment is provided. Monitoring wells should be established and a sampling and analysis program conducted. The location of the disposal site should be permanently recorded in the appropriate office of legal jurisdiction.

Statutory Authority G.S. 143-441.

.0602 DISPOSAL OF PESTICIDES

(a) In considering disposal techniques, first preference shall be given to procedures designed to recover some useful value from excess pesticides and containers. Where large quantities are involved, the Whenever possible excess material pesticides should be used according to its labeling for the purpose originally intended. provided this use is legal.

(b) Organic pesticides which do not contain mercury, lead, cadmium, or arsenic may be disposed of by incineration at temperatures which will ensure complete destruction.

(c) Incineration is not applicable to those pesticides which contain heavy metals such as mercury, lead, cadmium, or arsenic, nor is it applicable to those organic pesticides or other metallo-organic pesticides which have not been treated to remove the heavy metals.

(d) If incineration is not applicable or available, disposal in specially designated landfills is an alternative.

(e) (b) All disposals of Excess pesticides and pesticide-related wastes shall be instituted under approval and supervision of a pesticide disposal committee of the North Carolina Pesticide Board. This committee shall receive application

for the desired disposal task; review each problem based on its individual circumstances and complexity, and submit a recommended solution plan to the disposal applicant disposed of in accordance with these rules and 10 NCAC 10F, Hazardous Waste Management and 10 NCAC 10G, Solid Waste Management, which are hereby adopted by reference in accordance with G.S. 150B-14(c).

Statutory Authority G.S. 143-441.

.0603 DISPOSAL OF PESTICIDE CONTAINERS

(a) Pesticide containers shall be disposed of in accordance with these regulations within 30 days after they have been emptied or termination of their useful value to the owner. All pesticide containers shall be thoroughly emptied, triple-rinsed (or equivalent) and drained prior to disposal. The container rinsate shall be added to the application tank and shall be applied to the labeled site.

(b) Pesticide containers shall be disposed of by either of the following methods:

(1) incineration in a pesticide incinerator; however, no container which formerly contained mercury, lead, cadmium or arsenic compounds shall be incinerated; or

(2) burial in an approved sanitary landfill.

(c) (b) Pesticide containers shall be disposed of in accordance with these rules and 10 NCAC 10F, Hazardous Waste Management, and 10 NCAC 10G, Solid Waste Management, as applicable. All containers designed to contain liquids shall be thoroughly rinsed and drained prior to disposition into disposal collection systems of approved landfill operations.

Statutory Authority G.S. 143-441.

.0604 PROHIBITED DISPOSAL PROCEDURES

No person shall dispose of any pesticide or pesticide container in any of the following manners:

- (1) in a manner inconsistent with these regulations rules;
- (3) so as to cause or allow open burning of pesticides or pesticide containers; except, the open burning by the user of small quantities of combustible containers formerly containing organic or metallo-organic pesticides; however, under no condition shall compounds containing mercury, lead, cadmium, or arsenic be burned;

Statutory Authority G.S. 143-441.

SECTION .1900 - PESTICIDE STORAGE

.1901 DEFINITIONS

All specific words or terms used in this Section other than those defined in this Rule shall have the same definitions as shown in the North Carolina Pesticide Law of 1971, G.S. 143-460. The rules contained in this Section shall be deemed to be minimum for storage.

(3) ~~Commercial~~ Storage Facility. Any property or contiguous properties under the same ownership used for commercial storage of pesticides. Multiple storage areas in or on a single or contiguous properties under the same ownership are considered to be in the same ~~commercial~~ storage facility;

(4) Large ~~Commercial~~ Storage Facility. Any ~~commercial~~ storage facility that stores 10,000 pounds or more of restricted use pesticides at any time;

Statutory Authority G.S. 143-437; 143-441; 143-461; 143-466.

.1902 STORAGE REQUIREMENTS FOR ALL PESTICIDES

(e) Pesticides shall not be stored in a manner that could cause the contamination of foods, feeds, beverages, eating utensils, tobacco, tobacco products, or otherwise likely to result in accidental ingestion by humans or domestic animals. In addition, pesticides in ~~commercial storage~~ shall not be stored in such a manner that could cause the contamination of other pesticides, seeds, or fertilizers.

Statutory Authority G.S. 143-437; 143-441; 143-461; 143-466.

.1904 NOTIFICATION REQUIREMENTS: RESTRICTED USE PESTICIDES

(a) Any person providing 10,000 pounds or more of restricted use pesticides to a ~~commercial~~ storage facility in North Carolina in a single calendar year shall notify the board annually of all such delivery locations unless the product is delivered to a pesticide dealer. ~~currently licensed by the North Carolina Pesticide Board.~~

Statutory Authority G.S. 143-437; 143-441; 143-461; 143-466.

.1905 STORAGE FACILITY REQUIREMENTS: RUP

(e) Pesticides shall not be stored within 100 feet horizontally of a public water supply. Pesticides shall not be stored within 50 feet horizontally of a private water supply. An exemption from the requirements of this part may be granted by the

board upon receipt of special written request for such exemption from the owner or operator of a ~~commercial~~ storage facility. Each request must describe existing conditions requiring such exemption.

(h) Any person operating a ~~commercial~~ storage facility shall maintain a current inventory list of the kinds of stored pesticides by brand name and formulation. An inventory list shall be considered current if it is updated every 30 days. A copy of this list shall be maintained in a separate location from the storage facility. This list shall be made available to the board or its agents upon request.

(i) Pesticide applicators storing restricted use pesticides shall be subject to the same requirements as set forth in this Rule.

Statutory Authority G.S. 143-437; 143-441; 143-461; 143-466.

.1906 LARGE STORAGE FACILITY REQUIREMENTS: RUP

(a) In addition to the ~~Commercial Storage Facility Requirements: RUP~~ as set forth in Rule .1905 of this Subchapter, the requirements of this Rule shall apply to large ~~commercial~~ storage facilities.

(c) The person responsible for each large storage facility the pesticide storage shall submit to the board for approval each large commercial storage facility a Contingency Plan (~~Contingency Plan for Pesticide Storage~~ FORM PC-417) in sufficient detail to allow the board to determine if the plan is adequate.

(d) Pesticide applicators storing 10,000 pounds or more of restricted use pesticides shall be subject to the same requirements as set forth in this Rule.

Statutory Authority G.S. 143-437; 143-441; 143-461; 143-466.

.1907 PURPOSE AND IMPLEMENTATION OF CONTINGENCY PLAN

(a) ~~The person responsible for each large commercial storage facility shall have an approved contingency plan for the facility.~~ The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, spills, or any other unplanned sudden or non-sudden release of pesticides or pesticide contaminated materials to air, soil, or surface water.

Statutory Authority G.S. 143-437; 143-441; 143-461; 143-466.

.1910 REVIEW AND RETURN OF CONTINGENCY PLAN

(a) If the contingency plan is submitted in insufficient detail so that the board, through its review of the plan, cannot make a determination as to the adequacy of the plan, the ~~FORM PC-417 plan~~ shall be returned to the large ~~commercial~~ storage facility with a designation of areas that need further detail or clarification.

Statutory Authority G.S. 143-437; 143-441; 143-461; 143-466.

.1911 AMENDMENT OF CONTINGENCY PLAN

The contingency plan shall be reviewed and immediately amended and resubmitted to the board, if necessary, whenever:

(2) the facility changes -- in its design, construction, or operation; ~~maintenance, or other circumstances -- in a way that materially increases the potential for fires, explosions, or releases of pesticides or pesticide contaminated materials, or changes the response necessary in an emergency;~~

Statutory Authority G.S. 143-437; 143-441; 143-461; 143-466.

.1912 COMMERCIAL PESTICIDE APPLICATOR STORAGE REQUIREMENTS: RUP (REPEALED)

Statutory Authority G.S. 143-437; 143-441; 143-461; 143-466.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Human Resources/Division of Medical Assistance intends to amend rule(s) cited as 10 NCAC 26H .0602.

The proposed effective date of this action is October 1, 1989.

The public hearing will be conducted at 1:30 p.m. on July 14, 1989 at North Carolina Division of Medical Assistance, 1985 Umstead Drive, Room 201, Raleigh, North Carolina 27603.

Comment Procedures: Written comments concerning this amendment must be submitted by 7/14/89 to: Director, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, N. C. 27603. Oral comments may be presented at the hearing. In addition, a fiscal impact statement on this rule

amendment is available upon written request from the same address.

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

SECTION .0600 - HOME HEALTH PROSPECTIVE REIMBURSEMENT

.0602 REIMBURSEMENT METHODS

(c) 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. Private duty nursing is reimbursed at the lower of billed customary charges or the established hourly rates. The hourly rate for the services of a Registered Nurse is determined by adjusting the 1988-89 hourly rate of twenty-one dollars (\$21.00) by the same annual cost index factors applicable to the nursing visit rates. The hourly rate for the services of a Licensed Practical Nurse is set at five dollars (\$5.00) less than the rate for Registered Nurse services.

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

TITLE 15 - DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

Notice is hereby given in accordance with G.S. 150B-12 that the Environmental Management Commission intends to amend rule(s) cited as 15 NCAC 2B .0304.

The proposed effective date of this action is December 1, 1989.

The public hearing will be conducted at 2:00 P.M. on July 11, 1989 at Town Hall, 106 Highland Avenue, Spruce Pine, NC.

Comment Procedures: All persons interested in this matter are invited to attend. Comments, statements, data, and other information may be submitted in writing prior to, during, or within thirty (30) days after the hearing or may be presented orally at the hearing. Oral statements may be limited at the discretion of the hearing officer. Submittal of written copies of oral statements is encouraged. For more information, contact Steve

Zoufaly, Division of Environmental Management, P.O. Box 27687, Raleigh, NC, (919) 733-5083.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER STANDARDS: MONITORING

SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

.0304 FRENCH BROAD RIVER BASIN

(c) The French Broad River Basin Schedule of Classifications and Water Quality Standards was amended effective:

- (1) September 22, 1976;
- (2) March 1, 1977;
- (3) August 12, 1979;
- (4) April 1, 1983;
- (5) August 1, 1984;
- (6) August 1, 1985;
- (7) February 1, 1986;
- (8) May 1, 1987;
- (9) March 1, 1989;
- (10) August 1, 1989;
- (11) December 1, 1989.

(d) The Schedule of Classifications and Water Quality Standards for the French Broad River Basin was amended effective December 1, 1989 as follows: North Toe River (Index No. 7-2) from source to Cathis Creek (Christ Branch) and all tributaries were reclassified from Class C trout and Class C to Class WS-III trout and Class WS-III.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1).

TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION

Notice is hereby given in accordance with G.S. 150B-12 that the State Board of Education intends to amend rule(s) cited as 16 NCAC 6E .0202.

The proposed effective date of this action is July 1, 1990.

The public hearing will be conducted at 9:30 a.m. on July 1, 1989 at Education Building, 3rd Floor, 116 W. Edenton Street, Raleigh, NC 27603-1712.

Comment Procedures: Any interested person may present views and comments either in writing prior to or at the hearing or orally at the hearing.

CHAPTER 6 - ELEMENTARY AND
SECONDARY EDUCATION

SUBCHAPTER 6E - STUDENTS

SECTION .0200 - SCHOOL ATHLETICS AND
SPORTS MEDICINE

.0202 INTERSCHOLASTIC ATHLETICS

(a) Only students in grades 7-12 may participate in interscholastic athletic competition. In order to qualify for public school participation, a student must meet the following requirements:

- (3) The student must pass at least ~~four~~ five courses each semester and meet promotion standards established by the IEA.

Statutory Authority G.S. 115C-47(4).

TITLE 21 - OCCUPATIONAL LICENSING
BOARD

Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Board of Nursing intends to amend rule(s) cited as 21 NCAC 36 .0202 - .0203, .0209, .0211, .0213, .0217 - .0218 and .0223.

The proposed effective date of this action is October 1, 1989.

The public hearing will be conducted at 2:00 p.m. on July 7, 1989 at Office of North Carolina Board of Nursing, 3724 National Drive, Suite 201, Raleigh, NC 27612.

Comment Procedures: Any person wishing to address the Board relevant to proposed rules should notify the Board by noon on July 6, 1989, register at the door the day of the hearing, and present the Hearing Officer with a written copy of the oral testimony. Oral presentations will be limited to three minutes per speaker. Written comments only should be directed, five days prior to the hearing date, to the N.C. Board of Nursing, P.O. Box 2129, Raleigh, NC 27602.

CHAPTER 36 - BOARD OF NURSING

SECTION .0200 - LICENSURE

.0202 INACTIVE STATUS

(a) A registrant who holds a current license and who desires to discontinue the practice of nursing in North Carolina may request inactive status. While remaining on inactive status the registrant may not practice nursing in North Carolina and

is not subject to payment of the license renewal fee.

(b) A registrant whose licensure status is inactive and who desires to resume the practice of nursing in North Carolina must be removed from inactive status and must obtain a current license. To this end the registrant will:

- (1) furnish information required on forms provided by the Board; and
- (2) submit the current fee for renewal.

(c) The registrant whose license has been inactive for a period of five years or more will also submit:

- (1) evidence of safe health status mental and physical health necessary to competently practice nursing;

- (2) evidence of satisfactory completion of a Board-approved refresher course or evidence of an active current license in another jurisdiction within the last five years; and

- (3) ~~if a refresher course is required, the registrant must apply for reactivation of license within one year of completing the refresher course in order to receive a current license; the application for reactivation must include verification from the provider of the refresher course that the registrant has satisfactorily met both theory and clinical objectives and is deemed safe to practice nursing at the appropriate level of licensure;~~

- (4) ~~(3) a recent photograph for identification purposes, if deemed necessary.~~

(d) If a refresher course is required, the registrant must apply for reactivation of the license within one year of completing the refresher course in order to receive a current license. The application for reactivation must include verification from the provider of the refresher course that the registrant has satisfactorily met both theory and clinical objectives and is deemed competent to practice nursing at the appropriate level of licensure.

~~(4) (c) The Board may decline to reactivate a license if it is not satisfied as to the applicant's ability to practice nursing or it may issue a license for a limited restricted period of time.~~

Statutory Authority G.S. 90-171.23(b); 90-171.36; 90-171.37.

.0203 REINSTATEMENT OF LAPSED
LICENSE

(a) The registrant whose license has lapsed and who desires reinstatement of that license will:

- (1) furnish information required on forms provided by the Board;

- (2) provide a statement of the reason for failure to apply for renewal prior to the deadline;
 - (3) submit payment of reinstatement and renewal fee;
 - (4) submit such other evidence that the Board may require to determine whether the license should be reinstated.
- (b) The registrant whose license has lapsed for a period of five years or more will also submit:
- (1) evidence of safe health status mental and physical health necessary to competently practice nursing;
 - (2) evidence of satisfactory completion of a Board-approved refresher course or evidence of an active license in another jurisdiction within the last five years; and
 - (3) a recent photograph for identification purposes, if deemed necessary.
- (c) If a refresher course is required, the registrant must apply for reinstatement of the license within one year of completing the refresher course in order to receive a current license. ~~the~~ The application for reinstatement must include verification from the provider of the refresher course that the registrant has satisfactorily met both theory and clinical objectives and is deemed safe competent to practice nursing at the appropriate level of licensure.
- (d) The Board may decline to reinstate a license if it is not satisfied as to the applicant's ability to practice nursing, or it may issue a license for a ~~limited~~ restricted period of time.

Statutory Authority G.S. 90-171.23(b); 90-171.35; 90-171.37.

.0209 DUPLICATE CERTIFICATE

- (a) A duplicate certificate, so stamped, may be issued upon submission of a written, signed request and upon receipt of notarized verification of:
- (1) identifying data, including certificate number and social security number;
 - (2) certification of loss; and
 - (3) payment of ~~designated~~ a duplication fee.
- (b) In the event that the original certificate never reached the registrant, a duplicate is furnished without fee upon receipt of a notarized statement to that effect.

Statutory Authority G.S. 90-171.23(b)(3); 90-171.27(b).

.0211 EXAMINATION

- (a) An application for examination shall be submitted at least 30 days prior to the examination. In instances where the 30-day deadline

cannot be met, ~~special consideration may be granted by the Board if there is a~~ the Board may grant an exception upon request from the director of the nursing educational program in which the applicant is enrolled or from the applicant. An admission card with specific information as to time, date, and place of examination will be mailed to the applicant approximately 14 at least 60 days prior to the date of the examination.

(b) Those applicants who qualify for examination in accordance with G.S. 90-171.29 will be mailed a Status A temporary license as provided for in G.S. 90-171.33. ~~An admission card with specific information as to time, date and place of examination will be mailed approximately 14 days prior to the date of the examination.~~

(c) Graduates of nursing programs outside the United States and Canada shall submit the certificate issued by the Commission on Graduates of Foreign Nursing Schools as evidence of the required educational qualifications.

(d) The ~~examination~~ examinations for licensure developed by the National Council of State Boards of Nursing, Inc. shall be the examinations for licensure as a registered nurse or as a licensed practical nurse in North Carolina.

- (1) These examinations shall be administered in accordance with the contract between the Board of Nursing and the National Council of State Boards of Nursing, Inc.
- (2) The examination for licensure as a registered nurse shall be administered in February and July on dates determined by the National Council of State Boards of Nursing, Inc.
- (3) The examination for licensure as a licensed practical nurse shall be administered in April and October on dates determined by the National Council of State Boards of Nursing, Inc.
- (4) ~~Each applicant must write the entire examination in sequence, beginning with the first part.~~
- (5) ~~(4)~~ Scores on the examination shall be reported, by mail only, to the individual applicant and to the director of the program from which the applicant was graduated. Aggregate results from the examination ~~(4)~~ may be published by the Board.
- (6) ~~(5)~~ The passing standard score shall be 350 in each of the five tests comprising the examination for registered nurse licensure, up to and including the February 1982 examination. Beginning in July 1982 and up to and including the July 1988 examination, ~~the examination will be comprised of four parts and the passing~~

standard score shall be 1600 for the ~~total~~ examination. Beginning in February 1989, ~~the examination will be comprised of four parts and a~~ the passing score shall be reported as "PASS."

- (~~7~~) (6) The passing standard score shall be 350 for the ~~total~~ examination for practical nurse licensure, up to and including the April 1988 examination. Beginning in October 1988, the passing score shall be reported as "PASS."

(~~e~~) Passing the examination satisfies one of the qualifications for eligibility for licensure by examination.

(~~f~~) When all of the qualifications for eligibility for licensure have been met, the applicant will be issued a certificate of registration and a license to practice nursing for the remainder of the calendar year.

(~~e~~) (c) Applicants for North Carolina license may ~~write~~ the examination for licensure developed by the National Council of State Boards of Nursing, Inc. in another jurisdiction of the United States, providing:

- (1) ~~The~~ the Board of nursing in that jurisdiction consents to proctor the applicant;
- (2) ~~Arrangements~~ arrangements are made through the North Carolina Board of Nursing sufficiently in advance of the examination date to meet application requirements in both jurisdictions; and
- (3) ~~The~~ the applicant pays any service fee charged by the proctoring Board.

(~~h~~) (f) The North Carolina Board of Nursing may proctor an examination upon request of another state Board of nursing at the regularly scheduled examination sessions if space is available. The applicant shall submit a service fee for such proctoring.

Statutory Authority G.S. 90-171.23(15); 90-171.29; 90-171.30.

.0213 REEXAMINATION

(~~b~~) An applicant who takes a subsequent examination may ~~re-write only the examination for the level of licensure of the examination the applicant failed.~~

(~~e~~) (b) An applicant who was graduated after July 1, 1981, and does not pass ~~the~~ an examination within three years of graduation must after that three year period establish eligibility to take an examination. An applicant establishes this eligibility by successfully completing a Board-approved nursing program and by the applicant or the faculty of the program submitting evidence of the applicant's classroom and clinical compe-

tencies. When an applicant establishes eligibility to take an examination, the applicant may take subsequent examinations for a period of three years. If the applicant does not pass within that three years, the applicant must again establish eligibility.

(~~d~~) (c)

(~~e~~) (d)

(c) An applicant who fails an examination and whose eligibility to take subsequent examinations has not expired may enroll with student status, as specified in G.S. 90-171.43(2), in a Board-approved nursing program designed to enhance the acquisition and application of nursing knowledge and skills. This Board-approved nursing program is one:

- (1) offered by or in conjunction with an existing nursing program approved to prepare individuals for licensure; and
- (2) whose purposes, objectives, competencies, and teaching and learning activities have been submitted to, and approved by, the Board to include those components legally defined for the licensure level.

(f) Any program as defined in (c) and (e) of this Rule must have established mechanisms for supervision of learning experiences, evaluation of program effectiveness, and assurance of adequate resources to support the program objectives.

Statutory Authority G.S. 90-171.31; 90-171.33; 90-171.38.

.0217 REVOCATION, SUSPENSION, OR DENIAL OF LICENSE

(a) Behaviors and activities which may result in disciplinary action by the Board include, but are not limited to, the following:

- (1) drug ~~and/~~ or alcohol abuse;
- (2) ~~abuse or assault and battery on a patient;~~
- (~~3~~) (2) violence-related crime;
- (~~4~~) (3) illegally obtaining, ~~and/or~~ possessing ~~and/~~ or distributing drugs or alcohol for personal or other use, or other violations of the Controlled Substance Act; G.S. 90-86 to 90-113.8;
- (~~5~~) (4) evidence of any crime which undermines the public trust;
- (~~6~~) (5) failure to make available to another health care professional any ~~patient~~ client information crucial to the safety of the ~~patient's~~ client's health care;
- (~~7~~) (6) delegating responsibilities to a person when the licensee delegating knows or has reason to know that the competency of that person is impaired by physical or psychological ailments, or by alcohol or

- other pharmacological agents (prescribed or not); ~~§~~
- (~~8~~) (7) practicing or offering to practice beyond the scope permitted by law; ~~or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. Performing, without adequate supervision, professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;~~
- (~~8~~) accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;
- (~~9~~) performing, without adequate supervision, professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
- (~~9~~) (10) abandoning or neglecting a ~~patient or~~ client who is in need of nursing care, without making reasonable arrangements for the continuation of such care;
- (~~10~~) (11) harassing, abusing, or intimidating a ~~patient client~~ either physically or verbally;
- (~~11~~) (12) failure to maintain an accurate record for each ~~patient client~~ which records all pertinent health care information as defined in Rule .0222 (f)(2);
- (~~12~~) (13) failure to exercise supervision over persons who are authorized to practice only under the supervision of the licensed professional;
- (~~13~~) (14) exercising undue influence on the ~~patient or~~ client, including the promotion of the sale of services, appliances, or drugs for the financial gain of the practitioner or of a third party;
- (~~14~~) (15) directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a ~~patient or~~ client;
- (~~15~~) (16) failure to file a report, or filing a false report, required by law or by the Board, or impeding or obstructing such filing or inducing another person to do so;
- (~~16~~) (17) revealing ~~of~~ identifiable data, or information obtained in a professional capacity, without prior consent of the ~~patient or~~ client, except as authorized or required by law;
- (~~17~~) (18) guaranteeing that a cure will result from the performance of professional services;
- (~~18~~) (19) altering a license by changing the expiration date, certification number, or any other information appearing on the license; ~~or using a license which has been altered. Permitting or allowing another person to use his or her license for the purpose of nursing;~~
- (20) using a license which has been altered;
- (21) permitting or allowing another person to use his or her license for the purpose of nursing;
- (~~19~~) (22) delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such a person is not qualified by training, by experience, or by licensure;
- (~~20~~) (23) violating any term of probation, condition, or limitation imposed on the licensee by the Board;
- (~~21~~) (24) accepting responsibility for ~~patient~~ client care while impaired by alcohol or other pharmacological agents; or
- (~~22~~) (25) falsifying a ~~patient's~~ client's record or the controlled substance records of the agency.
- (b) ~~Where~~ When a person licensed to practice nursing as a licensed practical nurse or as a registered nurse is also licensed by another jurisdiction and that other jurisdiction takes disciplinary action against the licensee, the North Carolina Board of Nursing may ~~not exceed the penalty issued by the other state, but may issue the same or a lesser penalty. Action will be taken summarily under this section upon receipt by the North Carolina Board of Nursing of the other jurisdiction's action. summarily impose the same or lesser disciplinary action upon receipt of the other jurisdiction's action.~~ The licensee may request a hearing. At the hearing the issues will be limited to:
- (1) whether the person against whom action was taken by the other jurisdiction and the North Carolina licensee are the same person;
 - (2) whether the conduct found by the other jurisdiction also violates the North Carolina Nursing Practice Act;
 - (3) whether the sanction imposed by the other jurisdiction is lawful under North Carolina law.
- A hearing under this ~~section~~ Paragraph will be held in Wake County.
- (c) Before the North Carolina Board of Nursing makes a binding decision in any contested

case, the applicant or licensee who is to be affected by such action will be afforded an administrative hearing pursuant to the provisions of Article 3A, Chapter 150B of the North Carolina General Statutes.

Statutory Authority G.S. 90-171.37; 150B-38(h).

**.0218 LICENSURE WITHOUT EXAMINATION
(BY ENDORSEMENT)**

(a) An applicant who holds an active, current license in another jurisdiction may apply for licensure without examination (by endorsement) provided the other jurisdiction's requirements for licensure were equivalent to or exceeded those of North Carolina at the time the applicant was initially licensed. The Board will provide an application form which the applicant who wishes to apply for licensure without examination (by endorsement) must complete in its entirety.

(1) The applicant for licensure by endorsement as a registered nurse is required to show evidence of:

(A) completion of a nursing program approved by the jurisdiction of original licensure;

(B) attainment of a standard score equal to or exceeding 350 on each test in the licensing examination developed by the National Council of State Boards of Nursing, Inc. administered prior to July 1982; or a standard score of 1600 on the licensing examination developed by the National Council of State Boards of Nursing, Inc. beginning in July 1982 and up to and including the July 1988 examination; or beginning in February 1989, a score of "PASS." An exception to this ruling requirement is made for the applicant who was registered in the original state prior to September 1956. Such applicant must have attained the score, on each test in the series, which was required by the state issuing the original certificate of registration;

(C) safe health status; mental and physical health necessary to competently practice nursing; and

(D) unencumbered active license in original jurisdiction of licensure or another jurisdiction; if the license in the other jurisdiction has been inactive or lapsed for five or more years, the applicant will be subject to requirements for a refresher course as indicated in G.S. 90-171.35 and 90-171.36.

(2) The applicant for licensure by endorsement as a licensed practical nurse is required to show evidence of:

(A) completion of a program in practical nursing approved in the jurisdiction of original licensure. if originally licensed between July 1, 1949 - December 31, 1953, or on July 1, 1956 and thereafter; The applicant who was graduated prior to July 1956 will be considered on an individual basis in light of licensure requirements in North Carolina at the time of original licensure;

(B) achievement of a passing score on the licensing examination developed by the National Council of State Boards of Nursing, Inc. If originally licensed on or after July 1, 1949 September 1, 1957, and up to and including the April 1988 examination, an applicant for a North Carolina license as a practical nurse on the basis of examination in another state must have attained a standard score equal to or exceeding 350 on the licensure examination. Beginning in October 1988, an applicant must have received a score of "PASS" on the licensure examination. An exception to the requirement for the 350 passing score is made for the applicant who was licensed in the original state by examination prior to September 1957; The applicant who was licensed prior to September 1, 1957 in the original jurisdiction will be considered on an individual basis in light of the licensure requirements in North Carolina at the time of original licensure.

(C) safe health status; mental and physical health necessary to competently practice nursing; and

(D) unencumbered active license in original jurisdiction of license licensure or another jurisdiction; if the license in the other jurisdiction has been inactive or lapsed for five or more years, the applicant will be subject to requirements for a refresher course as indicated in G.S. 90-171.35 and 90-171.36.

(b) The North Carolina Board of Nursing will require applicants for licensure by endorsement to provide proof of secondary education achievement only if deemed necessary for identification, or other just cause.

(c) Individuals who have been licensed in Canada on the basis of the Canadian Nurses' Association Test Service Examination written in the English language are eligible to apply for registration by endorsement.

(d) A nurse educated and licensed outside the United States of America is eligible for North Carolina licensure by endorsement if ~~he/she~~ the nurse has:

- (1) proof of education as required by the Board or a certificate issued by the Commission on Graduates of Foreign Nursing Schools; and
- (2) proof of passing the licensing examination developed by the National Council of State Boards of Nursing, Inc. in another jurisdiction.

(e) When completed application, evidence of current license in another jurisdiction, and fee are received in the Board office, a temporary license is issued to the applicant. ~~and a verification form is sent to the Board of Nursing in the applicant's jurisdiction of original licensure.~~ Employer references may be requested to validate safe competent behavior to practice nursing.

(f) Facts provided by the applicant and the Board of Nursing of original licensure are compared to confirm the identity and validity of the applicant's credentials. Status in other states of current licensure is verified. When eligibility is determined, a certificate of registration and a current license are issued for the remainder of the calendar year are issued.

Statutory Authority G.S. 90-171.23(b); 90-171.32; 90-171.33; 90-171.37.

0223 CONTINUING EDUCATION PROGRAMS

(a) Definitions.

(1) Continuing education in nursing is a non-degree oriented, planned, organized learning experience taken after completion of a basic nursing program. In addition, a course(s) or component(s) of a course(s) within an academic degree-oriented program which prepares a nurse to perform advanced skills may be considered continuing education as defined in Paragraph (a)(3) of this Rule.

(2) Programs offering an educational experience designed to enhance the practice of nursing are those which include one or more of the following:

- (A) enrichment of knowledge;
- (B) development or change of attitudes; or
- (C) acquisition or improvement of skills.

(3) Programs are considered to teach nurses advanced skills when:

- (A) the skill taught is not generally included in the basic educational preparation of the nurse; and
- (B) the period of instruction is sufficient to assess or provide necessary knowledge

from the physical, biological, behavioral and social sciences, and includes supervised clinical practice to ensure that the nurse is able to practice the skill safely and properly.

(4) Student status may be granted to ~~an individual~~ individual who ~~do~~ does not hold a North Carolina nursing license but who ~~participate~~ participates in continuing education programs in North Carolina when:

(A) ~~The~~ the individual possesses a current unencumbered license to practice nursing in a jurisdiction other than North Carolina; and

(B) ~~The~~ the course offering is approved by the Board; and

(C) ~~The~~ the individual receives supervision by a qualified member of the faculty who has a valid license to practice as a registered nurse in North Carolina; and

(D) ~~The~~ the course of instruction has a specified period of time not exceeding twelve months; and

(E) ~~There is no provision for employment of the "student"; the individual is not employed in nursing practice in North Carolina during participation in the program; and~~

(F) ~~The~~ the Board has been given advance notice of the ~~names~~ name of ~~the~~ each ~~student;~~ student the ~~jurisdictions~~ jurisdiction in which ~~they are~~ the student is licensed, the license ~~numbers;~~ number and the expiration ~~dates;~~ date.

(b) Guidelines Criteria for voluntary approval of continuing education programs in nursing.

(1) Planning the educational program shall include:

(A) definition of learner population; for example, registered nurse, licensed practical nurse, or both;

(B) identification of characteristics of the learner; for example, clinical area of practice, place of employment, and position; and

(C) assessment of needs of the learner; for example, specific requests ~~questionnaire, chart audit,~~ from individuals or employers, pre-tests, or audits of patient records.

(2) Objectives shall:

(A) be measurable and stated in behavioral terms;

(B) reflect the needs of the learners;

(C) state desired outcomes;

(D) serve as criteria for the selection of content, learning experiences and evaluation of achievement;

- (E) be achievable within the time allotted; and
- (F) be applicable to nursing.
- (3) Content shall:
 - (A) relate to objectives;
 - (B) reflect input by qualified faculty; and
 - (C) contain learning experiences appropriate to objectives.
- (4) Teaching methodologies shall:
 - (A) utilize pertinent educational principles;
 - (B) provide adequate time for each learning activity; and
 - (C) include sharing objectives with participants.
- (5) Resources shall include:
 - (A) faculty who have knowledge and experience necessary to assist the learner to meet the program objectives and are in sufficient number not to exceed a faculty-learner ratio in a clinical practicum of 1:10. If higher ratios are desired, sufficient justification must be provided; and
 - (B) physical facilities which ensure that adequate and appropriate equipment and space are available and appropriate clinical resources are available.
- (6) Evaluation ~~will~~ must be conducted:
 - (A) by the provider to assess the participant's achievement of program objectives and content and will be documented; and
 - (B) by the learner in order to assess the program and resources.
- (7) Records shall be maintained by the provider for a period of three years and shall include a summary of program evaluations, roster of participants, and course outline. The provider shall award a certificate to each participant who successfully completes the program.
- (c) Approval process.
 - (1) The provider shall:

- (A) make application on forms provided by the Board no less than 60 days prior to the proposed enrollment date;
- (B) present ~~evidence~~ written documentation as specified in ~~21 NCAC 36 .0223 (b)~~ (b)(1) through (b)(7) of this Rule; and
- (C) notify the Board of any significant changes relative to ~~the maintenance of guidelines (b)(1) through (b)(7) of this Rule;~~ for example, changes in faculty, faculty or total program hours.
- (2) Approval is granted for a two year period. Any request to offer an approved program by anyone other than the original provider must be made to the North Carolina Board of Nursing.
- (3) If a course is not approved, the provider may appeal in writing for reconsideration within 30 days after notification of the disapproval. If the course is not approved upon reconsideration, the provider may request a hearing at the next regularly scheduled meeting of the Board.
- (4) Site visits may be made by the Board as deemed appropriate to determine compliance with ~~the guidelines the criteria as specified in Paragraph (b) of this Rule.~~
- (5) The Board shall withdraw approval from a provider if the provider does not maintain the quality of the offering to the satisfaction of the Board or if there is misrepresentation of facts within the application for approval.
- (6) Approval of continuing education programs will be included in published reports of Board actions. A list of approved programs will be maintained in the Board's file.

Statutory Authority G.S. 90-171-23(b); 90-171.42.

Upon request from the adopting agency, the text of rules will be published in this section.

When the text of any adopted rule is identical to the text of that as proposed, adoption of the rule will be noted in the "List of Rules Codified" and the text of the adopted rule will not be republished.

Adopted rules filed by the Departments of Correction, Revenue and Transportation are published in this section. These departments are not subject to the provisions of G.S. 150B, Article 2 requiring publication of proposed rules.

NORTH CAROLINA ADMINISTRATIVE CODE

LIST OF RULES CODIFIED

JUNE 1989

AGENCY

ACTION TAKEN

DEPARTMENT OF AGRICULTURE

2	NCAC 20B .0104	Amended
	43L .0113	Amended
	48A .1109	Correction
	48B .0021	Correction
	48C .0027	Adopted
	52B .0207	Amended
	52C .0102	Correction
	.0105	Amended
	52D .0002	Correction

DEPARTMENT OF CORRECTION

7	NCAC	1A	.0301	Amended
			.0401	Amended
			.0403 - .0404	Amended
			.0406	Amended
		1B	.0101 - .0108	Amended
			.0110	Amended
		1C	.0101	Amended
		1D	.0001 - .0002	Amended
		2A	.0101 - .0102	Amended
			.0201	Amended
		2B	.0101 - .0102	Amended
			.0201	Amended
			.0203	Amended
		2C	.0101 - .0104	Amended
			.0201 - .0202	Amended
			.0204 - .0205	Amended
			.0302	Amended
			.0501	Amended
			.0503 - .0504	Amended
		2D	.0101 - .0108	Amended
			.0110 - .0115	Amended
			.0301 - .0307	Amended
		2E	.0101	Amended

FINAL RULES

	.0201 - .0208	Amended
	.0301 - .0302	Amended
	.0304	Amended
	.0401 - .0403	Adopted
2F	.0001 - .0003	Amended
3B	.0102 - .0107	Amended
	.0202	Amended
	.0204	Amended
	.0301 - .0302	Amended
	.0401	Amended
	.0501 - .0502	Amended
	.0504 - .0508	Amended
	.0601 - .0605	Amended
4L	.0102	Amended
	.0201 - .0202	Repealed
4M	.0101 - .0106	Amended
	.0203	Amended
	.0301	Amended
	.0303	Amended
	.0502 - .0503	Amended
	.0504	Repealed
	.0505 - .0507	Amended
	.0510 - .0512	Amended
4N	.0102	Amended
	.0104	Amended
	.0107 - .0108	Amended
	.0109 - .0112	Repealed
	.0201 - .0202	Amended
4O	.0103 - .0106	Amended
	.0202 - .0204	Amended
	.0301	Amended
	.0303 - .0304	Amended
	.0306	Amended
4P	.0003 - .0004	Amended
	.0009 - .0010	Amended
	.0012 - .0013	Amended
	.0015	Amended
4Q	.0105	Amended
	.0107	Amended
	.0202 - .0203	Amended
4R	.0101	Amended
	.0201	Amended
	.0203 - .0206	Amended
	.0301	Amended
	.0303 - .0305	Amended
	.0501 - .0504	Amended
	.0603 - .0606	Amended
	.0701	Repealed
	.0702 - .0717	Amended
	.0719	Repealed
	.0802 - .0807	Amended
	.0901 - .0908	Amended
	.1001	Repealed
	.1002 - .1003	Amended
	.1005 - .1012	Amended
	.1101 - .1106	Repealed
	.1201 - .1205	Repealed
	.1301 - .1302	Repealed
	.1401 - .1404	Amended

FINAL RULES

4S	.0004 - .0007	Amended
	.0009	Amended
4T	.0001 - .0007	Adopted
4U	.0001 - .0002	Adopted
5	.0101 - .0102	Amended
	.0202 - .0205	Amended
	.0207 - .0209	Amended
6	.0101 - .0102	Amended
	.0103 - .0104	Repealed
	.0201 - .0208	Repealed
	.0301 - .0302	Repealed
7	.0101 - .0102	Amended
	.0201 - .0204	Amended
8	.0001 - .0002	Amended
9	.0001 - .0002	Amended
10	.0001 - .0002	Amended
	.0005 - .0007	Amended
	.0010	Amended
	.0011	Repealed

OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR

9	NCAC 2	Executive Order Number 87 Eff. April 27, 1989 Executive Order Number 88 Eff. May 8, 1989 Executive Order Number 89 Eff. May 8, 1989
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DEPARTMENT OF HUMAN RESOURCES

10	NCAC 3G	.2204 - .2205	Amended
		.2211 - .2212	Amended
		.2214	Amended
		.2304 - .2305	Amended
		.2307	Amended
		.2310 - .2311	Amended
		.2312 - .2314	Adopted
		.2401 - .2403	Amended
		.2409	Amended
		.2423	Amended
		.2438	Amended
		.2443	Amended
		.2449 - .2451	Adopted
		.2501	Amended
		.2510	Amended
		.2515 - .2516	Amended
		.2525	Amended
		.2528	Amended
		.2602	Amended
		.2610	Amended
		.3001	Amended
		.3101	Amended
		.3302	Amended
		.3401 - .3425	Adopted
		.3501 - .3519	Adopted
	7A	.0209	Amended
		.0211	Amended
	8D	.0701	Amended

FINAL RULES

		.0707	Adopted
8G		.0904	Amended
10A		.2119	Amended
		.2122 - .2123	Amended
		.2129	Amended
10B		.1401 - .1414	Adopted
10F		.0001 - .0002	Amended
		.0032 - .0033	Amended
		.0042	Amended
10G		.0801	Transferred to
			10H .0101
		.0803	Transferred to
			10I .0102
		.0201 - .0205	Adopted
26H		.0106	Amended

DEPARTMENT OF INSURANCE

11	NCAC 10	.1102	Amended
		.1104	Adopted
	13	.0313	Correction
		.0324	Correction

DEPARTMENT OF JUSTICE

12	NCAC 7D	.1001 - .1003	Adopted
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DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

15	NCAC 10B	.0115	Amended
	10C	.0407	Amended
	10F	.0303	Amended
		.0320	Amended
		.0347	Amended

BOARD OF NURSING

21	NCAC 36	.0222	Amended
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BOARD OF EXAMINERS IN OPTOMETRY

21	NCAC 42A	.0001 - .0002	Amended
		.0005	Amended
	42B	.0101	Amended
		.0103 - .0104	Amended
		.0106	Repealed
		.0107 - .0108	Amended
		.0110	Amended
		.0111	Repealed
		.0112	Amended
		.0201 - .0202	Amended
		.0301	Repealed
		.0302 - .0304	Amended
	42C	.0002	Amended
		.0003	Repealed
		.0004 - .0005	Amended
	42D	.0001 - .0006	Amended
		.0008	Amended
		.0009	Repealed

FINAL RULES

42E .0102	Amended
.0103	Adopted
.0201	Amended
.0202	Repealed
.0203	Amended
.0301 - .0302	Amended
42F .0101	Repealed
42H .0001 - .0006	Repealed
42J .0001	Adopted
42K .0101 - .0102	Adopted
.0201 - .0205	Adopted
.0301	Adopted
.0401 - .0402	Adopted
.0501 - .0504	Adopted
.0601 - .0603	Adopted
.0701 - .0704	Adopted
42L .0001 - .0015	Adopted

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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 of
8	Elections, State Board of
9	Governor, Office of the
10	Human Resources, Department of
11	Insurance, Department of
12	Justice, Department of
13	Labor, Department of
14A	Crime Control and Public Safety, Department of
15	Natural Resources and Community Development, Department of
16	Public Education, Department of
17	Revenue, Department of
18	Secretary of State, Department of
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	State Personnel, Office of
26	Administrative Hearings, Office of

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4	Auctioneers, Commission for
6	Barber Examiners, Board of
8	Certified Public Accountant Examiners, Board of
10	Chiropractic Examiners, Board of
12	General Contractors, Licensing Board for
14	Cosmetic Art Examiners, Board of
16	Dental Examiners, Board of
18	Electrical Contractors, Board of Examiners of
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
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 Therapists, Board of
40	Opticians, Board of
42	Optometry, Board of Examiners in

44	Osteopathic Examination and Registration, Board of
46	Pharmacy, Board of
48	Physical Therapy Examiners, Board 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, Board of
58	Real Estate Commission
60	Refrigeration Examiners, Board of
62	Sanitarian Examiners, Board of
63	Social Work, Certification Board for
64	Speech and Language Pathologists and Audiologists, Board of Examiners of
66	Veterinary Medical Board

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C - Correction
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