

The **NORTH CAROLINA REGISTER**

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DEC 5 1991

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ISSUE DATE: DECEMBER 2, 1991

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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 27447, Raleigh, N. C. 27611-7447, 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 letters of 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.

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) per page or less, plus fifteen cents (\$0.15) per page for additional pages.
- (2) The full publication consists of 53 volumes totaling in excess of 15,000 pages. It is supplemented monthly with replacement pages. 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 through a supplement service. Renewal subscriptions are available for supplements to the initial publication.

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.

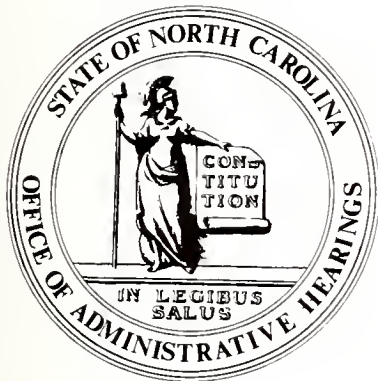
CITATION TO THE NORTH CAROLINA REGISTER

The *North Carolina Register* is cited by volume number and date. **1:1 NCR 101-201, April 1981** refers to Volume 1, Issue 1, pages 101 through 201 of the *North Carolina Register* issued on April 1, 1981.

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NORTH CAROLINA REGISTER



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NORTH CAROLINA REGISTER
Publication Schedule
(October 1991 - December 1992)

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing	Earliest Date for Adoption by Agency	Last Day to Submit to RRC	* Earliest Effective Date
10/15/91	09/24/91	10/01/91	10/30/91	11/14/91	11/20/91	01/02/92
11/01/91	10/11/91	10/18/91	11/16/91	12/01/91	12/20/91	02/03/92
11/15/91	10/24/91	10/31/91	11/30/91	12/15/91	12/20/91	02/03/92
12/02/91	11/07/91	11/14/91	12/17/91	01/01/92	01/20/92	03/02/92
12/16/91	11/21/91	12/02/91	12/31/91	01/15/92	01/20/92	03/02/92
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02/03/92	01/10/92	01/17/92	02/18/92	03/04/92	03/20/92	05/01/92
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03/02/92	02/10/92	02/17/92	03/17/92	04/01/92	04/20/92	06/01/92
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12/15/92	11/24/92	12/01/92	12/30/92	01/14/93	01/20/93	03/01/93

* The "Earliest Effective Date" is computed assuming that the agency follows the publication schedule above, that the Rules Review Commission approves the rule at the next calendar month meeting after submission, and that RRC delivers the rule to the Codifier of Rules five (5) business days before the 1st business day of the next calendar month.

EXECUTIVE ORDER

EXECUTIVE ORDER NUMBER 157
WAIVING CERTAIN PENALTIES PURSUANT
TO CHAPTER 166A OF THE GENERAL
STATUTES OF NORTH CAROLINA

WHEREAS, this year's cotton and peanut crops are the largest in recent years; and

WHEREAS, substantial portions of the crops may be lost if they are not removed from the fields before the onset of winter; and

WHEREAS, there is a substantial likelihood that the farmers of the state will not be able to remove their cotton and peanut crops from the fields before the onset of winter with the equipment now available to them for that purpose if they are required to adhere to the weight restrictions presently imposed by N.C.G.S. §§20-88, 20-96, and 20-118; and

WHEREAS, under the provisions of N.C.G.S. §§166A-4(3) and 166A-6(c)(3), the Governor, with the concurrence of the Council of State, may waive the penalties for exceeding the weight limits imposed by said statutes in the event of an imminent threat of widespread damage from a natural or man-made accidental cause within the meaning of N.C.G.S. §§166A-4(3) and 166A-6(c)(3); and

WHEREAS, with the concurrence of the Council of State, I have found that because:

- (i) they must adhere to the weight restrictions of N.C.G.S. §§20-88, 20-96 and 20-118, farmers will be unable to remove their cot-

ton and peanut crops from the fields before the onset of winter,

- (ii) their inability to do so likely will result in damages to their crops causing them to suffer losses and, therefore,
- (iii) there is an imminent threat of widespread damage from a natural or man-made accidental cause within the meaning of N.C.G.S. §166A-4(3);

THEREFORE, pursuant to the authority vested in me by the Constitution and laws of this State and with the concurrence of the Council of State, it is **ORDERED**:

Section 1. The Division of Motor Vehicles shall waive penalties arising under N.C.G.S. §§20-88, 20-96 and 20-118 that otherwise would be assessed against vehicles transporting on the highways of the State unprocessed peanuts and unginning cotton to processing facilities.

Section 2. Notwithstanding the waivers recited above, penalties shall not be waived:

- (i) in those instances where the vehicle weight exceeds the maximum gross vehicle weight criteria established by the manufacturer, or
- (ii) for cotton module trucks having tandem axle weights in excess of 44,000 pounds.

Section 3. This Order shall be effective immediately and shall remain in effect until February 1, 1992.

Done in the Capital City of Raleigh, North Carolina this the 8th day of November, 1991.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that DHR/Division of Medical Assistance intends to amend rule(s) cited as 10 NCAC 26H .0206.

The proposed effective date of this action is May 1, 1992.

The public hearing will be conducted at 1:30 p.m. on February 18, 1992 at the North Carolina Division of Medical Assistance, 1985 Umstead Drive, Room 132, Raleigh, N.C. 27603.

Reason for Proposed Action: The State of North Carolina will lose approximately \$15 million in federal Medicaid funds unless the funds donated by hospitals to the Medicaid program are spent before January 1, 1992.

Comment Procedures: Written comments concerning this amendment must be submitted by February 18, 1992, to: Division of Medical Assistance, 1985 Umstead Drive, Raleigh, N.C. 27603, ATTN.: Bill Hotel, APA Coordinator. Oral comments may be presented at the hearing. In addition, a fiscal impact statement is available upon written request from the same address.

Editor's Note: This Rule has been filed as a temporary amendment effective on November 1, 1991 for a period of 180 days to expire on April 30, 1992.

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

SECTION .0200 - HOSPITAL INPATIENT REIMBURSEMENT PLAN

.0206 PAYMENT ASSURANCE

(a) The state will pay each hospital the amount determined for inpatient services provided by the hospital according to the standards and methods set forth in this Section. In all circumstances involving third party payment, Medicaid will be the payor of last resort.

(b) If contributions are made pursuant to General Statute 143-23.2 during calendar year 1991, the Department has determined that it will use them as follows:

- (1) the Department will present the contributed funds to the federal government to be matched pursuant to federal financial

participation rules. The total of the contributed and matched funds hereinafter will be referred to as the "Funds" to be disbursed in the order set forth in this Rule.

- (2) the contributed funds will provide the total non-federal share of Medicaid expenditures made with the Funds.
- (3) up to forty million dollars (\$40,000,000) of the Funds will be used to fund elimination of the target day provision [as described in 10 NCAC 26H .0202(h)] for fiscal years 1990-91 and 1991-92, and to further other State Medicaid purposes for those fiscal years.
- (4) any remaining Funds, not to exceed one hundred forty million dollars (\$140,000,000), will be used to make an additional payment adjustment to disproportionate share hospitals for services provided in April, May and June, 1991, as provided in Rule .0204(g) of this Section.
- (5) any remaining Funds, not to exceed twenty-two million five hundred thousand dollars (\$22,500,000), will be used ~~first, to fund elimination of the target day provision referenced in Paragraph (b)(3) of this Rule for fiscal year 1992-93 and if any funds remain they will be used to determine hospital costs as a cost containment effort as authorized in Section 62, Chapter 1066 of the 1989 Session Laws to fund Medicaid provider claim payments in November or December 1991.~~
- (6) any remaining Funds, not to exceed one hundred sixty million dollars (\$160,000,000), will be used to make an additional payment adjustment to disproportionate share hospitals for services provided in July, August, September, October, November and December, 1991, as provided in Rule .0204(g).
- (c) Contributed funds shall be earmarked and maintained in a segregated account in accordance with General Statute 143-23.2(b).

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 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the DEHNR - Governor's Waste

PROPOSED RULES

Management Board intends to amend rule(s) cited as 15A NCAC 14B .0002, .0005 - .0007, .0009; and repeal rule(s) cited as 15A NCAC 14B .0010.

The proposed effective date of this action is April 1, 1992.

Instructions on how to demand a public hearing (must be requested in writing within 15 days of notice): Any person(s) requesting that the Board hold a public hearing on the proposed rules must submit such a request in writing within 15 days after publication of the notice. The request must be submitted to: Dr. Linda W. Little, GWMB, P.O. Box 27687, Raleigh, NC 27611-7687. Mailed written request must be postmarked no later than December 17, 1991.

Reason for Proposed Action: To make minor technical corrections to the Governor's Waste Management Board's existing rules of procedure for implementing the privilege license tax appeal.

Comment Procedures: Interested persons may contact Dr. Linda W. Little at (919) 733-9020 for more information regarding these rules. Written comments will be received for 30 days after publication of the notice. The request must be submitted to: Dr. Linda Little, GWMB, P.O. Box 27687, Raleigh, NC 27611-7687. Mailed written comments must be postmarked no later than January 1, 1992.

CHAPTER 14 - GOVERNOR'S WASTE MANAGEMENT BOARD

SUBCHAPTER 14B - RULES OF PROCEDURE FOR IMPLEMENTING PRIVILEGE LICENSE TAX APPEAL

.0002 DEFINITIONS

As used in these Rules:

- (1) "Hearing" shall mean a contested case hearing as provided in G.S. 150B-23(a).
- (2) "Board" shall mean the Governor's Waste Management Board.
- (3) "Chairman" shall mean the Chairman of the Governor's Waste Management Board.
- (4) "Facility" shall mean any low-level radioactive waste facility as defined in NCGS 104E-5(9b) and any hazardous waste facility as ~~defined in~~ permitted under NCGS 130A-290(a)(9).
- (5) "Hearing Panel" shall mean any group of members of the Board appointed by the Chairman and delegated by him the authority to hear an appeal.

- (6) "Hearing Officer" shall mean any person to whom the Chairman delegates authority to hear an appeal.

Statutory Authority G.S. 143B-285.13(12); 143B-285.13(14).

.0005 NOTICE OF APPEAL

Appeals of a tax rate shall be filed no later than 60 days after the levy of the tax in the case of a facility subject to the tax at the time of the levy, or no later than 60 days after notice that the tax is due in the case of a facility not subject to the tax at the time of the levy, after satisfaction of the requirements set out in Paragraph (b) of Rule .0003 of this Subchapter. An appeal shall be in writing and shall be mailed to the Governor's Waste Management Board, Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, NC ~~27611~~ 27611-7687. The appellant shall cause a copy of the notice of appeal to be served upon the city or town levying the tax in question.

Statutory Authority G.S. 143B-285.13(12); 143B-285.13(14).

.0006 RESPONSE TO NOTICE OF APPEAL

(a) Notice of appeal to the Board will be acknowledged in writing and a form requesting any information necessary to perfect the appeal will be mailed to the appellant along with the acknowledgement. A copy of the letter of acknowledgement will also be sent to the Chairman of the Board of Commissioners and the attorney for the county, in the case of an appeal of a county tax, or the mayor and attorney for the city in the case of an appeal of a city tax.

(b) Unless an extension is requested and granted, the requested information necessary to perfect the appeal must be returned within 30 days of the date the appellant receives the letter of acknowledgement or the appeal will be dismissed. The applicant shall send a copy of the requested information to the city or county attorney at the same time it is returned to the Board.

(c) The acknowledgement will also transmit a date for hearing the appeal to be set by the Chairman. The date of the hearing shall be within 90 days of receipt of the notice of appeal, except that at the discretion of the Chairman, the date may be extended for good cause.

Statutory Authority G.S. 143B-285.13(12); 143B-285.13(14).

.0007 FILING OF AN ANSWER

PROPOSED RULES

(a) The city or county that levied the tax being appealed shall file an answer within 20 days from receipt of the ~~completed application~~, perfected appeal, and shall send a copy of the answer to the appellant at the same time it is filed with the Board.

(b) The city or county's failure to file an answer shall not constitute waiver of the ~~city~~ city's or county's rights nor an admission of the appellant's allegations.

Statutory Authority G.S. 143B-285.13(12); 143B-285.13(14).

.0009 WHO SHALL CONDUCT A HEARING

The Chairman shall determine for each panel whether the ~~matter~~ appeal should be heard by the full board, a panel of board members, or a hearing officer, and shall notify the parties of the determination. The Chairman is hereby authorized to appoint board members to a panel or a hearing officer and to delegate to the panel or hearing officer authority to hear an appeal. The recommended decision made at this stage by the full board, a panel of the Board members, or a hearing officer shall be presented to the full board for final decision.

Statutory Authority G.S. 143B-285.13(12); 143B-285.13(14).

.0010 RULES FOR CONDUCTING THE HEARING

The following rules of the Department of Human Resources for contested cases set forth in ~~10 NCAC 1B .0200~~ as effective on January 1, 1986, are hereby adopted by reference in accordance with G.S. 150B-11(b), except that when used for the purpose of appeals of privilege license taxes under this Subchapter, the term "hearing office" shall mean the Office of the Governor's Waste Management Board and the term "Presiding Officer" shall mean the hearing officer or head of a hearing panel who has been appointed by the Chairman:

- (1) ~~10 NCAC 1B .0207 WAIVER OF HEARING~~
- (2) ~~10 NCAC 1B .0208 INTERVENTION~~
- (3) ~~10 NCAC 1B .0209 WRITTEN ANSWER~~
- (4) ~~10 NCAC 1B .0210 VENUE~~
- (5) ~~10 NCAC 1B .0211 DISCOVERY~~
- (6) ~~10 NCAC 1B .0212 PRE-HEARING CONFERENCE~~
- (7) ~~10 NCAC 1B .0213 SUBPOENAS~~
- (8) ~~10 NCAC 1B .0214 CONSOLIDATION~~
- (9) ~~10 NCAC 1B .0215 STIPULATIONS~~

- (10) ~~10 NCAC 1B .0217 FAILURE OF PARTY TO ATTEND HEARING~~
- (11) ~~10 NCAC 1B .0218 OATH~~
- (12) ~~10 NCAC 1B .0219 CONDUCT OF HEARING~~
- (13) ~~10 NCAC 1B .0221 RECORD~~
- (14) ~~10 NCAC 1B .0222 TRANSCRIPT~~

Statutory Authority G.S. 143B-285.13(12); 143B-285.13(14).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Environment, Health, and Natural Resources intends to adopt rule(s) cited as 15A NCAC 19C .0206.

The proposed effective date of this action is March 1, 1992.

The public hearing will be conducted at 2:30 p.m. on December 18, 1991 at the Ground Floor Hearing Room, Archdale Building, 512 North Salisbury Street, Raleigh, North Carolina.

Reason for Proposed Action: To establish a fee for health screening tests provided by the Dusty Trades program that screens workers for asbestosis and silicosis. These fees will be used to defray increases in operating costs.

Comment Procedures: All persons interested in these matters are invited to attend the public hearing. Written comments may be presented at the public hearing or submitted to Romie Herring, Division of Epidemiology, Occupational Health Section, P.O. Box 27687, Raleigh, NC 27611-7687, (919) 733-3680. Please notify Mr. Herring prior to the public hearing, if you desire to speak. Oral presentation lengths may be limited depending on the number of people that wish to speak at the public hearing.

IT IS VERY IMPORTANT THAT ALL INTERESTED AND POTENTIALLY AFFECTED PERSONS, GROUPS, BUSINESSES, ASSOCIATIONS, INSTITUTIONS, OR AGENCIES MAKE THEIR VIEWS AND OPINIONS KNOWN TO THE DEPARTMENT THROUGH THE PUBLIC HEARING AND COMMENT PROCESS, WHETHER THEY SUPPORT OR OPPOSE ANY OR ALL PROVISIONS OF THE PROPOSED RULE.

PROPOSED RULES

CHAPTER 19 - HEALTH: EPIDEMIOLOGY

SUBCHAPTER 19C - OCCUPATIONAL
HEALTH

SECTION .0200 - DUSTY TRADES PROGRAM

.0206 FEES FOR MEDICAL EXAMS IN
DUSTY TRADES

(a) Employers whose employees receive periodic radiographs from the Department's mobile

x-ray unit pursuant to G.S. 97-60 will be charged a fee for each employee x-rayed. The fee will be twelve dollars (\$12.00) per employee.

(b) Employers will be charged a fee for each employee screened by the chest consultant pursuant to G.S. 97-60. The fee for this will be five dollars (\$5.00) per x-ray.

Statutory Authority G.S. 97-73(b).

LIST OF RULES CODIFIED

The List of Rules Codified is a listing of rules that were filed with OAH in the month indicated.

Key:

- Citation = Title, Chapter, Subchapter and Rule(s)
- AD = Adopt
- AM = Amend
- RP = Repeal
- With Chgs = Final text differs from proposed text
- Eff. Date = Date rule becomes effective
- Temp. Expires = Rule was filed as a temporary rule and expires on this date

NORTH CAROLINA ADMINISTRATIVE CODE

OCTOBER 1991

TITLE	DEPARTMENT	TITLE	DEPARTMENT
1	Administration	16	Public Education
2	Agriculture	21	Occupational Licensing Boards
4	Economic and Community Development		2 - Architecture
9	Governor/Lt. Governor		46 - Pharmacy
10	Human Resources	24	Independent Agencies
11	Insurance		3 - Safety and Health Review Board of North Carolina
15A	Environment, Health, and Natural Resources	26	Administrative Hearings

Citation	AD	AM	RP	With Chgs	Eff. Date	Temp. Expires
1 NCAC 30F .0102	•				12 01 91	
.0201	•				12 01 91	
.0304	•				12 01 91	
.0402	•				12 01 91	
2 NCAC 9M .0001		•		•	01 01 92	
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43D .0001 - .0003		•		•	12 01 91	
.0006	•				12 01 91	
43H .0004		•			12 01 91	
48A .1222	•				12 01 91	
.1701 - .1704	•			•	12 01 91	
.1705	•				12 01 91	
.1706	•			•	12 01 91	
.1707 - .1708	•				12 01 91	
48E .0202	•				12 01 91	

LIST OF RULES CODIFIED

Citation				AD	AM	RP	With Chgs	Eff. Date	Temp. Expires
2	NCAC	48E	.0302 - .0303		•		•	12 01 91	
4	NCAC	16A	.0103 - .0105		•			10 02 91	03 31 92
		16C	.0101		•			10 02 91	03 31 92
			.0103 - .0104		•			10 02 91	03 31 92
			.0105	•				10 02 91	03 31 92
			.0201 - .0203		•			10 02 91	03 31 92
			.0305		•			10 02 91	03 31 92
			.0401 - .0405		•			10 02 91	03 31 92
			.0501 - .0503		•			10 02 91	03 31 92
	16E		.0103 - .0105	•				10 02 91	03 31 92
			.0201 - .0204	•				10 02 91	03 31 92
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			.0401 - .0405	•				10 02 91	03 31 92
			.0501 - .0502	•				10 02 91	03 31 92
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	16F		.0001 - .0003		•			10 02 91	03 31 92
			.0006 - .0012		•			10 02 91	03 31 92
	16H		.0001 - .0003		•			10 02 91	03 31 92
			.0005 - .0008		•			10 02 91	03 31 92
	16I		.0702 - .0704		•			10 02 91	03 31 92
			.0801		•			10 02 91	03 31 92
			.0803		•			10 02 91	03 31 92
			.0901 - .0902		•			10 02 91	03 31 92
			.1001 - .1003		•			10 02 91	03 31 92
			.1101 - .1102		•			10 02 91	03 31 92
			.1104 - .1106		•			10 02 91	03 31 92
			.1201 - .1203		•			10 02 91	03 31 92
			.1301		•			10 02 91	03 31 92
	16J		.0001 - .0003		•			10 02 91	03 31 92
	16K		.0001 - .0017		•			10 02 91	03 31 92
	16L		.0002 - .0004		•			10 02 91	03 31 92
	20A		.0002		•		•	12 01 91	
	20B		.0901 - .0902	•				12 01 91	
			.0903			•		12 01 91	
			.0904	•				12 01 91	
			.0905			•		12 01 91	
			.0906	•				12 01 91	

LIST OF RULES CODIFIED

	Citation	AD	AM	RP	With Chgs	Eff. Date	Temp. Expires
4	NCAC 20B .0907	•			•	12 01 91	
	.0908			•		12 01 91	
	.0909	•			•	12 01 91	
	.0910	•				12 01 91	
	.0911	•			•	12 01 91	
9	NCAC 2B Executive Order 153					09 24 91	
	Executive Order 154					09 30 91	
10	NCAC 3C .0110	•				12 01 91	
	.1902		•		•	12 01 91	
	.1917		•			12 01 91	
	.1927	•			•	12 01 91	
	.1928 - .1932	•				12 01 91	
	3H .0108		•		•	12 01 91	
	.0216		•			12 01 91	
	.1807		•			12 01 91	
	3J .2502		•			12 01 91	
	.2602		•		•	12 01 91	
	.2701		•			12 01 91	
	.2904		•			12 01 91	
	.3001		•			12 01 91	
	.3102		•		•	12 01 91	
	.3201		•			12 01 91	
	.3202		•		•	12 01 91	
	.3204		•			12 01 91	
	.3412		•			12 01 91	
	.3414		•			12 01 91	
	.3421		•			12 01 91	
	.3423		•			12 01 91	
	.3425 - .3426		•			12 01 91	
	.3908		•			12 01 91	
	.3918		•		•	12 01 91	
	.3921		•		•	12 01 91	
	.3925		•			12 01 91	
	.3926		•		•	12 01 91	
	.3938		•			12 01 91	
	.3940		•			12 01 91	
	3Q .0205	•				12 01 91	
	3W .0101	•				10 11 91	02 29 92

LIST OF RULES CODIFIED

	Citation	AD	AM	RP	With Chgs	Eff. Date	Temp. Expires
10	NCAC 3W .0201	•				10 11/91	02 29 92
	18A .0124 - .0125		•			12 01/91	
	.0126 - .0128		•		•	12 01/91	
	.0129			•		12 01/91	
	.0130		•			12 01/91	
	.0131			•		12 01 91	
	.0132 - .0133		•		•	12 01/91	
	.0134			•		12 01 91	
	.0135		•		•	12 01/91	
	22G .0408		•		•	12 01/91	
	22M .0101 - .0102	•			•	12 01/91	
	.0103	•				12 01/91	
	.0203 - .0204	•			•	12 01 91	
	22N .0101	•			•	12 01 91	
	.0205	•			•	12 01 91	
	.0208	•			•	12 01/91	
	26B .0119		•			12 01 91	
	26D .0017		•		•	12 01 91	
	26H .0102		•			10 01 91	03 31 92
	.0206		•			11 01/91	04 30 92
	35E .0106		•		•	12 01 91	
	.0312		•			12 01 91	
	35F .0002		•			12 01 91	
	41I .0102		•		•	12 01 91	
	.0304		•		•	12 01 91	
	.0401 - .0410	•			•	12 01/91	
	42C .2305		•			12 01 91	
	.2703		•		•	12 01 91	
	42D .1407		•			12 01 91	
	42H .0203			•		12 01 91	
	.0401			•		12 01 91	
	.0801	•				12 01 91	
	.0901 - .0902	•			•	12 01 91	
	.0903 - .0905	•				12 01 91	
	.0906	•			•	12 01 91	
	.0907	•				12 01 91	
	.0908 - .0909	•			•	12 01 91	
	.0910	•				12 01 91	

LIST OF RULES CODIFIED

	Citation	AD	AM	RP	With Chgs	Eff. Date	Temp. Expires
10	NCAC 42H .0911	•			•	12 01 91	
	.0912	•				12 01 91	
	.0913	•			•	12 01 91	
	.0914	•				12 01 91	
	42P .0102			•		12 01 91	
	.0201			•		12 01 91	
	.0401 - .0404			•		12 01 91	
	42Q .0011 - .0015		•			12 01 91	
	42V .0201		•			12 01 91	
	.0208	•				12 01 91	
	.0209	•			•	12 01 91	
	.0501 - .0504		•			12 01 91	
	.0802		•			12 01 91	
	.0805	•				12 01 91	
	.0901		•			12 01 91	
	.0908		•			12 01 91	
	43L .0201		•			12 01 91	
	.0401		•			12 01 91	
	50B .0302		•		•	12 01 91	
	.0312		•			12 01 91	
	.0403		•			12 01 91	
11	NCAC 6A .0232		•			10 03 91	03 30 92
	.0234		•			10 03 91	03 30 92
	.0238 - .0240	•				10 03 91	03 30 92
	.0401		•			10 03 91	03 30 92
	.0404 - .0405		•			10 03 91	03 30 92
	.0415			•		10 03 91	03 30 92
	.0416	•				10 03 91	03 30 92
	.0508	•				10 03 91	03 30 92
	.0802		•			10 03 91	03 30 92
	.0804		•			10 03 91	03 30 92
	12 .0548		•			10 16 91	04 13 92
	.0815 - .0816		•			10 16 91	04 13 92
	.0818 - .0822		•			10 16 91	04 13 92
	.0823			•		10 16 91	04 13 92
	.0824 - .0830		•			10 16 91	04 13 92
	.0831 - .0833			•		10 16 91	04 13 92
	.0834		•			10 16 91	04 13 92

LIST OF RULES CODIFIED

Citation				AD	AM	RP	With Chgs	Eff. Date	Temp. Expires
11	NCAC	12	.0835 - .0838	•				10 16 91	04 13 92
15A	NCAC	2D	.1102		•		•	12 01 91	
		2E	.0107		•			10 14 91	04 11 92
			.0301	•				10 14 91	04 11 92
		2G	.0102		•			12 01 91	
			.0104 - .0105		•			12 01 91	
		5B	.0012		•		•	12 01 91	
		7B	.0202 - .0203		•			12 01 91	
		7H	.0208 - .0209		•			12 01 91	
			.0303		•			12 01 91	
			.0306		•			12 01 91	
			.0308		•			12 01 91	
			.0310		•			12 01 91	
			.0504		•			12 01 91	
			.1105		•			12 01 91	
			.1205		•			12 01 91	
			.1704		•			12 01 91	
		7I	.0501		•			12 01 91	
			.0601		•			12 01 91	
		7J	.0211		•			12 01 91	
			.0407		•			12 01 91	
			.0501		•			12 01 91	
			.0701 - .0703		•			12 01 91	
			.1101		•			12 01 91	
			.1108		•			12 01 91	
		7K	.0203		•			12 01 91	
			.0207 - .0208		•			12 01 91	
		7O	.0202		•			12 01 91	
		10D	.0003		•			10 03 91	03 30 92
		10F	.0321		•			12 01 91	
			.0324		•		•	12 01 91	
			.0330		•		•	12 01 91	
		13A	.0001		•			12 01 91	
		13B	.0101		•		•	12 01 91	
			.0903		•			12 01 91	
			.1204		•		•	12 01 91	
			.1401 - .1402	•			•	12 01 91	
			.1403	•				12 01 91	

LIST OF RULES CODIFIED

Citation	AD	AM	RP	With Chgs	Eff. Date	Temp. Expires
15A NCAC 13B .1404 - .1408	•			•	12 01 91	
.1409	•				12 01 91	
16A .0901 - .0903	•				12 01 91	
.0904	•			•	12 01 91	
.0905 - .0907	•				12 01 91	
.0908 - .0909	•			•	12 01 91	
.0910 - .0912	•				12 01 91	
18A .2615		•			12 01 91	
18C .0302		•			12 01 91	
.1507 - .1508		•			12 01 91	
.1515 - .1516		•			12 01 91	
.1523		•			12 01 91	
.1612		•			12 01 91	
.1802		•			12 01 91	
18D .0105		•			01 01 92	
.0203		•			01 01 92	
.0403		•			01 01 92	
.0404		•		•	01 01 92	
19A .0102		•		•	12 01 91	
.0103		•			12 01 91	
.0201		•		•	12 01 91	
.0204	•			•	12 01 91	
.0401		•		•	12 01 91	
.0801 - .0803	•			•	12 01 91	
19D .0101 - .0104			•		12 01 91	
.0201 - .0204			•		12 01 91	
.0301 - .0304			•		12 01 91	
.0401 - .0407			•		12 01 91	
19F .0101			•		12 01 91	
.0103 - .0105			•		12 01 91	
.0201			•		12 01 91	
.0203			•		12 01 91	
.0301 - .0305			•		12 01 91	
.0401 - .0402			•		12 01 91	
20C .0002		•			12 01 91	
20D .0201 - .0224			•		12 01 91	
.0226 - .0230			•		12 01 91	
.0231 - .0232	•				12 01 91	

LIST OF RULES CODIFIED

Citation				AD	AM	RP	With Chgs	Eff. Date	Temp. Expires
15A	NCAC	20D	.0233	•			•	12 01 91	
			.0234 - .0240	•				12 01 91	
			.0241 - .0244	•			•	12 01 91	
			.0245 - .0246	•				12 01 91	
			.0247 - .0250	•			•	12 01 91	
			.0251 - .0254	•				12 01 91	
			.0255 - .0256	•			•	12 01 91	
			.0257	•				12 01 91	
			.0258 - .0260	•			•	12 01 91	
			.0261	•				12 01 91	
	21A		.0107		•			12 01 91	
	25		.0213		•			12 01 91	
16	NCAC	6B	.0001		•		•	12 01 91	
		6C	.0307		•			12 01 91	
			.0401		•		•	12 01 91	
21	NCAC	2	.0211		•		•	12 01 91	
		46	.1808	•			•	12 01 91	
24	NCAC	3	.0101 - .0111	•				10 02 91	
			.0201 - .0203	•				10 02 91	
			.0301 - .0309	•				10 02 91	
			.0401 - .0406	•				10 02 91	
			.0501 - .0516	•				10 02 91	
			.0601 - .0605	•				10 02 91	
			.0701 - .0710	•				10 02 91	
26	NCAC	2A	.0102		•			12 01 91	
			.0204 - .0205		•			12 01 91	
			.0207		•			12 01 91	
			.0210		•			12 01 91	
			.0211 - .0212		•		•	12 01 91	
			.0301		•		•	12 01 91	
			.0303	•				12 01 91	
			.0401 - .0405		•			12 01 91	
	2B		.0102				•	12 01 91	
			.0201 - .0204		•			12 01 91	
			.0301		•			12 01 91	
			.0302		•		•	12 01 91	
			.0303	•			•	12 01 91	
			.0401		•			12 01 91	

RRC OBJECTIONS

The Rules Review Commission (RRC) objected to the following rules in accordance with G.S. 143B-30.2(c). State agencies are required to respond to RRC as provided in G.S. 143B-30.2(d).

Temporary Rules are noted by "". These Rules have already gone into effect.*

ADMINISTRATION

State Construction

<i>1 NCAC 30F .0101 - Authority</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>1 NCAC 30F .0103 - Definitions</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>1 NCAC 30F .0202 - Pre-Bid Conferences and Site Reviews</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>1 NCAC 30F .0301 - Definitions</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>1 NCAC 30F .0302 - Overall Job Performance</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>1 NCAC 30F .0303 - Interim Contractor Evaluation</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>1 NCAC 30F .0305 - Report Compilation</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>1 NCAC 30F .0401 - Post-Occupancy Evaluation</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>1 NCAC 30F .0403 - Appeals of Assigned Eval or Disqual from Bidding</i>	<i>RRC Objection</i>	<i>10/17/91</i>

AGRICULTURE

Plant Industry

<i>2 NCAC 9M .0001 - Manufacturer Registration</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>2 NCAC 48A .1701 - Definitions</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>2 NCAC 48A .1702 - Noxious Weeds</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>2 NCAC 48A .1703 - Regulated Areas</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>2 NCAC 48A .1704 - Regulated Articles</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>2 NCAC 48E .0101 - Definitions</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>Agency Revised Rule</i>	<i>RRC Objection</i>	<i>10/17/91</i>

ECONOMIC AND COMMUNITY DEVELOPMENT

Employment and Training

<i>* 4 NCAC 20B .0903 - Allocation of Grants</i>	<i>ARRC Objection</i>	<i>8/22/91</i>
<i>No Response from Agency</i>		<i>9/19/91</i>
<i>No Response from Agency</i>		<i>10/17/91</i>
<i>* 4 NCAC 20B .0905 - Eligibility</i>	<i>ARRC Objection</i>	<i>8/22/91</i>
<i>No Response from Agency</i>		<i>9/19/91</i>
<i>No Response from Agency</i>		<i>10/17/91</i>
<i>* 4 NCAC 20B .0907 - Cost Limitations/Categories</i>	<i>ARRC Objection</i>	<i>8/22/91</i>
<i>No Response from Agency</i>		<i>9/19/91</i>
<i>No Response from Agency</i>		<i>10/17/91</i>
<i>* 4 NCAC 20B .0908 - Reporting</i>	<i>ARRC Objection</i>	<i>8/22/91</i>
<i>No Response from Agency</i>		<i>9/19/91</i>
<i>No Response from Agency</i>		<i>10/17/91</i>

RRC OBJECTIONS

- | | | |
|--|----------------|----------|
| * 4 NCAC 20B .0909 - Performance Standards | ARRC Objection | 8/22/91 |
| No Response from Agency | | 9/19/91 |
| No Response from Agency | | 10/17/91 |
| * 4 NCAC 20B .0911 - Fund Availability | ARRC Objection | 8/22/91 |
| No Response from Agency | | 9/19/91 |
| No Response from Agency | | 10/17/91 |

EDUCATION

Elementary and Secondary Education

- | | | |
|--|----------------|----------|
| 16 NCAC 6B .0001 - School Bus Drivers | ARRC Objection | 9/19/91 |
| Agency Revised Rule | Obj. Removed | 10/17/91 |
| 16 NCAC 6D .0103 - Graduation Requirements | ARRC Objection | 9/19/91 |
| No Response from Agency | | 10/17/91 |
| * 16 NCAC 6E .0301 - Driver Training | ARRC Objection | 8/22/91 |
| Agency Responded | | 9/19/91 |
| Agency Revised Rule | Obj. Removed | 10/17/91 |

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Adult Health

- | | | |
|---|----------------|---------|
| 5A NCAC 16A .0804 - Financial Eligibility | ARRC Objection | 1/18/91 |
| No Response from Agency | | 2/25/91 |
| Agency Responded | No Action | 3/21/91 |
| No Response from Agency | No Action | 4/18/91 |
| 5A NCAC 16A .0806 - Billing the HIV Health Services Program | ARRC Objection | 1/18/91 |
| No Response from Agency | | 2/25/91 |
| Agency Responded | No Action | 3/21/91 |
| No Response from Agency | No Action | 4/18/91 |

Coastal Management

- | | | |
|--|----------------|----------|
| 5A NCAC 7J .0301 - Who is Entitled to a Contested Case Hearing | ARRC Objection | 9/19/91 |
| No Response from Agency - Rule Returned to Agency | | 10/17/91 |
| 5A NCAC 7J .0302 - Petition for Contested Case Hearing | ARRC Objection | 9/19/91 |
| No Response from Agency - Rule Returned to Agency | | 10/17/91 |
| 5A NCAC 7J .0402 - Criteria for Grant or Denial of Permit Applications | RRC Objection | 10/17/91 |
| 5A NCAC 7M .0201 - Declaration of General Policy | RRC Objection | 10/17/91 |
| 5A NCAC 7M .0202 - Policy Statements | RRC Objection | 10/17/91 |
| 5A NCAC 7M .0303 - Policy Statements | RRC Objection | 10/17/91 |
| 5A NCAC 7M .0403 - Policy Statements | RRC Objection | 10/17/91 |
| 5A NCAC 7M .0901 - Declaration of General Policy | RRC Objection | 10/17/91 |

Environmental Management

- | | | |
|---|----------------|----------|
| 5A NCAC 2D .1102 - Applicability | ARRC Objection | 8/22/91 |
| No Action | | 9/19/91 |
| Agency Revised Rule | Obj. Removed | 10/17/91 |
| 5A NCAC 2D .1208 - Operator Training Requirements | ARRC Objection | 8/22/91 |
| No Action | | 9/19/91 |
| Agency Withdrew Rule | | 10/17/91 |

Forest Resources

- | | | |
|--|----------------|---------|
| 5A NCAC 9C .1007 - America the Beautiful Grant Program | ARRC Objection | 9/19/91 |
|--|----------------|---------|

RRC OBJECTIONS

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>9/19/91</i>
Health: Epidemiology		
<i>15A NCAC 19A .0202 - Control Measures - HIV</i>	<i>RRC Objection</i>	<i>10/17/91</i>
Wildlife		
<i>15A NCAC 10A .1001 - Particular Offenses</i>	<i>ARRC Objection</i>	<i>9/19/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>9/19/91</i>
HUMAN RESOURCES		
Aging		
<i>10 NCAC 22M .0101 - Scope of Care Management</i>	<i>ARRC Objection</i>	<i>9/19/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>10 NCAC 22M .0102 - Definitions</i>	<i>ARRC Objection</i>	<i>9/19/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>10 NCAC 22M .0103 - Target Population</i>	<i>ARRC Objection</i>	<i>9/19/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>10 NCAC 22M .0203 - Assessment and Reassessment</i>	<i>ARRC Objection</i>	<i>9/19/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>10 NCAC 22M .0204 - Care Planning</i>	<i>ARRC Objection</i>	<i>9/19/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>10 NCAC 22N .0101 - Definitions for Confidentiality of Client Data</i>	<i>ARRC Objection</i>	<i>9/19/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>10 NCAC 22N .0205 - Security of Records</i>	<i>ARRC Objection</i>	<i>9/19/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>10 NCAC 22N .0208 - Client Access to Records</i>	<i>ARRC Objection</i>	<i>9/19/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
Children's Services		
<i>10 NCAC 411 .0304 - Receiving Info: Initiating Prompt Invest of Rpts</i>	<i>RRC Objection</i>	<i>10/17/91</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/17/91</i>
<i>10 NCAC 411 .0406 - Responsibility for Training of Team Members</i>	<i>ARRC Objection</i>	<i>7/18/91</i>
<i>Pending Correction</i>		<i>8/22/91</i>
Economic Opportunity		
* <i>10 NCAC 51F .0102 - Definitions</i>	<i>ARRC Objection</i>	<i>8/22/91</i>
<i>No Response from Agency</i>		<i>9/19/91</i>
<i>Agency Responded</i>	<i>No Action</i>	<i>10/17/91</i>
* <i>10 NCAC 51F .0202 - Ineligible Activities</i>	<i>ARRC Objection</i>	<i>8/22/91</i>
<i>No Response from Agency</i>		<i>9/19/91</i>
<i>Agency Responded</i>	<i>No Action</i>	<i>10/17/91</i>
* <i>10 NCAC 51F .0402 - Eligibility Requirements</i>	<i>ARRC Objection</i>	<i>8/22/91</i>
<i>No Response from Agency</i>		<i>9/19/91</i>
<i>Agency Responded</i>	<i>No Action</i>	<i>10/17/91</i>
* <i>10 NCAC 51F .0501 - Grant Agreement</i>	<i>ARRC Objection</i>	<i>8/22/91</i>
<i>No Response from Agency</i>		<i>9/19/91</i>
<i>Agency Responded</i>	<i>No Action</i>	<i>10/17/91</i>
Facility Services		

RRC OBJECTIONS

10 NCAC 3C .1927 - Brain Injury Extended Care Phys Services Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
10 NCAC 3J .2905 - Personal Hygiene Items	RRC Objection 10/17/91
10 NCAC 3J .3202 - Health Screening Form Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
10 NCAC 3J .3926 - Health Screening Form Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
10 NCAC 3U .0604 - General Safety Requirements Agency Revised Rules	ARRC Objection 8/22/91 Obj. Removed 9/19/91
10 NCAC 3U .0804 - Infectious and Contagious Diseases Agency Revised Rules	ARRC Objection 8/22/91 Obj. Removed 9/19/91

Individual and Family Support

10 NCAC 42H .0908 - Competency Requirements Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
10 NCAC 42H .0909 - Time Frames for Completing Competency Req. Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
10 NCAC 42H .0911 - Selection of Aides Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
10 NCAC 42H .0913 - Quality Assurance Requirements Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91

Medical Assistance

10 NCAC 26H .0108 - Reimbursement Methods/State-Operated Facilities	RRC Objection 10/17/91
10 NCAC 50B .0305 - Deprivation Agency Revised Rule	ARRC Objection 8/22/91 Obj. Removed 8/22/91

Mental Health: General

10 NCAC 14K .0103 - Definitions Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14K .0320 - Incident Reporting Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14K .0337 - Emergency Care Permission Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14K .0351 - Administration of Medication Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14M .0206 - Day Services Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14M .0209 - Community Resources Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14M .0409 - Community Resources Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14O .0310 - Provision of Appropriate Activities Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14P .0101 - Scope Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14P .0102 - Definitions Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14Q .0101 - Policy/Rights Restrictions/Interventions Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14R .0104 - Seclusion/Restraint/Isolation Time Out Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91

RRC OBJECTIONS

10 NCAC 14R .0105 - Protective Devices Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 14S .0102 - Communication Rights Agency Responded	ARRC Objection 9/19/91 10/17/91
10 NCAC 14S .0103 - Living Environment Agency Responded	ARRC Objection 9/19/91 10/17/91

Mental Health: Other Programs

10 NCAC 18A .0127 - Certification Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
10 NCAC 18A .0128 - Out-of-Compliance Finding Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
10 NCAC 18A .0135 - Appeals and Waivers Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
10 NCAC 18L .0603 - Svc Purpose/Eligibility Requirements Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 18M .0704 - Staff Requirements Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
10 NCAC 18Q .0809 - Agreement Between Resident and Program Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91

JUSTICE

Criminal Information

12 NCAC 4E .0103 - Advisory Policy Board Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4E .0104 - Definitions Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4E .0106 - Manuals Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4E .0203 - Non-Terminal Access Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4E .0301 - User Agreement Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4E .0302 - User Access Fee Agreement Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4E .0401 - DCI Terminal Operator Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4E .0403 - Suspension/Revocation of Operator Certification Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4F .0203 - Hit Confirmation Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4F .0301 - Arrest Fingerprint Card Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4F .0404 - Ind's Right Review/His/Her Crim History Record Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4F .0405 - Use CCH Lic./Non-Criminal Justice Emp Purposes Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4F .0501 - Expungements Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4G .0102 - Penalty Provisions Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91

RRC OBJECTIONS

12 NCAC 4G .0201 - Notice of Violation Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91
12 NCAC 4G .0301 - Informal Hearing Procedure Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91

LICENSING BOARDS AND COMMISSIONS

Architecture

21 NCAC 2 .0211 - Unauthorized Practice Agency Revised Rule	RRC Objection 10/17/91 Obj. Removed 10/17/91
21 NCAC 2 .0601 - Committee on Investigations Agency Revised Rule	ARRC Objection 9/19/91 Obj. Removed 9/19/91

Certified Public Accountant Examiners

* 21 NCAC 8G .0313 - Firm Name	RRC Objection 10/17/91
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Practicing Psychologists

21 NCAC 54 .1701 - Information Required Agency Revised Rule	ARRC Objection 8/22/91 Obj. Removed 9/19/91
21 NCAC 54 .2103 - Reinstatement Agency Revised Rule	ARRC Objection 8/22/91 Obj. Removed 9/19/91

This Section of the Register lists the recent decisions issued by the North Carolina Supreme Court, Court of Appeals, Superior Court (when available), and the Office of Administrative Hearings which invalidate a rule in the North Carolina Administrative Code.

15A NCAC 21D .0802(b)(2) - AVAILABILITY

Robert Roosevelt Reilly Jr., Administrative Law Judge with the Office of Administrative Hearings, declared Rule 15A NCAC 21D .0802(b)(2) void as applied in *Wilson's Supermarket #12, Petitioner v. Department of Environment, Health, and Natural Resources, Respondent* (91 EHR 0795).

15A NCAC 21D .0805 - DECISION

Thomas R. West, Administrative Law Judge with the Office of Administrative Hearings, declared Rule 15A NCAC 21D .0805 void as applied in *Glenn E. Davis/Davis Grocery, Petitioner v. N.C. Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, WIC Section, Respondent* (91 EHR 0694).

NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

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- AO - Administrative Order
- AG - Attorney General's Opinions
- C - Correction
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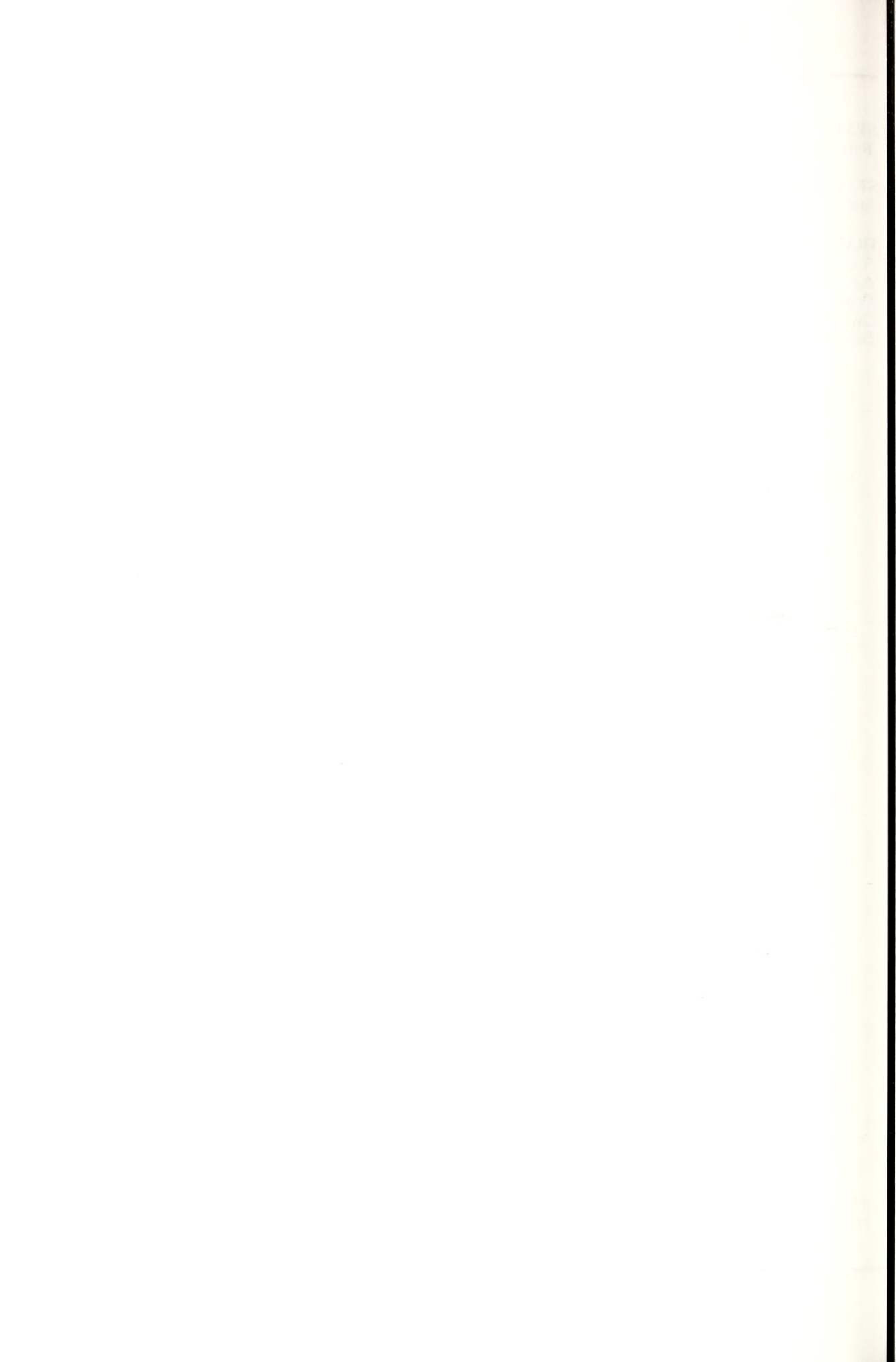
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