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The **NORTH CAROLINA REGISTER**

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ISSUE DATE: SEPTEMBER 1, 1989

Volume 4 • Issue 11 • Pages 585-616



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 Administrative Code. Published in looseleaf notebooks with supplement service by the Office of Administrative Hearings, P.O. Drawer 11666, Raleigh, North Carolina 27604, pursuant to Chapter 150B of the General Statutes. Subscriptions seven hundred and fifty dollars (\$750.00). Individual volumes available.

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
05/01/89	04/10/89	04/17/89	05/31/89	09/01/89
05/15/89	04/24/89	05/01/89	06/14/89	09/01/89
06/01/89	05/10/89	05/17/89	07/01/89	10/01/89
06/15/89	05/24/89	06/01/89	07/15/89	10/01/89
07/03/89	06/12/89	06/19/89	08/01/89	11/01/89
07/14/89	06/22/89	06/29/89	08/13/89	11/01/89
08/01/89	07/11/89	07/18/89	08/31/89	12/01/89
08/15/89	07/25/89	08/01/89	09/14/89	12/01/89
09/01/89	08/11/89	08/18/89	10/01/89	01/01/90
09/15/89	08/24/89	08/31/89	10/15/89	01/01/90
10/02/89	09/11/89	09/18/89	11/01/89	02/01/90
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 95

(REPLACING EXECUTIVE ORDER NO. 57)
GOVERNOR'S BLUE RIBBON COMMISSION
ON COASTAL INITIATIVES

Executive Order Number 57, executed November 23, 1987 is hereby repealed and replaced in its entirety by this Executive Order.

North Carolina's coastal sounds and waterways represent unique and invaluable natural and historic resources for all the people of North Carolina.

The use and preservation of these resources is especially important to those recreational boaters, sports fishermen and vacationers who utilize our coastal areas.

In order to protect these natural and historic resources, provide for the orderly growth of marine related activity, and promote environmentally sound economic development along our coast, it is essential that North Carolina develop and implement a Coastal Initiatives Plan. This plan should work to enhance the quality of our coastal environment by clustering marine related development in carefully selected locations while other more ecologically sensitive areas are given increased environmental protection.

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

Section 1: ESTABLISHMENT

There is hereby established the Governor's Blue Ribbon Commission on Coastal Initiatives.

Section 2: MEMBERSHIP

The Commission shall be composed of not less than 10 members appointed by the Governor. The membership shall include the Secretaries of:

- a. Department of Natural Resources and Community Development
- b. Department of Commerce
- c. Department of Administration
- d. Department of Transportation
- e. Department of Human Resources
- f. Department of Cultural Resources

In addition to those representatives set forth above, the Commission shall include representatives from interested environmental groups, local governments and marine activity related businesses. All members heretofore named pursuant to Executive Order 57 retain their appointments to this Commission to serve at the pleasure of the Governor.

The Governor shall designate the chairman of the Commission and all members shall serve at

the pleasure of the Governor. All vacancies shall be filled by the Governor.

Section 3: MEETINGS

The Commission shall meet at such times and at such locations as directed by the Chairman.

Section 4: DUTIES

(i) It shall be the responsibility of the Commission to develop and implement a long-term plan to provide additional protection for environmentally sensitive areas in the 20 coastal counties and to encourage and facilitate clustered development in selected local communities seeking to improve shoreline and marine activity related development.

Recommendations and areas of program implementation in the plan shall include, but not be limited to:

- protection measures for marine, coastal and historic resources
- navigation aids, including a waterways system plan
- incentives to support local community shoreline or marine activity related economic development

(ii) The Commission shall have the authority to advise and recommend such policies, goals and plans as its members may deem appropriate to the Secretary of the North Carolina Department of Natural Resources and Community Development or its successor agency.

Section 5: ESTABLISHMENT OF ADMINISTRATIVE AUTHORITY

The Secretary of the North Carolina Department of Natural Resources and Community Development or its successor agency is designated as the chief operating official of this Commission. In such capacity, the said Secretary shall:

(i) Receive the advice and recommendations of the Commission concerning the policies and goals of the Coastal Initiative Plan.

(ii) With the approval of the Governor, establish the final policies, goals, and plan of this Coastal Initiative.

(iii) Establish such interdepartmental working groups as he may deem necessary to carry out the policy, goals and plan of this Coastal Initiative.

(iv) Be responsible for implementing such governmental actions as he deems necessary to carry out the policies, goals and plan of this Coastal Initiative.

(v) Call upon the various secretaries of the several departments named in Section 2 of this ORDER to assist him to carry out the duties set forth in this section.

Section 6: ADMINISTRATIVE SUPPORT AND EXPENSES

The North Carolina Department of Natural Resources and Community Development shall provide the necessary staffing and administrative support for the Commission. All of the various department secretaries listed in Section 2 of this ORDER shall assist the Secretary of the North Carolina Department of Natural Resources and Community Development or its successor agency in this undertaking by rendering such attendance, staffing, and assistance as may be requested by the said chief operating official in order to implement this Coastal Initiative.

Members of the Commission shall be entitled to such per diem expenses and reimbursement for travel expenses as authorized under N.C.G.S. 138-5. Members who are State employees shall be reimbursed as authorized by N.C.G.S. 138-6.

Funds for reimbursement of these and other administrative expenses of the Commission shall be made available from funds provided by the North Carolina Department of Administration, the North Carolina Department of Transportation, and the North Carolina Department of Natural Resources and Community Development, the Department of Commerce and the Department of Cultural Resources as authorized

and directed by the Office Management and Budget.

Section 7: EFFECTIVE DATE

This ORDER shall be effective immediately, and shall remain in effect until December 31, 1992.

Done in the City of Raleigh, State of North Carolina, this the 25th day of July, 1989.

EXECUTIVE ORDER NUMBER 96

AMENDING EXECUTIVE ORDER NUMBER 92
ENTITLED

ESTABLISHING THE WESTERN NORTH
CAROLINA ENVIRONMENTAL COUNCIL

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

Section 3 of Executive Order Number 92 is amended by adding to the list of ex officio members of the Council the Secretary of the Department of Administration.

This amendment shall be effective immediately. All other sections and provisions of Executive Order Number 92 shall remain in effect and unchanged.

Done in Raleigh, this 25th day of July 1989.

VOTING RIGHTS ACT FINAL DECISION LETTERS

[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
Civil Rights Division

WBR:MAP:ST:gmh:dvs
DJ 166-012-3
P8827-8828
P9679-9680

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

September 5, 1986

George A. Weaver, Esq.
Lee, Reece & Weaver
P.O. Box 2047
Wilson, North Carolina 27894-2047

Dear Mr. Weaver:

This refers to the change in the method of electing the board of commissioners from at large to single-member districts, the districting plan, and the adoption of four-year, concurrent terms for Wilson 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 your submission on July 28, 1986.

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 the Procedures for the Administration of Section 5 (28 C.F.R. 51.42 and 51.48).

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

U.S. Department of Justice
Civil Rights Division

WBR:MAP:GS:gmh:jmc
DJ 166-012-3
R0005
R0020-0021

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

September 12, 1986

George A. Weaver, Esq.
Lee, Reece & Weaver
P.O. Box 2047
Wilson, North Carolina 27894-2047

Dear Mr. Weaver:

This refers to the change in the candidate qualification period, the supplemental absentee ballot mailing, and the use of paper ballots in certain precincts at the November 4, 1986, election for the board of education in Wilson 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 your submission on September 10, 1986. In accordance with your request, expedited consideration has been given this submission pursuant to the Procedures for the Administration of Section 5 (28 C.F.R. 51.32).

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.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

VOTING RIGHTS ACT FINAL DECISION LETTERS

U.S. Department of Justice
Civil Rights Division

WBR:LLT:ST:gmh:jmc
DJ 166-012-3
R3272

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

December 29, 1986

George A. Weaver, Esq.
Lee, Reece & Weaver
P.O. Box 2047
Wilson, North Carolina 27894-2047

Dear Mr. Weaver:

This refers to the procedures for conducting elections, including instructions for voting in precincts divided between election districts in Wilson 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 your submission on November 3, 1986. Although we noted your request for expedited consideration, we have been unable to respond until now.

The Attorney General does not interpose any objection to the change 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 change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.48).

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

U.S. Department of Justice
Civil Rights Division

WBR:MAP:ST:dvs
DJ 166-012-3
S3371-3373
S4823-4824

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

August 12, 1987

George A. Weaver, Esq.
Wilson County Attorney
P.O. Box 2047
Wilson, North Carolina 27894-2047

Dear Mr. Weaver:

This refers to the elimination of Voting Precinct R and the polling place therefor, the realignment of voting precincts, and two polling place changes in in Wilson 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 your submission on June 22, 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)].

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

VOTING RIGHTS ACT FINAL DECISION LETTERS

U.S. Department of Justice
Civil Rights Division

WBR:MAP:WNI1:dvs
DJ 166-012-3
S3479

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

August 12, 1987

George A. Weaver, Esq.
Wilson County Attorney
P.O. Box 2047
Wilson, North Carolina 27894-2047

Dear Mr. Weaver:

This refers to the change in the method of voting to Shouptronic voting machines for Wilson 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 your submission on June 30, 1987. In accordance with your request, expedited consideration has been given this submission pursuant to Section 51.34 of the Procedures for the Administration of Section 5 [52 Fed. Reg. 495 (1987)].

The Attorney General does not interpose any objection to the change 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 change. In addition, as authorized by Section 5, the Attorney General reserves the right to reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the sixty-day review period. See also Sections 51.41 and 51.43 [52 Fed. Reg. 496 (1987)].

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

VOTING RIGHTS ACT FINAL DECISION LETTERS

U.S. Department of Justice
Civil Rights Division

WBR:MAP:ST:gmh:ivp
DJ 166-012-3
T8023-8024

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

June 20, 1988

George A. Weaver, Esq.
Lee, Reece & Weaver
P.O. Box 2047
Wilson, North Carolina 27894-2047

Dear Mr. Weaver:

This refers to the polling place change for the Black Creek Precinct and the procedures for conducting a special election to fill the Commissioner District 3 vacancy in Wilson 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 your submission on April 20, 1988.

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 the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

TITLE 7 - DEPARTMENT OF CULTURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-12 that the Cultural Resources/Archives and History intends to amend rule cited as 7 NCAC 4N .0202 and adopt rules cited as 7 NCAC 4N .0301 - .0304.

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

The public hearing will be conducted at 10:00 a.m. on October 2, 1989 at Archives and History-State Library Building, 109 East Jones Street, Raleigh, NC (Room 305).

Comment Procedures: Written comments to Dr. William S. Price, Jr., Director, Division of Archives and History, 109 E. Jones St., Raleigh, NC 27611, (Room 305), no later than 5:00 p.m., September 29, 1989.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4N - HISTORIC SITES REGULATIONS

SECTION .0200 - SITE HOURS: ADMISSION FEES

.0202 ADMISSION FEES

(d) The following site charges an admission fee of ~~fifty cents (\$0.50)~~ one dollar (\$1.00) for adults, and ~~twenty five cents (\$0.25)~~ fifty cents (\$0.50) for children and one half off the regular admission price for groups of ten or more to each major historic structure:

- (1) Historic Bath, Bonner House;
- (2) Historic Bath, Palmer-Marsh House.

Statutory Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d..

SECTION .0300 - ELIZABETH II: VOYAGES POLICY

.0301 SCHEDULING VOYAGES

(a) Voyages of the ELIZABETH II may be scheduled from mid-September through May. Voyages will not be scheduled during the summer months when seasonal living history programs are presented at the ELIZABETH II State Historic Site nor during the winter when major ship maintenance is scheduled.

(b) Each voyage will be scheduled to include a minimum of three days public visitation in each host port visited.

(c) Requests for an ELIZABETH II voyage must be submitted in writing by the host port at least six months in advance of the proposed voyage date to the Administrator, Historic Sites Section, Division of Archives and History, Department of Cultural Resources, 109 East Jones Street, Raleigh, North Carolina 27611.

Statutory Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d..

.0302 APPROVAL OF REQUESTS

The Administrator of the Historic Sites Section shall review all requests for voyages of the ELIZABETH II. The Administrator will deny any request which will jeopardize the safety of the ship or crew. The Administrator may deny any voyage request if, in his opinion, the requested voyage would adversely affect:

- (1) the visitor program at the ELIZABETH II State Historic Site;
- (2) the performance of ship maintenance; or
- (3) prior commitments to other host ports.

Statutory Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d..

.0303 VOYAGE COSTS

Reimbursement based on tug costs, travel and subsistence expenses for the ELIZABETH II staff while the ship is in the host port, and subsistence expenses for the crew while the ship is in transit to and from the host port shall be assessed to the host port. In-kind donations of these services, with prior approval of the Administrator, Historic Sites Section, may be substituted for cash payments.

Statutory Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d..

.0304 VOYAGE AGREEMENT PROCEDURE

The host port will be furnished a Voyage Agreement outlining voyage costs and responsibilities of the Historic Sites Section of the Division of Archives and History and the host port. The Voyage Agreement shall be completed and returned to the Administrator, Historic Sites Section, Division of Archives and History, 109 East Jones Street, Raleigh, N.C. 27611, at least 30 days in advance of the ELIZABETH II's scheduled departure for the host port. Failure to complete and return the Voyage Agreement will result in cancellation of the voyage.

Statutory Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d..

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-12 that the Certificate of Need Section, Division of Facility Services, Department of Human Resources intends to adopt rules cited as 10 NCAC 3R .0109 - .0110, .0423; amend rules cited as 10 NCAC 3R .0212 - .0213, .0303 - .0307, .0309, .0313, .0315 - .0317, .0408, .1003; and repeal rules cited as 10 NCAC 3R .0308, .0312, .0409 - .0419, .0421 - .0422.

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

The public hearing will be conducted at 9:00 a.m. on October 17, 1989 at Room 201, 701 Barbour Drive, Raleigh, N.C. 27603.

Comment Procedures: Written comments concerning these rules must be submitted by October 17, 1989, to Lynda McDaniel at 701 Barbour Drive, Raleigh, NC 27603. Oral comments may be presented at the hearing.

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

SECTION .0100 - GENERAL INFORMATION

.0109 NAME AND ADDRESS OF AGENCY

The agency is the Certificate of Need Section in the Division of Facility Services, North Carolina Department of Human Resources. The address of the agency is 701 Barbour Drive, Raleigh, North Carolina, 27603. The telephone number of the agency is 919-733-6360.

Statutory Authority G.S. 131E-177.

.0110 DEFINITIONS

The definitions used in G.S. 131E-176 shall apply to all the rules of this Subchapter.

Statutory Authority G.S. 131E-177.

SECTION .0200 - EXEMPTIONS

.0212 RESEARCH ACTIVITY

(c) The notice required by G.S. 131E-179 shall be given on a form "Notice of Proposed Research Activity". This form may be obtained by

contacting the agency at the address and telephone number stated in Rule .0105 Rule .0109 of this Subchapter.

Statutory Authority G.S. 131E-177; 131E-179.

.0213 HEALTH MAINTENANCE ORGANIZATIONS

(b) The application for exemption shall be given on the form "Application for Health Maintenance Organization Exemption". This form may be obtained by contacting the agency at the address and telephone number stated in Rule .0105 Rule .0109 of this Subchapter.

Statutory Authority G.S. 131E-177; 131E-180.

SECTION .0300 - APPLICATION AND REVIEW PROCESS

.0303 LETTER OF INTENT

(a) Potential applicants are urged to contact the agency as soon as possible after determining the scope or possible scope of the project. The purpose of such discussions is to determine on a preliminary basis whether a certificate of need is required, which review schedule or schedules might be applicable, and to address any other questions that may arise.

(b) Except as provided in Paragraph (f) (e) of this Rule, an applicant must file a letter of intent with the agency and send a copy of the letter to the appropriate health systems agency at least 15 days before an application is filed with the agency. no later than the first day of the month prior to the beginning date of the appropriate review period. A conference with the agency may be substituted for the letter of intent. The conference may be held at the agency or by telephone. ~~If there is a conference, the agency shall send a summary of it to the appropriate health systems agency.~~

(c) The letter of intent or conference shall describe the:

- (1) project;
- (2) justification for the project;
- (3) proposed method or methods of financing;
- (4) ~~anticipated benefits of the project; annual operating costs, if a new health service is proposed;~~
- (5) estimated project capital cost of the project; and
- (6) proposed filing date of the application.
- ~~and~~
- (7) proposed period of time to complete the project.

~~(d) After compliance with this Rule, the agency shall issue the appropriate application or applications.~~

~~(e)~~ (d) If more than six months have passed since the filing of the letter of intent or the conference and an application has not been filed with the agency, a new letter of intent must be filed or another conference must be held before an application or applications are filed.

~~(f)~~ (e) The agency shall waive this Rule if compliance with its requirements would prevent someone from submitting an application which would compete with an application filed with the agency. The agency may waive compliance with this Rule if it determines there is good cause for doing so.

Statutory Authority G.S. 131E-177.

.0304 APPLICATIONS

(a) After compliance with Rule .0303 of the Section, the agency shall determine ~~which application form or forms are appropriate and provide the applicant with such form or forms.~~ whether the proposed project requires a certificate of need. In making this decision the agency shall consider the obligation of a capital expenditure on behalf of or for a health service facility to be:

- (1) an expenditure to be obligated or incurred by the facility;
- (2) an expenditure to be obligated or incurred by any person, board or organization having ownership or control of the facility, or over which the facility has ownership or control;
- (3) an expenditure to be obligated or incurred by any person, board or organization with which the facility has a contractual relationship to provide or purchase services, refer or receive patients, or share space, profit or expenses; or
- (4) an expenditure to be obligated or incurred by any person, board or organization developing a health service facility on property owned or leased to or by the facility.

(b) ~~The application forms are:~~ If it is determined that the project requires a certificate of need, the agency will determine which application form or forms are appropriate and provide the applicant with such form or forms.

- ~~(1) the End Stage Renal Dialysis application form;~~
- ~~(2) the long term care application form;~~
- ~~(3) the acute care facilities application form;~~
- ~~(4) the abridged application form; and~~
- ~~(5) any other application form developed by the agency.~~

(c) Copies of the forms may be inspected in the Certificate of Need Section, Division of Facility Services, North Carolina Department of Human

Resources, 701 Barbour Drive, Raleigh, North Carolina, 27603.

(d) Applications must be submitted to the agency, and stamped as received by the agency no later than 5:00 p.m. on the last working day before the fifteen days required in Rule .0305(f) of this Section.

(e) Responses to incomplete questions for applications submitted under rule .0305 of this Section must be submitted to the agency, and stamped as received by the agency no later than 5:00 p.m. on the last working day before the first day of the scheduled review ~~schedule~~ period.

Statutory Authority G.S. 131E-177; 131E-182.

.0305 FILING APPLICATIONS

(a) An application will not be reviewed by the agency until it is filed in accordance with this Rule.

(b) An original and a copy of the application shall be delivered to the agency. ~~For each application submitted for any review batch which starts on or after the effective date of this Rule,~~ the Each applicant shall transmit, with the application, a fee to be determined according to the following formula:

- (1) With each application proposing no capital expenditure, the proponent shall transmit a fee in the amount of four hundred dollars (\$400.00).
- (2) With each application proposing a capital expenditure of up to, but not including, five hundred thousand dollars (\$500,000), the proponent shall transmit a fee in the amount of five hundred dollars (\$500.00).
- (3) With each application proposing a capital expenditure of five hundred thousand dollars (\$500,000) or greater, the proponent shall transmit a fee in the amount of five hundred dollars (\$500.00), plus an additional fee equal to .0015 of the amount of the proposed capital expenditure in excess of five hundred thousand dollars (\$500,000). The additional fee shall be rounded to the nearest whole dollar. In no case shall the total fee exceed fifteen thousand dollars (\$15,000).

(c) After an application is filed, the agency shall determine whether it is complete for review. An application shall be complete unless:

- (1) the requisite fee has not been received by the agency; or
- (2) a signed original and copy of the application have not been submitted to the agency on the appropriate application form.

(d) If the agency determines the application is not complete for review, it shall mail notice of such determination to the applicant within five business days after the application is filed and shall specify what is necessary to complete the application. If the agency determines the application is complete, it shall mail notice of such determination to the applicant within 15 days after the application is filed, prior to the beginning of the applicable review period.

(c) In order for the agency ~~and applicable health systems agency~~ to commence review, the application must be deemed complete prior to the start of the applicable review period for which it was submitted.

(f) An application will not be included in a scheduled review, ~~under Rule .0307 of this Section,~~ unless it is delivered to the agency more than 15 days before the first day of the scheduled review schedule period.

(g) The date an application is complete is the day the agency determines it is complete. If an application is withdrawn by the applicant before the first day of the applicable review period the application fee if paid will be refunded to the applicant.

(h) ~~An application will not be included in a scheduled review under Rule .0307 of this Section, unless it is delivered to the agency more than 15 days before the first day of the review schedule.~~

Statutory Authority G.S. 131E-177; 131E-182; S.L. 1983, C. 713.

.0306 AMENDMENTS TO APPLICATIONS

An applicant may not amend an application. Responding to a request for additional information made by the agency ~~or the health systems agency~~ after the review has commenced is not an amendment.

Statutory Authority G.S. 131E-177; 131E-182.

.0307 REVIEW CATEGORIES AND SCHEDULE

(a) The agency will determine the appropriate review category or categories for all applications submitted. For proposals which include more than one of the categories, the agency, if practical, ~~will~~ may require the applicant to submit separate applications. If it is not practical to submit separate applications, the agency will determine in which category the application will be reviewed.

(b) The review of an application for a certificate of need ~~under G.S. 131E-182~~ will commence in the next applicable review schedule period that commences after the application has been deter-

mined to be complete. ~~The agency will determine if the proposed activity may be eligible for a certificate of need under G.S. 131E-182.~~

(c) Proposals requiring review will be reviewed according to the categories set forth in ~~this Rule.~~ The review categories are as follows: the duly adopted State Medical Facilities Plan applicable to the time period in which the application is submitted.

(1) Category A includes proposals for acute health care facilities, including but not limited to the following types of projects: renovation, construction, major medical equipment and other ancillary and support equipment and services, except those proposals included in Category C and Category D.

(2) Category B includes proposals for skilled nursing beds and intermediate care beds which are reviewed against the State Medical Facilities Plan.

(3) Category C includes proposals for the following types of projects:

- (A) psychiatric facilities;
- (B) psychiatric services in existing health care facilities;
- (C) intermediate care facilities for the mentally retarded;
- (D) intermediate care services for the mentally retarded in existing health care facilities;
- (E) substance abuse and chemical dependency facilities; and
- (F) substance abuse and chemical dependency services in existing health care facilities.

(4) Category D includes proposals for the following types of projects:

- (A) inpatient rehabilitation facilities;
- (B) inpatient rehabilitation services in existing health care facilities;
- (C) comprehensive outpatient rehabilitation facilities;
- (D) ambulatory surgical facilities; and
- (E) end stage renal disease treatment facilities.

(5) Category E includes proposals for the following types of projects:

- (A) life care facilities;
- (B) home health agencies;
- (C) nursing home proposals which do not include health care beds; and
- (D) any other proposal not included in Categories A through D with the exception of proposals requesting a change in project as defined in G.S. 131E-176(16)(e).

(6) Proposals submitted to request a change in project pursuant to G.S. 131E-176(16)(c) may be reviewed in any of the aforesaid categories.

(d) Beginning review dates for the review of Certificate of Need applications in each category by geographical area will appear in the applicable State Medical Facilities Plan.

(c) Applications are competitive if they, in whole or in part, are for the same or similar services and the agency determines that the approval of one or more of the applications may result in the denial of another application.

Statutory Authority G.S. 131E-177; 131E-182.

**.0308 NOTIFICATION OF REVIEW
(REPEALED)**

Statutory Authority G.S. 131E-177.

.0309 REVIEW PERIOD

(a) Except as otherwise provided in Paragraphs (c) and (d) of this Rule, no review shall take longer than 90 days from the date of the notification of review to the date of the final decision. The date of notification of beginning of review is determined in accordance with Rule .0308 of this Subchapter. The date of final decision is determined in accordance with Rule .0313 of this Subchapter. The review of an application for a certificate of need should be completed within 90 days from the beginning date of the review period for the application, except as provided in Paragraph (b) of this Rule.

(b) Unless a health systems agency agrees to a shorter review period in writing, it shall have 60 days to complete its review of an application. If the review period is extended, the agency shall notify the health systems agency as to how much, if any, additional time is allotted to it for its review.

(c) If after a review has begun the agency or the health systems agency requires the applicant to submit additional information, the applicant shall have at least 15 days to submit the information. Upon request of the applicant, the agency shall extend its review period by the length of time given to the applicant to submit the additional information. The extension shall apply to each of the applications that is being reviewed competitively with the application for which the additional information is required. Applications are competitive, if they, in whole or in part, are for the same or similar new institutional health service and the agency determines that the approval of one or more of the applications may result in th

(d) (b) In addition to the reasons set forth in Paragraph (c) of this Rule, The period for review may be extended for up to 60 days by the agency if it determines that, for one or more of the following reasons, it is not practical to fairly and thoroughly complete the review within 90 days:

(1) the extension is necessary to consider conflicting, contradictory, or otherwise relevant matters; or

(2) the total number of applications assigned to the project analyst for review, including those in other review periods, preclude the project analyst from completing the review within 90 days; to be reviewed or the complexity of the proposal or proposals to be reviewed make it prudent to extend the review period.

(3) the complexity of the application or applications to be reviewed make it necessary to extend the review period;

(4) the review of an applicant's response to the agency's request for additional information has not been completed;

(5) the timing of the public hearing which was held for the application or applications under review does not allow sufficient time to consider the information presented;

(6) extension of previous reviews necessitated that the project analyst delay the commencement of the review; or

(7) the unavailability of the project analyst due to illness, annual leave, litigation associated with other reviews, or other duties and responsibilities.

(e) Unless the applicant or applicants agree otherwise, the review period may be extended no more than 60 days in total.

(c) Applicants will be provided written notice of the extension of the review period after the agency determines that an extension is necessary. Failure to receive such notice prior to the last day of the scheduled review period, however, does not entitle an applicant to a certificate of need nor authorize an applicant to proceed with a project without one.

Statutory Authority G.S. 131E-177; 131E-185.

.0312 EX PARTE CONTACTS (REPEALED)

Statutory Authority G.S. 131E-177.

.0313 FINAL DECISION

(a) Unless the review period is extended under Rule .0309 of this Subchapter, or unless the applicant or applicants agree in writing to an extension of the review period, the final decision

shall be made in writing within 90 days from the date of the notification of review, as defined in Rule .0308(e) of this Subchapter.

(b) (a) The agency shall determine whether a proposal is consistent with the review criteria set forth in G.S. 131-181 131E-183 and the standards, plans, and criteria promulgated thereunder in effect at the time the review commences. The agency shall determine which standards, plans, and criteria are applicable to the proposal. If a proposal is consistent with all applicable standards, plans, and criteria, the final decision shall be to issue the certificate of need. If a proposal is not consistent with all applicable standards, plans, and criteria, the agency shall either not issue the certificate of need or issue one subject to those conditions necessary to insure that the proposal is consistent with applicable standards, plans, and criteria. The agency may only impose conditions which relate directly to applicable standards, plans, and criteria.

(c) If the agency decides to issue a certificate of need, it shall determine in accordance with G.S. 131E-189 when the service or equipment shall be available or when the project shall be completed and the timetable to be followed in doing so.

(d) (b) The written final decision shall include the following:

- (1) the basis for the decision;
- (2) whether the proposal was needed or not;
- (3) (2) the findings required by Paragraph (c) of this Rule, and regarding the extent to which the proposal meets the criteria set forth in G.S. 131E-183;
- (4) (3) the time when the service or equipment is to be available or the project completed and the timetable to be followed; and
- (4) the approved capital expenditure for the project.

(e) The written final decision shall include findings regarding the extent to which the proposal meets the criteria set forth in G.S. 131-181(a)(3), (3a), and (13), including a finding as to the accessibility of the facility as a whole. Such findings are not required if:

- (1) the proposal is one described in G.S. 131-181.1(a); or (2) the proposal is a proposed capital expenditure not directly related to the provision of health services or to beds or to major medical equipment; or (3) the proposal is made by or in behalf of an HMO or a health care facility which is controlled, directly or indirectly, by an HMO.

Any final decision which includes a finding that the proposal does not meet the criteria set forth in G.S. 131-181(a)(3), (3a), and (13), shall be sent

to the appropriate regional office of the Department of Health and Human Services.

(f) If the agency decision is inconsistent with the recommendation of the health systems agency, the goals of the applicable health systems plan, or the priorities of the applicable annual implementation plan, the agency shall include in the final decision a detailed statement of the reasons for the inconsistency.

(g) (c) The final decision shall be sent to the applicant, and to the appropriate health systems agency. Any other person may obtain a copy of a final decision by requesting it from the agency, for which there will be a charge to cover the cost of reproducing the document. For a proposal made by an HMO, the agency shall also send a copy of the final decision to the regional office of the Department of Health and Human Services.

Statutory Authority G.S. 131E-177; 131E-186.

.0315 ISSUANCE OF A CERTIFICATE OF NEED

(a) A certificate shall not be issued until 30 days after the date of the final decision under Rule .0313 of this Section. If no request for a contested case hearing is received by the agency within that time, the agency shall issue the certificate. If a request for a contested case hearing is received within that time, the certificate shall not be issued until the final agency decision from the contested case hearing has been issued.

(b) The certificate, or attachments, shall specify:

- (1) the scope of the project;
- (2) the physical location of the project;
- (3) the person to whom the certificate was issued;
- (4) the maximum capital expenditure, if any, which may be obligated under the certificate;
- (5) the timetable to be followed in making the service or equipment available or in completing the project; and
- (6) when the first progress report under Rule .0316 of this Section is due.

(c) The date of issuance of a certificate is the date on the certificate. The effective date of the issuance of a certificate should be the first day after the 30 day appeal period expires, the date the agency receives notice of withdrawal of the request for a contested case hearing, the date of the Department's final decision made in accordance with G.S. 131E-188(a), or the date the agency determines that the conditions of approval are satisfied, whichever is later.

Statutory Authority G.S. 131E-177.

.0316 PROGRESS REPORTS

(a) The holder of a certificate of need shall submit a report on the progress made in making the service or equipment available or in completing the project. These reports shall also include information as to the total dollar amount of capital expenditures which have been obligated under the certificate, and any changes in amounts of proposed or previously obligated capital expenditures. These reports will be made on a form provided by the agency and will be due on the date or dates indicated by the agency on the Certificate of Need and in subsequent correspondence.

(b) The agency may also request additional reports as often as necessary in order to determine:

- (1) if the timetable specified in the certificate is being met;
- (2) if the scope of the project is being completed as described on the certificate and in the application for the certificate of need; and
- (3) if the amount of the capital expenditure or expenditures obligated under the certificate has exceeded or can be expected to exceed the maximum under the certificate; and
- (4) if the condition(s) of approval have been satisfactorily met.

Statutory Authority G.S. 131E-177; 131E-189.

.0317 WITHDRAWAL OF A CERTIFICATE

(a) A certificate of need may be withdrawn for the reasons set forth in G.S. 131E-189. Before a certificate of need is withdrawn the agency shall should follow the procedures set forth in this Rule.

(b) At any time after the date on which the first progress report is due, the certificate of need is issued the agency may commence a proceeding to withdraw a certificate of need. In determining whether to institute a withdrawal proceeding, the agency may consider the progress reports and any other information which it has received or obtained.

(c) If the agency initiates a withdrawal proceeding, it shall send out a notice of review which complies with Rule .0308 of this Subchapter. If the agency initiates a withdrawal proceeding, it shall send out a notice to the holder of the certificate providing an opportunity for the holder to demonstrate that:

- (1) it is making a good faith effort to meet the timetable specified by the agency;

- (2) it is developing or operating the service in a manner consistent with the representations made in the application or with any condition or conditions the Department has placed on the certificate of need; and
- (3) no transfer of ownership or control of the facility has been made prior to the completion of the project or licensure of the facility without specific Department approval. The agency shall consider a transfer of ownership or control to have occurred if:

(A) there is a change in the membership of the firm, association or partnership to whom the certificate was issued, involving the acquisition of a 25 percent or greater share in the firm, association or partnership by someone who did not previously own a 25 percent or greater share; or

(B) twenty-five percent or more of the stock of the corporation to whom the certificate was issued is acquired by someone who did not previously own 25 percent or more of the stock.

(d) The agency shall comply with Rules .0310, .0311, and .0312 of this Subchapter in any withdrawal proceeding. The holder of the certificate shall have 15 days to respond to the notice and provide information as to why the certificate should not be withdrawn.

(e) After the date on which the recommendation of the health systems agency is due, the agency shall make a written decision. If the decision is inconsistent with the recommendation of the health systems agency, the goals of the applicable health systems plan, or the priorities of the applicable annual implementation plan, it shall include a detailed statement of the reasons for the inconsistency. The decision shall be sent to the holder of the certificate of need and the health systems agency in the health service area in which the proposal was located. Copies of the decision are available to other persons upon request. In the case of certificates of need held by HMOs, the agency shall also send a copy of the decision to the regional office of the Department of Health and Human Services. The agency shall review the information provided by the holder, or lack thereof, and shall make a determination as to whether to withdraw the certificate. The agency will not consider the reasonableness of the timetable specified on the certificate to be an issue in determining whether to withdraw the certificate.

(f) Upon compliance with Rule .0314 of this Subchapter a reconsideration hearing shall be held on the decision to withdraw or not to withdraw a certificate. The hearing shall be conducted in accordance with Rule .0314 of this

Subchapter. The holder of the certificate should be informed in writing within 45 days from the date of the notice of the agency's decision regarding the withdrawal.

(g) A decision to withdraw a certificate immediately revokes the right of the holder of the certificate to continue the development or operation of the facility except under conditions approved by the Department.

(h) A contested case hearing under Section .0400 of this Subchapter is available to any affected person on a decision to withdraw or not to withdraw a certificate of need. The reasonableness of the timetable shall not be an issue at such a hearing. That issue may only be addressed in a reconsideration or contested case hearing on the agency's final decision following the review of an application.

(i) A decision to not revoke a certificate on any given occasion does not preclude the right of the agency to withdraw that certificate at a later date providing the agency follows the procedures outlined in this Rule.

Statutory Authority G.S. 131E-177; 131E-189.

SECTION .0400 - CERTIFICATE OF NEED APPEAL PROCESS

.0408 PETITION FOR A HEARING

(a) All contested cases shall be commenced by the filing of a petition with the office of the director within 30 days of a decision of the agency to issue, deny or withdraw a certificate of need or to grant or deny an exemption or to assess a civil penalty. If the petition does not show on its face that the appellant is an affected person as defined in G.S. 131E-188(c) or if the petition is not filed timely, the agency shall send notice to the appellant, within 45 days of the date the petition is filed, that the request for contested case hearing is denied. If the petition does show on its face that the appellant is an affected person as defined in G.S. 131E-188(c) and if the petition is filed timely, the agency shall, within 45 days of the date the petition is filed, send notice to the appellant of the appointment of a hearing officer. If the appellant requests that a hearing officer from the Office of Administrative Hearings hear the case, in accordance with the provisions of G.S. 150B, the agency shall request that the Chief Hearing Officer of the Office of Administrative Hearings name the hearing officer in the case.

(b) All petitions filed under this Rule shall be verified or supported by affidavit and shall state facts tending to establish that in making the decision or decisions at issue, the agency:

- (1) exceeded its authority or jurisdiction;

- (2) acted erroneously;
- (3) failed to use proper procedure;
- (4) acted arbitrarily or capriciously; or
- (5) failed to act as required by law or rule.

(c) The only decisions which shall be the subject of the contested case hearing shall be those specifically appealed by the appellant and those which were considered competitively under Rule .0309(c) with those specifically appealed by the appellant.

The CON Section will not issue a certificate of need to any applicant so long as any affected person has filed a petition for a contested case challenging the agency decision to award a certificate to that or any other competing applicant, or so long as any unsuccessful applicant whose application was considered competitively has filed a contested case petition challenging the merits of the agency decision denying it a certificate.

Statutory Authority G.S. 131E-177; 131E-188.

- .0409 APPOINTMENT OF A HEARING OFFICER (REPEALED)
- .0410 NOTICE OF HEARING (REPEALED)
- .0411 INTERVENTION (REPEALED)
- .0412 VENUE (REPEALED)
- .0413 DISCOVERY (REPEALED)
- .0414 PRE-HEARING CONFERENCE (REPEALED)
- .0415 SUBPOENAS (REPEALED)
- .0416 CONSOLIDATION (REPEALED)
- .0417 STIPULATIONS (REPEALED)
- .0418 DISQUALIFICATION OF HEARING OFFICER (REPEALED)
- .0419 FAILURE OF PARTY TO ATTEND HEARING (REPEALED)

Statutory Authority G.S. 131E-177; 131E-188.

- .0421 PROPOSAL FOR A DECISION (REPEALED)
- .0422 RECORD (REPEALED)

Statutory Authority G.S. 131E-177; 131E-188.

.0423 CONTESTED CASE HEARINGS

Contested case hearings shall be conducted in accordance with Article 3 of Chapter 150B of the General Statutes except for the timetables set forth in G.S. 131E-188.

Statutory Authority G.S. 131E-177; 131E-188.

SECTION .1000 - SPECIAL CRITERIA AND STANDARDS: IN GENERAL

.1003 STATE MEDICAL FACILITIES PLAN

(a) The North Carolina State Medical Facilities Plan contains the following information:

- (1) inventory of certain categories of inpatient and outpatient health care facilities, including number of beds and utilization of beds;
 - (2) type of services provided by each category of health care facility;
 - (3) projections of need for acute care hospitals (including rehabilitation services), long-term care facilities (including nursing homes, home health agencies, and hospice inpatient facilities), mental health facilities and end stage renal dialysis services for various geographical areas of the state;
 - (4) statement of policies related to acute care facilities, rehabilitation services, long-term care, psychiatric facilities, chemical dependency facilities, and facilities for intermediate care for the mentally retarded, which are used with other criteria contained in this Subchapter and in G.S. 131E-183 and need projections to determine whether applications proposing additional beds and services of these types may be approved under the certificate of need program; and
 - (5) the certificate of need review schedule and description of review categories.
- (b) The annually published State Medical Facilities Plan approved by the Governor, and any duly adopted amendments or additions thereto, is hereby adopted by reference pursuant to G.S. 150B-14(c) as a rule for the calendar year during which it is in effect.
- (c) This plan ~~can may be obtained purchased~~ from the Division of Facility Services, 701 Barbour Drive, Raleigh, North Carolina. ~~at a cost of forty dollars (\$40.00) per copy.~~ This plan is also available for inspection at the Division of Facility Services.

Statutory Authority G.S. 131E-176(25); 131E-177(1); 131E-183(1); 42 U.S.C. 300K-2.

* * * * *

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 cited as 10 NCAC 26H .0101.

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

The public hearing will be conducted at 1:30 p.m. on October 16, 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 October 16, 1989 to: Director, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, N.C. 27603. Oral comments presented at the hearing should be limited to a maximum of ten minutes duration. Submittal of written copies of oral statements is encouraged. In addition, a fiscal impact statement of this proposed rule amendment is available upon written request from the same address.

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

SECTION .0100 - REIMBURSEMENT FOR SKILLED NURSING FACILITY AND INTERMEDIATE CARE FACILITY SERVICES

.0101 REIMBURSEMENT METHODOLOGY

~~Effective October 1, 1984 and each October 1 thereafter all certified Skilled Nursing and Intermediate Care facilities participating in the North Carolina Medicaid Program are reimbursed on a prospective basis as set forth hereunder. Combination facilities containing both a SNF and ICF portion are treated as two separate facilities for rate setting purposes. This plan is developed in accordance with the requirements of 42 CFR 447 Subpart C - Payment for Inpatient Hospital and Long-Term Care Facility Services. All Medicaid covered services will be reimbursed in accordance with methodologies contained in the Medicaid State Plan as approved by the United States Department of Health and Human Services Health Care Financing Administration (HCFA), under authority of Title XIX of the Social Security Act (SSA), all applicable Federal regulations, the State Appropriations Act and the Department of Human Resources of the State of North Carolina.~~

Authority G.S. 108A-25(b); 108A-54; 108A-55; S.L. 1985, c. 479, s. 86; 42 C.F.R. 447 Subpart C.

TITLE 15 - DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Environment, Health and Natural Resources intends to adopt rules cited as 15 NCAC 1J .0101 - .0102, .0201 - .0209.

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

The public hearings will be conducted according to the following schedule:

October 5, 1989

7:00 p.m.

Wayne Community College
Goldsboro, NC

October 10, 1989

7:00 p.m.

Buncombe County Courthouse
Asheville, NC

October 11, 1989

7:00 p.m.

County Agriculture Center
Statesville, NC

October 13, 1989

10:00 a.m.

Hearing Room, Archdale Building
Raleigh, NC

Comment Procedures: Written comments may be submitted prior to the public hearings to: N.C. Division of Forest Resources, Attn: Derryl Walden, P.O. Box 27687, Raleigh, NC 27611. Written or oral comments may be presented at the public hearings.

CHAPTER 1 - DEPARTMENTAL RULES

SUBCHAPTER 1J - FOREST PRACTICES GUIDELINES RELATED TO WATER QUALITY

SECTION .0100 - GENERAL PROVISIONS

.0101 INTRODUCTION AND PURPOSE

(a) Forests are a major contributor to the economy and quality of the environment in North Carolina. Forestry best management practices allow for the production, harvesting, and utilization of forest resources while maintaining satisfactory water quality. The rules in this Subchapter establish performance standards for the protection of water quality. The intent and purpose of these rules is not to cease or obstruct the lawful, proper and responsible use of forest resources. Persons must adhere to the standards related to land disturbing activities in order to retain the forestry exemption provided

in the N.C. Sedimentation Pollution Control Act of 1973 as amended in 1989.

(b) The Division of Forest Resources is responsible for the protection and development of forest resources in North Carolina, and has been designated by the Secretary of North Carolina Department of Environment, Health and Natural Resources as the Division within the Department best able to assist the Secretary in the implementation of these rules.

(c) The Forestry Best Management Practices Manual, published by the Division of Forest Resources in September, 1989, and as amended from time to time, contains specifications for a variety of practices which may be used to meet the performance standards set forth in this Subchapter. Best Management Practices (BMPs) shall be selected to allow for the variation in weather, topography, soil, and vegetation expected for the site and season. Implementation of these rules shall recognize that extreme and unusual weather can cause reasonable and otherwise adequate application of BMPs to fail to control sedimentation. Where installed BMPs fail, additional and more effective BMPs may be required. This manual and the rules in this Subchapter may be obtained by contacting the Director, Division of Forest Resources, Raleigh, North Carolina.

Statutory Authority G.S. 113-3; 113-8; 113A-52(6); 113A-52.1; 143B-10.

.0102 DEFINITIONS

In addition to the terms defined in G.S. 113-44.4 and 113A-52, the following definitions shall apply throughout this Subchapter:

- (1) "Accelerated Erosion" means any increase over the rate of natural erosion, as a result of land-disturbing activities.
- (2) "Access Road" means a temporary or permanent access route.
- (3) "Best Management Practice" (BMP) means a practice, or combination of practices, that is determined to be an effective and practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.
- (4) "Channel" means a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.
- (5) "Ford" means a submerged stream crossing which will bear intended traffic.

- (6) "Ground Cover" means any natural vegetative growth or other natural or manmade material which renders the soil surface stable against accelerated erosion.
- (7) "Land-Disturbing Activity" means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. This Article shall not apply to the following land-disturbing activities:
- (a) Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals;
- (b) Those undertaken on forestland for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the Department; and
- (c) Activities undertaken by persons as defined in G.S. 113A-52(8) who are otherwise regulated by the provisions of G.S. 74-76 through G.S. 74-68, the Mining Act of 1971.
- (8) "Groundwater" means phreatic water or subsurface water in the zone of saturation.
- (9) "Log Deck" means a place where logs are gathered in or near the forest for further transport, sometimes called a "landing".
- (10) "Mill Site" means any place where forest products are stored, altered, or processed.
- (11) "Pesticides" means a chemical used to kill pests. The term includes insecticides, fungicides, herbicides, and rodenticides.
- (12) "Site Preparation" means a forest activity to prepare the site for reforestation.
- (13) "Skid Trail" means a temporary pathway principally used to drag or transport felled trees or logs or other material to a landing.
- (14) "Stream" means a body of concentrated flowing water in a natural low area of the land surface.
- (a) "Ephemeral stream" means a stream that flows only during and for short periods following precipitation and flows in low areas that may or may not have a well-defined channel.
- (b) "Intermittent stream" means a stream that flows only during wet periods of the year (30-90 percent of the time) and flows in a well-defined channel.
- (c) "Perennial stream" means a stream that flows throughout a majority of the year (greater than 90 percent of the time) and flows in a well-defined channel.
- (15) "Streamside Management Zone (SMZ)" means an area along both sides of intermittent and perennial streams and perennial waterbodies where extra precaution is used in carrying out forest practices in order to protect water quality.
- (16) "Visible Sediment" means solid particulate matter, both mineral and organic, which can be seen with the unaided eye that has been or is being transported by water, air, gravity, or ice from its site of origin.
- (17) "Waterbody" means a natural or man-made basin that stores water, not including jurisdictional wetlands.
- (18) "Working Days" means days exclusive of Saturdays and Sundays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

Statutory Authority G.S. 113-44.4; 113A-52; 113A-52.1.

SECTION .0200 - PERFORMANCE STANDARDS

.0201 STREAMSIDE MANAGEMENT ZONE

(a) A streamside management zone (SMZ) shall be established and maintained along the margins of intermittent and perennial streams and perennial waterbodies. The SMZ shall be of sufficient width to confine within the SMZ visible sediment resulting from accelerated erosion.

(b) Ground cover, or other means, within the SMZ shall be sufficient to restrain accelerated erosion.

(c) Access roads, skid trails, logging decks and mill sites shall be placed outside of SMZs. When barriers such as property lines or limiting land features prohibit the location of any of these outside of SMZs, they can be located within the SMZs. When located within SMZs they shall have effective erosion control and sediment control structures or measures installed to restrain accelerated erosion and prevent visible sediment from entering intermittent or perennial streams or perennial waterbodies.

Statutory Authority G.S. 113A-52.1.

.0202 PROHIBITION OF DEBRIS ENTERING STREAMS AND WATERBODIES

Stream obstruction and the impediment of stream flow shall be prevented by keeping debris from construction, harvesting, mill site residue, and site preparation out of intermittent and perennial streams and perennial waterbodies.

Statutory Authority G.S. 77-13; 77-14; 113A-52.1.

.0203 ACCESS ROAD AND SKID TRAIL STREAM CROSSINGS

Stream crossings shall be avoided when possible. Access roads and skid trails which must cross intermittent or perennial streams or perennial waterbodies shall be installed so that:

- (1) stream flow will not be obstructed or impeded;
- (2) no stream channel or perennial waterbody shall be used as an access road or skid trail;
- (3) crossings are provided with effective structures or ground cover to protect the banks and channel from accelerated erosion;
- (4) they shall have sufficient water control devices to collect and divert surface flow from the access road or skid trail into undisturbed areas or other control structures to restrain accelerated erosion and prevent visible sediment from entering intermittent and perennial streams; and
- (5) ground cover, or other means, sufficient to prevent visible sediment from entering intermittent and perennial streams and perennial waterbodies shall be provided within ten working days of initial disturbance and will be maintained until the site is permanently stabilized.

Statutory Authority G.S. 113A-52.1.

.0204 ACCESS ROAD ENTRANCES

Access road entrances intersecting public highways shall be constructed and maintained with measures, devices or techniques effective to prevent excessive soil and other debris from being carried to and deposited on the highway to the extent that sedimentation problems will result.

Statutory Authority G.S. 113A-52.1.

.0205 PROHIBITION OF WASTE ENTERING STREAMS/WATERBODIES/ GROUNDWATER

Measures shall be taken to prevent equipment servicing waste, petroleum, fertilizers or other chemical waste from entering streams, perennial waterbodies, and or groundwater.

Statutory Authority G.S. 113A-52.1.

.0206 PESTICIDE APPLICATION

Application of pesticides shall be limited to those labeled for that intended use and applied in a manner to prevent adverse impacts on water quality.

Statutory Authority G.S. 113A-52.1.

.0207 FERTILIZER APPLICATION

When used, fertilizers shall be applied in a manner to prevent adverse impacts on water quality.

Statutory Authority G.S. 113A-52.1.

.0208 STREAM TEMPERATURE

Adequate shade within SMZs associated with natural perennial streams shall be retained to protect those streams from adverse temperature fluctuations.

Statutory Authority G.S. 113A-52.1.

.0209 REHABILITATION OF PROJECT SITE

Areas on the project site that have the potential for accelerated erosion, resulting in concentrated flow directly entering an intermittent or perennial stream or perennial waterbody, shall be provided with ground cover or other means of adequate sedimentation control within 30 working days after ceasing any phase of an operation or beginning a period of inactivity. Treatment and maintenance of those areas shall be sufficient to restrain accelerated erosion and prevent visible sediment from entering intermittent and perennial streams and perennial waterbodies until the site is permanently stabilized.

Statutory Authority G.S. 113A-52.1.

TITLE 21 - LICENSING BOARDS

Notice is hereby given in accordance with G.S. 150B-12 that the N.C. Board of Medical Examiners/DHR, Division of Facility Services intends to amend rule(s) cited as 21 NCAC 32H .0402 - .0403 and .0406.

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

The public hearing will be conducted at 2:00 p.m. on November 3, 1989 at N.C. Division of

Facility Services, Council Building, Room 201,
701 Barbour Drive, Raleigh, N. C. 27603.

Comment Procedures: Written comments concerning the rules by November 3, 1989 to Lynda McDaniel, 701 Barbour Drive, Raleigh, North Carolina 27603. Oral comments may be presented at the hearing.

CHAPTER 32 - BOARD OF MEDICAL
EXAMINERS

SUBCHAPTER 32H - MOBILE INTENSIVE
CARE

SECTION .0400 - TRAINING AND
PERFORMANCE OF MOBILE INTENSIVE
CARE PERSONNEL

.0402 EMERGENCY MEDICAL TECHNICIAN-
PARAMEDIC PERFORMANCE

EMT-Ps trained in approved training programs, certified by the Board of Medical Examiners to perform medical acts, and functioning in an approved mobile intensive care program may do any of the following in accordance with the protocols established by their sponsor hospital:

- (1) While at the scene of a medical emergency where the capability of continuous two-way voice communication, or the capability of continuous two-way voice communication supplemented by a telemetered electrocardiogram, is maintained with a physician or approved MICN located in the sponsor hospital, and upon order of such physician or MICN:
 - (a) establish an intravenous line in a peripheral vein and administer any intravenous solution approved by the Board of Medical Examiners for use by EMT-Ps;
 - (b) obtain blood for laboratory analysis;
 - (c) administer parenterally, orally, sublingually, or topically any of the drugs approved by the Board of Medical Examiners for use by EMT-Ps;
 - (d) perform pulmonary ventilation by means of an esophageal obturator airway, esophageal gastric tube airway, pharyngo-tracheal lumen airway, or endotracheal tube;
 - (e) perform defibrillation or cardioversion;
 - (f) use gas-powered or hand-powered nebulizers;
 - (g) decompress a tension pneumothorax by use of a catheter-flutter-valve device;
 - (h) use positive end expiratory pressure respirators;
 - (i) perform cricothyrotomy for relief of upper airway obstruction;

- (j) perform gastric suction by intubation; ~~and~~
 - (k) perform urinary catheterization;
 - (l) perform external cardiac pacing; and
 - (m) establish an intraosseous infusion line in appropriate patients under 24 months of age and administer any intravenous fluid or drugs approved by the Board of Medical Examiners for use by EMT-Ps.
- (2) When confronted with a pulseless non-breathing patient, perform cardiopulmonary resuscitation, defibrillation, pulmonary ventilation by means of an esophageal obturator airway, esophageal gastric tube airway, pharyngo-tracheal lumen airway, or endotracheal tube, and administer appropriate cardiac drugs prior to contacting the sponsor hospital.
 - (3) Establish an intravenous line in a peripheral vein and administer any intravenous solution approved by the Board of Medical Examiners for use by EMT-Ps prior to contacting the sponsor hospital. If the intravenous line is not successfully established after two attempts, the EMT-P must contact the sponsor hospital prior to making another attempt.

Statutory Authority G.S. 143-514.

.0403 EMERGENCY MEDICAL TECHNICIAN-
INTERMEDIATE PERFORMANCE

EMT-Is trained in approved training programs, certified by the Board of Medical Examiners to perform medical acts, and functioning in an approved mobile intensive care program may do any of the following in accordance with the protocols established by their sponsor hospital:

- (1) While at the scene of a medical emergency where the capability of continuous two-way voice communication is maintained with a physician or approved MICN located in the sponsor hospital, and upon order of such physician or MICN:
 - (a) establish an intravenous line and administer the following solutions by intravenous infusion:
 - (i) dextrose 5 percent in water;
 - (ii) lactated ringer's solution; and
 - (iii) normal saline;
 - (b) perform pulmonary ventilation by means of an esophageal obturator airway, or esophageal gastric tube airway, pharyngo-tracheal lumen airway;
 - (c) obtain blood for laboratory analysis; and
 - (d) administer subcutaneously 1:1000 epinephrine to treat systemic allergic reactions.

- (2) When confronted with a pulseless, non-breathing patient, perform cardiopulmonary resuscitation including, when appropriate, defibrillation by means of an automatic or semi-automatic defibrillator, ~~and~~ pulmonary ventilation by means of an esophageal obturator airway, ~~or~~ esophageal gastric tube airway, or pharyngeal-tracheal lumen airway prior to contacting the sponsor hospital.

Statutory Authority G.S. 143-514.

**.0406 EMERGENCY MED TECHNICIANS:
ADVANCED INTERMEDIATE PERFORMANCE**

EMT-AIs trained in approved training programs, certified by the Board of Medical Examiners to perform medical acts, and functioning in an approved mobile intensive care program may do any of the following in accordance with the protocols established by their sponsor hospital:

- (1) While at the scene of a medical emergency where the capability of continuous two-way voice communication is maintained with a physician or approved MICN located in the sponsor hospital, and upon order of such physician or MICN:
 - (a) establish an intravenous line in a peripheral vein and administer any intravenous solution approved by the Board of Medical Examiners for use by EMT-AIs;
 - (b) obtain blood for laboratory analysis;
 - (c) administer parenterally, orally, sublingually, or topically any of the drugs approved by the Board of Medical Examiners for use by EMT-AIs; administer intravenously:
 - (i) ~~50 percent~~ Dextrose;
 - (ii) Naloxone (Narcan);
 - (iii) Lidocaine;
 - (iv) Sodium Bicarbonate;
 - (v) Atropine;
 - (vi) Epinephrine;
 - (d) ~~administer sublingually nitroglycerin;~~
 - (d) ~~(e)~~ administer subcutaneously 1:1000 epinephrine to treat systemic allergic reactions;
 - (e) ~~(f)~~ perform pulmonary ventilation by means of an esophageal obturator airway, esophageal gastric tube airway, pharyngeal-tracheal lumen airway or endotracheal tube; and
 - (f) ~~(g)~~ perform defibrillation;
 - (g) perform external cardiac pacing;
 - (h) establish an intraosseous infusion line in appropriate patients under 24 months of age and administer any intravenous fluid

or drugs approved by the Board of Medical Examiners for use by EMT-AIs.

- (2) When confronted with a pulseless non-breathing patient, perform cardiopulmonary resuscitation, defibrillation, pulmonary ventilation by means of an esophageal obturator airway, esophageal gastric tube airway, pharyngeal-tracheal lumen airway or endotracheal tube and administer appropriate cardiac drugs prior to contacting the sponsor hospital.

Statutory Authority G.S. 143-514.

Notice is hereby given in accordance with G.S. 150B-12 that the N.C. State Board of Examiners of Practicing Psychologists intends to amend rule(s) cited as 21 NCAC 54 .1605(3).

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

The public hearing will be conducted at 9:00 a.m. on October 12, 1989 at Mezz. Level, Sheraton Appalachian Inn, Boone, N. C.

Comment Procedures: Requests to present written or oral comments at the public hearing or other comments not presented at the hearing should be submitted in writing by October 9, 1989, to the Board at the following address: N. C. State Board of Examiners of Practicing Psychologists, University Hall, Appalachian State University, Boone, NC 28608.

**CHAPTER 54 - BOARD OF PRACTICING
PSYCHOLOGISTS**

SECTION .1600 - GENERAL PROVISIONS

.1605 FEES

In addition to fees specified in Article 18A, Chapter 90 of the North Carolina General Statutes, the following charges will be assessed for the indicated services:

- (3) ~~thirty dollars (\$30.00)~~ thirty five dollars (\$35.00) - renewal of license;

Statutory Authority G. S. 12-3.1 (c); 90-270.9; 90-270.11 (a) (1); 90-270.11 (b) (1); 90-270.24 (1); 90-170.20.

The List of Rules Codified is a listing of rules that were filed to be effective in the month indicated.

Rules filed for publication in the NCAC may not be identical to the proposed text published previously in the Register. Please contact this office if you have any questions.

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 in the N.C. Register of proposed rules.

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

*An agency has 30 days from the effective date of a rule to notify this agency of any typographical or technical errors in the rule as codified. These corrections are incorporated into the List of Rules Codified and are noted as * Correction. A typographical or technical error does not change the effective date if corrected within the 30 day requirement.*

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 3 - DIVISION OF MOTOR VEHICLES

SUBCHAPTER 3D - LICENSE AND THEFT SECTION

SECTION .0200 - MOTOR VEHICLE DEALER AND SALESMAN LICENSE

.0216 DEFINITIONS

(a) Statutory Definitions: Definitions for words and phrases used in these regulations not defined in subsection (b) shall be the same as the definitions appearing in G.S. 20-286 and G.S. 20-4.01.

(b) Administrative Definitions: The following words and phrases shall have the meanings listed below when used in these regulations:

- (1) "Principal Place of Business" - Means a salesroom containing 96 square feet of floor space in a permanently enclosed building or structure which is separate and

apart from any living quarters, residence or other business and having a separate entrance; where any vehicles displayed are separate and apart from vehicles of any other dealer; having displayed thereon or immediately adjacent thereto a sign, in block letters of not less than 3 inches in height on a contrasting background, clearly and distinctly designating the trade name of the business at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and at which place of business shall be kept and maintained the books, records, and files the Division may require as necessary to conduct the business at such location. Provided, however, the minimum area requirement provided for in this Paragraph is not applicable to any established place of business lawfully in existence and duly licensed on or before January 1, 1978.

- (2) "Supplemental Location" - Any improved or unimproved lot that is not immediately adjacent to the principal place of business at which a permanent business of bartering, trading and selling motor vehicles will be carried on as such in good faith and which is located within the relevant trade area of the applicant dealer as defined by G.S. 20-286(13b). A supplementary lot must have displayed thereon a sign in block letters not less than 3 inches in height on a contrasting background, clearly and distinctly designating the trade name of the business and the address and telephone number of the principal place of business. Supplemental locations must operate in exactly the same name as the principal place of business and only vehicles owned by or lawfully consigned to the principal place of business may be offered for sale at supplemental locations. Provided, the provisions of this Subsection shall not apply to sales of recreational vehicles and boat trailers which take place at trade shows within the franchise area of the participating licensed dealers. If a particular recreational vehicle or boat trailer manufacturer has not awarded a franchise in an area where a trade show is to take place, other licensed dealers holding a franchise from the manufacturer may nonetheless participate in the show."
- (3) "Suspension" - The temporary withdrawal of a license issued by the Division of Motor Vehicles to a motor vehicle dealer, manufacturer, factory branch, distributor,

wholesaler or their salesman or representative for a definite period.

- (4) "Revocation" - The termination of a license issued by the Division of Motor Vehicles to a motor vehicle dealer, manufacturer, factory branch, distributor, wholesaler or their salesman or representative.

*History Note: Filed as a Temporary Amendment
Eff. February 9, 1989 for a Period of 180
Days to Expire on August 8, 1989;
Statutory Authority G.S. 20-1; 20-302;
Eff. June 1, 1988;
Amended Eff. October 1, 1989.*

NORTH CAROLINA ADMINISTRATIVE CODE

LIST OF RULES CODIFIED

SEPTEMBER 1989

AGENCY			ACTION TAKEN	
<u>OFFICES OF THE GOVERNOR AND LIEUTENANT GOVERNOR</u>				
9	NCAC	2B	Executive Order Number 94 Eff. July 14, 1989	
<u>DEPARTMENT OF HUMAN RESOURCES</u>				
10	NCAC	3R	.2402 .2404 - .2405 .2407 - .2408	Amended Amended Amended
		4C	.0201 .0303	* Correction Amended
		7B	.0323 .0326 .0331	Amended Amended Amended
		10A	.0443	Amended
		14G	.0102 .0202 .0212 .0301	* Correction * Correction * Correction * Correction
		14H	.0303	* Correction
		14J	.0107 .0404	* Correction * Correction
		14K	.0219	* Correction
		15A	.0218	* Correction
		18L	.1104	* Correction
<u>DEPARTMENT OF INSURANCE</u>				
11	NCAC	6B	.0103 .0105 .0201 .0204 .0304	Temp. Amended Expires 01-12-90 Temp. Amended Expires 01-12-90 Temp. Amended Expires 01-12-90 Temp. Amended Expires 01-12-90
		10	.0309 - .0311	Repealed
		11G	.0001 - .0008	Transferred Eff. 07-25-89 to 11 NCAC 10 .1501 - .1508
<u>DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES</u>				
15	NCAC	1D	.0201	* Correction
		2L	.0111 .0113	* Correction * Correction
		3A	.0001 - .0002	Amended

FINAL RULES

3B	.0102	Amended
	.0105	Amended
	.0108 - .0109	Amended
	.0111	Amended
	.0114	Amended
	.0116 - .0117	Amended
	.0201 - .0203	Amended
	.0206 - .0207	Amended
	.0301 - .0302	Amended
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	.0401 - .0404	Amended
	.0408 - .0410	Amended
	.0413	Amended
	.0501 - .0505	Amended
	.0602	Amended
	.0701 - .0702	Amended
	.0801 - .0802	Amended
	.0901 - .0906	Amended
	.0907	Adopted
	.1001 - .1004	Amended
	.1005	Adopted
	.1101 - .1103	Amended
	.1105 - .1109	Amended
	.1111	Amended
	.1201 - .1204	Amended
	.1404 - .1408	Amended
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	.1507	Adopted
	.1601 - .1602	Amended
	.1605	Amended
3C	.0203	Amended
	.0206	Amended
	.0209	Amended
	.0212	Adopted
	.0303	* Correction
	.0304 - .0305	Amended
	.0308 - .0309	* Correction
	.0310 - .0312	Amended
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3G	.0001 - .0011	Adopted
10B	.0105 - .0106	Amended
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	.0122	Adopted
10D	.0003 - .0004	Amended
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	.0361	Adopted
10H	.1003	Amended
	.1005	Adopted
10I	.0002 - .0004	Amended
	.0005	Adopted
16E	.0103	Amended
	.0201	Amended

CERTIFICATION BOARD FOR SOCIAL WORK

21	NCAC	63	.0602 - .0608	Adopted
			.0701 - .0704	Adopted

OFFICE OF STATE PERSONNEL

25	NCAC	1C .0215	Adopted
		1D .1951	Adopted
		1E .0705	Amended
		.0707	Amended
		.0709	Amended
		1I .1307	Amended
		.1312 - .1313	Amended
		1K .0301 - .0310	Repealed
		.0311 - .0324	Adopted
		1N .0004	Amended

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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
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14A	Crime Control and Public Safety, Department of
15	Environment, Health, and Natural Resources, 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
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10	Chiropractic Examiners, Board of
12	General Contractors, Licensing Board for
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31	Martial & Family Therapy Certification Board
32	Medical Examiners, Board of
33	Midwifery Joint Committee
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36	Nursing, Board of
37	Nursing Home Administrators, Board of
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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
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53	Practicing Counselors, Board of
54	Practicing Psychologists, Board of
56	Professional Engineers and Land Surveyors, Board of
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66	Veterinary Medical Board

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