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NORTH CAROLINA REGISTER

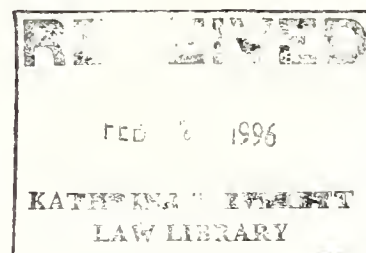
**VOLUME 10 • ISSUE 21 • Pages 2683 - 2815
February 1, 1996**


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Executive Order
Final Decision Letters
Environment, Health, and Natural Resources
Human Resources
Psychology Board
Revenue
Secretary of State
Social Work, Certification Board
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

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NORTH CAROLINA REGISTER



**Volume 10, Issue 21
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February 1, 1996

This issue contains documents officially
filed through January 10, 1996.

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NORTH CAROLINA REGISTER

Publication Schedule

(December 1995 - September 1996)

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volume and issue number	issue date	last day for filing	end of comment period	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact			
						end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	
10:17	12/01/95	11/07/95	01/30/96	02/01/96								
10:18	12/15/95	11/22/95	02/13/96	02/15/96								
10:19	01/02/96	12/07/95	03/04/96	03/15/96								
10:20	01/16/96	12/20/95	03/18/96	04/01/96								
10:21	02/01/96	01/10/96	04/01/96	04/15/96	02/16/96	03/04/96	03/20/96	05/13/96	04/01/96	04/22/96	01/30/97	01/30/97
10:22	02/15/96	01/25/96	04/15/96	05/01/96	03/01/96	03/18/96	03/20/96	05/13/96	04/15/96	04/22/96	01/30/97	01/30/97
10:23	03/01/96	02/09/96	04/30/96	05/01/96	03/18/96	04/01/96	04/22/96	01/30/97	04/30/96	05/20/96	01/30/97	01/30/97
10:24	03/15/96	02/23/96	05/14/96	05/15/96	04/01/96	04/15/96	04/22/96	01/30/97	05/14/96	05/20/96	01/30/97	01/30/97
11:01	04/01/96	03/11/96	05/31/96	06/03/96	04/16/96	05/01/96	05/20/96	01/30/97	05/31/96	06/20/96	01/30/97	01/30/97
11:02	04/15/96	03/22/96	06/14/96	07/01/96	04/30/96	05/15/96	05/20/96	01/30/97	06/14/96	06/20/96	01/30/97	01/30/97
11:03	05/01/96	04/10/96	07/01/96	07/15/96	05/16/96	05/31/96	06/20/96	01/30/97	07/01/96	07/22/96	01/30/97	01/30/97
11:04	05/15/96	04/24/96	07/15/96	08/01/96	05/30/96	06/14/96	06/20/96	01/30/97	07/15/96	07/22/96	01/30/97	01/30/97
11:05	06/03/96	05/10/96	08/02/96	08/15/96	06/18/96	07/03/96	07/22/96	01/30/97	08/01/96	08/20/96	01/30/97	01/30/97
11:06	06/14/96	05/23/96	08/13/96	08/15/96	07/01/96	07/15/96	07/22/96	01/30/97	08/13/96	08/20/96	01/30/97	01/30/97
11:07	07/01/96	06/10/96	08/30/96	09/03/96	07/16/96	07/31/96	08/20/96	01/30/97	08/30/96	09/20/96	01/30/97	01/30/97
11:08	07/15/96	06/21/96	09/13/96	09/16/96	07/30/96	08/14/96	08/20/96	01/30/97	09/13/96	09/20/96	01/30/97	01/30/97
11:09	08/01/96	07/11/96	09/30/96	10/01/96	08/16/96	09/03/96	09/20/96	01/30/97	09/30/96	10/21/96	01/30/97	01/30/97
11:10	08/15/96	07/25/96	10/14/96	10/15/96	08/30/96	09/16/96	09/20/96	01/30/97	10/14/96	10/21/96	01/30/97	01/30/97
11:11	09/03/96	08/12/96	11/04/96	11/15/96	09/18/96	10/03/96	10/21/96	01/30/97	11/04/96	11/20/96	01/30/97	01/30/97
11:12	09/16/96	08/23/96	11/15/96	12/02/96	10/01/96	10/16/96	10/21/96	01/30/97	11/15/96	11/20/96	01/30/97	01/30/97

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2B .0103 and the Rules of Civil Procedure, Rule 6.

GENERAL

- The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:
- (1) temporary rules;
 - (2) notices of rule-making proceedings;
 - (3) text of proposed rules;
 - (4) text of permanent rules approved by the Rules Review Commission;
 - (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
 - (6) Executive Orders of the Governor;
 - (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
 - (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
 - (9) other information the Codifier of Rules determines to be helpful to the public.

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

FILING DEADLINES

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

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

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

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

END OF REQUIRED COMMENT PERIOD

(1) **RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

(2) **RULE WITH SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

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

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

**EXECUTIVE ORDER NO. 93
NORTH CAROLINA/EASTERN BAND OF
CHEROKEE INDIANS
DEVELOPMENT TASK FORCE**

WHEREAS, the Eastern Band of Cherokee Indians plays a vital role in the economy and culture of North Carolina; and

WHEREAS, the Eastern Band of Cherokee Indians draws strength from their traditions dating back to the spirit of Sequoyah and Junaluska and the earliest days of the nation when the tribe was recognized as the most independent and prosperous of the Native American Indian Tribes; and

WHEREAS, the Eastern Band of Cherokee Indians and the six western counties of North Carolina (Cherokee, Clay, Graham, Jackson, Macon, and Swain) are facing great challenges in the area of economic development because of limited infrastructure, steep terrain and limited land for development purposes; and

WHEREAS, unemployment both on the Cherokee Reservation and in the adjacent counties is much higher than the state average; and

WHEREAS, per capita income both on the Cherokee Reservation and in the adjacent counties is much lower than the state average; and

WHEREAS, the poverty rate both on the Cherokee Reservation and in the adjacent counties is much higher than the state average.

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and laws of North Carolina and the United States, it is **ORDERED**:

Section 1. ESTABLISHMENT.

The North Carolina/Eastern Band of Cherokee Indians Economic Development Task Force is hereby established. It shall be comprised of twenty-eight members, twelve of whom shall be appointed by the Governor and twelve appointed by the Principal Chief of the Eastern Band of Cherokee Indians. Members shall serve for two years at the pleasure of the appointing authority. In addition to the appointed members, the following or their designees, shall

serve as ex-officio, non-voting members:

- (1) Regional Supervisor, U.S. Forest Service;
- (2) Superintendent, Blue Ridge Parkway;
- (3) Superintendent, Great Smoky Mountains National Park; and
- (4) Chairman of the Board, Tennessee Valley Authority.

The Governor and the Principal Chief shall each designate one of the voting members as co-chairpersons who shall preside jointly at each meeting.

Section 2. MEETINGS.

The Task Force shall meet quarterly or at the call of the co-chairpersons.

Section 3. DUTIES.

The Task Force shall have the following duties:

- (a) Develop an economic development strategy for the Eastern Band of Cherokee Indians;
- (b) Provide a forum for the discussion of issues concerning major business installations;
- (c) Promote cooperation and understanding between the Eastern Band of Cherokee Indians, the general public, and State, federal and local governments; and
- (d) Advise the Governor and Principal Chief on measures and activities which would support and assist the people of the Eastern Band and promote economic development.

Section 4. ADMINISTRATION.

Support staff for the Task Force shall be provided by the North Carolina Department of Commerce. Members shall serve without compensation, but may receive reimbursement, contingent upon the availability of funds, for travel and subsistence in accordance with N.C.G.S. 138-5, 138-6, and 120-3.1.

This Executive Order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina this 21st day of December, 1995.

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

U.S. Department of Justice

Civil Rights Division

Voting Section

P.O. Box 66128

Washington, D.C. 20035-6128

DLP:GS:KIF:emr
DJ 166-012-3
95-2087

December 21, 1995

Z. Creighton Brinson, Esq.
Taylor, Brinson & DeLoatch
P.O. Drawer 308
Tarboro, North Carolina 27886-0308

Dear Mr. Brinson:

This refers to Chapter 260 (1995), which increases the size of the board of county commissioners from five to seven, changes the method of election from at large to single-member districts, and specifies the districting plan and implementation schedule for Edgecombe County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your responses to our September 18, 1995, request for additional information on October 23 and 24, 1995.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Acting Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

Voting Section

P.O. Box 66128

Washington, D.C. 20035-6128

DLP:GS:EMP:jdp
DJ 166-012-3
95-2876

November 6, 1995

Z. Creighton Brinson, Esq.
Taylor, Brinson & DeLoatch
P.O. Drawer 308
Tarboro, North Carolina 27886-0308

Dear Mr. Brinson:

This refers to the creation of Edgecombe County Water and Sewer District No. 1 and the procedures for conducting the November 7, 1995, special bond election for the district in Edgecombe County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on September 8, 1995; supplemental information was received on October 21 and 24, 1995.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Acting Chief, Voting Section

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice of Rule-making Proceedings is hereby given by the DHR/Division of Medical Assistance in accordance with G.S. 150B-21.2(b). The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Rule Citation: 10 NCAC 26H .0506

Statutory Authority for the rule-making: 108A-25(b); 108A-54; 108A-55; 42 CFR 440.170(f)

Statement of the Subject Matter: *To amend reimbursement rules to add the payment method for public providers of non-medical inpatient institutions providing personal care services for Medicaid recipients also receiving State/County Special Assistance.*

Reason for Proposed Action: *This change is necessary to permit payment to the public providers. The original rule as written limits payments to private providers only.*

Comment Procedures: *Written comments concerning this rule-making action must be submitted by April 1, 1996, to Portia Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.*

**TITLE 10 - DEPARTMENT OF HUMAN
RESOURCES**

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the Social Services Commission intends to amend rule cited as 10 NCAC 411 .0102.

Proposed Effective Date: July 1, 1996

A Public Hearing will be conducted at 10:00 a.m. on Wednesday, March 6, 1996 at the Albemarle Building, 325 N. Salisbury Street, Room 943-2, Raleigh, NC 27603.

Reason for Proposed Action: This action is proposed in order to make this section of the North Carolina Administrative Code congruent with Federal Rules which govern the eligibility requirements for receipt of grant moneys through the Child Abuse Prevention and Treatment Act (P.L. 102-295). North Carolina has been notified by Federal authorities that grant moneys are jeopardized by non-compliance with Federal Codes.

Comment Procedures: Comments may be presented anytime before or at the public hearing or orally at the hearing. Time limits for oral remarks may be imposed by the Commission Chairman. Any person may request copies of this rule by calling or writing to Sharnese Ransome, Special Assistant, North Carolina Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603, 919/733-3055

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds.

CHAPTER 41 - CHILDREN'S SERVICES

SUBCHAPTER 41I - PROTECTIVE SERVICES

SECTION .0100 - GENERAL

**.0102 CONFIDENTIALITY: CENTRAL
REGISTRY: ABUSE AND NEGLECT CASES**

(a) Information submitted by county departments of social services to the central registry of abuse and neglect cases is confidential. Non-identifying statistical information and general information about the scope, nature and extent of the child abuse and neglect problem in North Carolina is not subject to this Rule of confidentiality.

(b) Access to the central registry of child abuse and neglect cases is restricted to:

- (1) staff of the Division of Social Services and staff of the Office of the Secretary of the Department of Human Resources who require access in the course of performing duties pertinent to management, maintenance and evaluation of the central registry and evaluation of and research into abuse and neglect cases reported in accordance

with G.S. Chapter 7A, Article 44. Management of the central registry includes the provision of information on a case by division staff to a North Carolina county department of social services or to an out-of-state social services agency to assure that protective services will be made available to such child and the child's family as quickly as possible to the end that such child will be protected and that further abuse or neglect will be prevented.

~~(2) individuals who may receive approval to conduct studies of cases in the central registry. Such approval must be requested in writing to the Director, Division of Social Services. The written request will specify and be approved on the basis of:~~

- ~~(A) an explanation of how the findings of the study have potential for expanding knowledge and improving professional practices in the area of prevention, identification and treatment of child abuse and neglect;~~
- ~~(B) a description of how the study will be conducted and how the findings will be used;~~
- ~~(C) a presentation of the individual's credentials in the area of critical investigation; and~~
- ~~(D) a description of how the individual will safeguard information.~~

~~Access will be denied when in the judgment of the Director the study will have minimal impact on either knowledge or practice.~~

(2) (3) the county director in order to identify whether a child who is the subject of an abuse, neglect or dependency investigation has been previously reported as abused or neglected, or whether a child is a member of a family in which a child fatality due to suspected abuse or neglect during the CPS investigative period has occurred in any county in the state. Information from the central registry shall be shared with law enforcement or licensed physicians or licensed physician extenders when needed to assist the county director in facilitating the provision of child protective services to assure that the child and the child's family will receive protective services as quickly as possible so that such child can be protected and further abuse, neglect or dependency prevented. Information shared from the central registry for child abuse and neglect will be limited to:

- (A) the child's name, date of birth, sex, race;
- (B) the county that investigated the report;
- (C) the type of maltreatment that was reported;
- (D) the case decision;
- (E) the date of the case decision;
- (F) the type of maltreatment found; and
- (G) the relationship of the perpetrator to the victim child.

- (3) (4) the Chief Medical Examiner's office and law enforcement in the event of a child fatality and there is a need to determine if their investigation or evaluation should consider child abuse, neglect or dependency as a factor in the death. Information will be limited to that outlined in Subparagraphs (b)(2)(A) - (G) of this Rule.

Authority G.S. 7A-544; 7A-552; 7A-675; 143B-10; 143B-153.

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

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2B - SURFACE WATER STANDARDS: MONITORING

SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

The Allen Creek hearing (15A NCAC 2B .0304) previously noticed in 10:16 NCR 1846-1848 has been postponed until April 16, 1996 at 7:00 p.m., at the Waynesville Town Hall (Board Room), 106 South Main Street, Waynesville, NC. This meeting was previously scheduled to be held on February 6, 1996.

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the NC Marine Fisheries Commission intends to amend rule cited as 15A NCAC 03J .0401 with changes from the proposed text noticed in the Register, Volume 10, Issue 14, pages 1344.

Proposed Effective Date: June 1, 1996

Reason for Proposed Action: Deletes expiration date on proclamation authority for restricting fishing gear to resolve user conflicts.

Comment Procedures: Written comments may be submitted to the Marine Fisheries Commission, P.O. Box 769, Morehead City, N.C. 28557. These written comments must be received no later than 10:30 a.m., March 18, 1996.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds.

SUBCHAPTER 3J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES

SECTION .0400 - FISHING GEAR

.0401 FISHING GEAR

(a) The Fisheries Director in order to address issues involving user conflicts may, by proclamation, close the areas described in Paragraph (b) of this Rule to the use of specific fishing gear.

(b) It is unlawful to use fishing gear as specified by proclamation at the time and dates specified in the proclamation between the Friday before Easter through December 31 in the following areas when such areas have been closed by proclamation:

- (1) All or part of the Atlantic Ocean, up to one-half mile from the beach;
- (2) Up to one-half mile in all directions of Oregon Inlet;
- (3) Up to one-half mile in all directions of Hatteras Inlet;
- (4) Up to one-half mile in all directions of Ocracoke Inlet;
- (5) Up to one-half mile of the Cape Lookout Rock Jetty;
- (6) Up to one-half mile in all directions of fishing piers open to the public;
- (7) Up to one-half mile in all directions of State Parks;
- (8) Up to one-half mile of marinas as defined by the Coastal Resources Commission.

(c) The Fisheries Director shall specify in the proclamation the boundaries of the closure through the use of maps, legal descriptions, prominent landmarks or other permanent type markers.

(d) The Fisheries Director shall hold a public meeting in the affected area before issuance of proclamations authorized by this Rule.

~~(e) This Rule will be in effect until July 1, 1996.~~

Authority G.S. 113-133; 113-134; 113-182; 113-221; 143B-289..4.

TITLE 17 - DEPARTMENT OF REVENUE

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the North Carolina Department of Revenue intends to amend rules cited as 17 NCAC 7B .1101, .1105, .1108 - .1110, .1112, .1114, .1123, .1602, .1701 - .1702, .1802, .2401, .4002, .4004, .4008, .4301, .4408, .4902; repeal 7B .2601.

Proposed Effective Date: May 1, 1996

Editor's Note: G.S. 150B-1(d)(4) exempts the Department of Revenue from Part 2 Article 2A of Chapter 150B with respect to the notice and hearing requirements. The Department will however publish the text of proposed rules in the North Carolina Register prior to the scheduled time of review by the Rules Review Commission.

Reason for Proposed Action:

17 NCAC 7B .1101, .1105, .1108 - .1110, .1112, .1114, .1123, .1602, .1702, .1802, .2401, .4002, .4004, .4008 - These rules are being amended to reflect changes made to the General Statutes as enacted by the 1995 General Assembly.

17 NCAC 7B .1701 - This rule is being amended to clarify that the Department of Transportation is not subject to sales or use tax.

17 NCAC 7B .2601 - This rule is being repealed to reflect changes made to the General Statutes as enacted by the 1995 General Assembly.

17 NCAC 7B .4301 - This rule is being amended to reflect changes made to the filing requirements of the Interstate Commerce Commission or the United States Department of Transportation.

17 NCAC 7B .4408 - This rule is being amended to delete a reference to Administrative Rule 17 NCAC 7B .4619 which has been repealed and to refer to G.S. 105-187.1 through 12.

17 NCAC 7B .4902 - This rule is being amended to reflect all applicable rates of tax.

Comment Procedures: Written public comment should be addressed to Jack L. Harper, Assistant Secretary for Tax Administration, PO Box 871, Raleigh, NC 27602-0871. Comments must be received by March 4, 1996.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds.

CHAPTER 7 - SALES AND USE TAX

SUBCHAPTER 7B - STATE SALES AND USE TAX

SECTION .1100 - SALES OF BULK TOBACCO BARN: FARM MACHINES AND MACHINERY

.1101 FARM MACHINES: MACHINERY: BULK TOBACCO BARN

(a) Sales to farmers of machines and machinery, and parts therefor or accessories thereto for use by them in planting, cultivating, harvesting or curing of farm crops including nursery or greenhouse stock and products of the forest, or to dairy operators, poultry farmers, egg producers, and commercial producers of animals ~~livestock farmers for use by them in the production of dairy products, poultry products, eggs, or livestock~~ are subject to the one percent rate of tax with a maximum tax of eighty dollars (\$80.00) per article of merchandise. Sales of machines and machinery, and the parts therefor or accessories thereto, to farmers for any purpose or use not defined in this Rule, or to any person other than a farmer as herein defined, even though for a use or purpose herein defined, are subject to the four percent state and any applicable local sales or use tax without limitation. In other words, to qualify for the one

percent rate of tax and the eighty dollar (\$80.00) maximum tax per article, the transaction must be a sale of a machine or machinery, or parts therefor or accessories thereto, to a farmer for one of the uses or purposes herein defined and unless all three conditions are met, the sale is subject to the four percent state and any applicable local sales or use tax without limit.

The sale to farmers of a bulk curing barn with perforated floors, curers, racks, fans, motors, dampers and flues will constitute the sale of one article and an eighty dollar (\$80.00) maximum tax will be applicable thereto.

Part I of the Farmer's Certificate, Form E-599, may be completed by a farmer or producer and accepted by a vendor as the authority for applying the one percent rate of tax, maximum eighty dollars (\$80.00) per article, on sales, leases or rentals of the following:

- (1) Farm machinery and parts and accessories thereto for use in planting, cultivating, harvesting or curing farm crops, including nursery or greenhouse stock and products of the forest, or for use in the production of dairy products, poultry, eggs, ~~livestock or livestock~~, fish or aquatic plants.
- (2) Bulk tobacco barns and racks and all parts and accessories thereto and similar apparatus used for curing and drying farm produce.
- (3) Grain, feed or soybean storage facilities and accessories thereto.
- (4) Containers for use in the planting, producing, harvesting, curing, marketing, packaging, sale, or transporting or delivery of products when such containers do not go with and become a part of the sale of products.

Part II of a Farmer's Certificate may be completed by a farmer or producer and accepted by a vendor as the authority for exempting from sales or use tax the following:

- (5) Wrapping paper, labels, wrapping twine, paper, cloth, plastic bags, cartons, packages and containers, wooden boxes, baskets, coops, barrels, and like articles sold to farmers and producers when such materials are used for packaging, shipment or delivery of tangible personal property which is sold either at wholesale or retail and when such articles constitute a part of the sale of such tangible personal property and are delivered with it to the customer.

When a customer makes a purchase and executes Part I or Part II of a Farmer's Certificate which is then furnished to the vendor, the vendor is relieved of the liability for any additional tax that is subsequently determined to be due and the purchaser has assumed liability for the tax. This is not the case if the vendor does not have a properly executed Form E-599 on file. In the absence of the certificate, the vendor can be held liable for any additional tax determined to be due on a transaction.

(b) The following are examples of sales of machines and machinery and the parts therefor and accessories thereto,

which qualify for the one percent rate of tax with the eighty dollars (\$80.00) maximum when sold to ~~general~~ farmers for use by them in planting, cultivating, harvesting or curing farm crops:

- (1) tractors,
- (2) plows,
- (3) harrows,
- (4) cultivators,
- (5) mowers,
- (6) planters,
- (7) corn pickers and snappers,
- (8) manure spreaders,
- (9) manure loaders,
- (10) harvester threshers,
- (11) rotary tillers,
- (12) fertilizer distributors,
- (13) wind-rowers,
- (14) forage blowers,
- (15) stalk cutters,
- (16) seeders,
- (17) grain loaders,
- (18) harvesters,
- (19) cotton pickers,
- (20) rotary hoes,
- (21) corn and hay elevators,
- (22) tobacco curers,
- (23) tobacco flues,
- (24) tobacco trucks or slides,
- (25) wagons,
- (26) non-highway trailers,
- (27) mechanical rakes,
- (28) balers,
- (29) rod weeders,
- (30) combines,
- (31) tobacco transplanters,
- (32) shredders for corn stalks,
- (33) power loader lifts,
- (34) platform carriers,
- (35) portable insecticide sprayers,
- (36) chain saws,
- (37) motor oils, greases, lubricants and anti-freeze;
- (38) hydraulic fluids.

(c) Examples of items which are subject to the four percent state and any applicable local sales or use tax when sold to farmers for general purposes:

- (1) lawn mowers;
- (2) snow plows;
- (3) oil storage tanks and fittings;
- (4) drainage tile;
- (5) paint, cleaning compounds and brushes;
- (6) baler twine;
- (7) tobacco sticks and tobacco twine;
- (8) tools for maintaining machinery and equipment;
- (9) plastic mulch, plant bed covers and tobacco canvas.

(d) The lists in Paragraphs (b) and (c) of this Rule are not intended to be exclusive, but are for illustrative purposes

only. If there is any question whatever as to the tax status of any item which does not appear therein, such question shall be submitted to the secretary, together with a detailed statement of the business of the purchaser, the design and structure of the article, and its use, to the end that the applicable rate of tax may be correctly determined.

(e) The word farmer as used in this Rule includes crop farmers, dairy operators, poultry farmers, egg producers, livestock farmers, nurserymen, greenhouse operators, farmers who raise fish or water plants, orchardmen and other persons coming within the generally accepted definition of the word. It does not include a person who merely cultivates a garden for personal use.

Authority G.S. 105-164.4; 105-164.6; 105-262.

.1105 ANIMAL CLIPPERS

Sales of animal clippers and parts therefor to ~~livestock~~ farmers for use in the commercial production of animals ~~livestock~~ are exempt from tax when such clippers are placed or installed in or affixed to any commercially manufactured facility, enclosure or structure used for commercial purposes in housing, raising or feeding ~~of livestock~~ animals.

Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262.

.1108 EGG COOLING CABINETS

Sales of egg cooling cabinets to be placed or installed in or affixed to any commercially manufactured facility, enclosure or structure specifically designed, constructed and used for commercial purposes for housing, raising or feeding poultry are exempt from sales or use tax.

Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262.

.1109 FEED MILLS

Sales of feed mills to be placed or installed in or affixed to any commercially manufactured facility, enclosure or structure specifically designed, constructed and used for commercial purposes for housing, raising or feeding animals ~~swine, livestock or poultry~~ are exempt from sales or use tax.

Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262.

.1110 COOLING FANS

Sales of cooling fans to be placed or installed in or affixed to any commercially manufactured facility, enclosure or structure specifically designed, constructed and used for commercial purposes for housing, raising or feeding animals ~~swine, livestock or poultry~~ are exempt from sales or use tax.

Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262.

.1112 SILO UNLOADERS: BARN CLEANERS

Sales of silo unloaders and mechanical barn cleaners to be placed or installed in or affixed to any commercially manufactured facility, enclosure or structure specifically designed, constructed and used for commercial purposes for housing, raising or feeding animals ~~swine, livestock or poultry~~ are exempt from sales or use tax.

Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262.

.1114 SCALES

Sales of scales to be placed or installed in or affixed to any commercially manufactured facility, enclosure or structure specifically designed, constructed and used for commercial purposes for housing, raising or feeding animals ~~swine, livestock or poultry~~ are exempt from sales or use tax.

Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262.

.1123 CERTAIN SALES TO COMMERCIAL ANIMAL FARMERS

For the purpose of this Rule, the word "animal" means ~~words "swine, livestock and poultry"~~ include swine, cattle, horses, mules, sheep, chickens, turkeys and other similar domestic ~~animals and~~ animals, fowl and fish ~~usually~~ held or produced ~~on a farm~~ for commercial purposes. The word "commercial" shall mean ~~"held or produced"~~ "produced" for income or profit." It does not include one who merely produces animals ~~swine, livestock or poultry~~ for one's personal use or consumption and not for sale. Commercial animal ~~swine, livestock or poultry~~ farmers, and contractors performing contracts with commercial animal ~~swine, livestock or poultry~~ farmers and subcontractors performing contracts with general contractors who contract with commercial animal ~~swine, livestock or poultry~~ farmers may obtain Commercial Animal Swine, Livestock and Poultry Farmers' Certificate, Form E-599S, from the Office Services Division, Taxpayer Assistance Section, North Carolina Department of Revenue, to be executed by them and furnished to their vendors in connection with such purchases as the vendor's authority to exempt such purchases from sales and use taxes. If a Form E-599S is properly executed, a vendor is relieved of liability for any additional tax found to be due with reference to any sales on which the vendor relied on the certificate and did not charge sales tax. By executing the certificate, the purchaser assumes liability for any sales tax subsequently determined to be due. The vendor is not protected in this manner without the certificate. Vendors that do not choose to use the Commercial Animal Swine, Livestock and Poultry Farmers' Certificate must maintain other written evidence adequate to support the conclusion that such sales are exempt from tax in accordance with the provisions of G.S. 105-164.13(4c).

Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262.

SECTION .1600 - SALES TO OR BY HOSPITALS: EDUCATIONAL: CHARITABLE OR RELIGIOUS INSTITUTIONS: ETC.: AND REFUNDS THERETO

.1602 REFUNDS TO NONPROFIT ENTITIES AND MEDICINES AND DRUGS PURCHASED BY HOSPITALS

(a) The refund provisions contained in this Rule do not apply to the tax on taxable sales by the nonprofit entities ~~institutions and organizations~~ named in G.S. 105-164.14(b) and no part thereof shall be refunded or claimed as a refund. Nonprofit entities ~~Institutions and organizations~~ properly registered for sales and use tax purposes may purchase the tangible personal property which they resell without paying tax thereon to their suppliers provided they have furnished such suppliers with properly executed Certificates of Resale, Form E-590. Certificates of resale may not be used by any nonprofit entity ~~institution or organization~~ in making purchases of tangible personal property to be used or consumed by such purchaser.

(b) All refund claims must be substantiated by proper documentary proof and only the taxes actually paid by the claimant during the period for which the claim for refund is filed may be included in the claim. Any local sales or use taxes included in the claim must be separately stated in the claim for refund. In cases where more than one county's tax has been paid, a breakdown must be attached to the claim showing the amount of each county's local tax separately.

(c) As to taxes paid on the claimant's purchases for use, other than those made by contractors performing work for the claimant, invoices or copies of invoices showing the property purchased, the cost thereof, the date of purchase and the amount of state and local sales or use tax paid during the refund period will constitute proper documentary proof.

(d) To substantiate a refund claim for sales or use taxes paid on purchases of building materials, supplies, fixtures and equipment by its contractor, the claimant must secure from such contractor certified statements setting forth the cost of the property purchased from each vendor and the amount of state and local sales or use taxes paid thereon. In the event the contractor makes several purchases from the same vendor, such certified statement must indicate the invoice numbers, the inclusive dates of the invoices, the total amount of the invoices and the sales and use taxes paid thereon. Such statement must also include the cost of any tangible personal property withdrawn from the contractor's warehouse stock and the amount of state and local sales or use tax paid thereon by the contractor. Similar certified statements by his subcontractors must be obtained by the general contractor and furnished to the claimant. Any local sales or use taxes included in the contractor's statements must be shown separately from the state sales or use taxes. The contractor's statements must not contain sales or use

taxes paid on purchases of tangible personal property by such contractors for use in performing the contract which does not annex to, affix to or in some manner become a part of the building or structure being erected, altered or repaired which is owned or leased by a nonprofit entity for use by a nonprofit entity for the institutions and organizations named in G.S. 105-164.14(b) for carrying on its nonprofit activities. Examples of property on which sales or use tax has been paid by the contractor and which shall not be included in the contractor's statement are scaffolding, forms for concrete, fuel for the operation of machinery and equipment, tools, equipment repair parts, equipment rentals and blueprints.

(e) The refund provisions set forth in this Rule apply only to the nonprofit entities institutions and organizations described in G.S. 105-164.14(b), but do not apply to nonprofit fraternal, civic or patriotic organizations, notwithstanding that such organizations may perform certain charitable functions. The refund provisions set forth in this Rule do not apply to nonprofit entities organizations, corporations and institutions which are owned and controlled by the United States, the state or a unit of local government except hospital facilities hospitals and medical accommodations created under the Hospital Authorities Law, Article 12 2 of Chapter 131 131E of the General Statutes and nonprofit hospitals owned and controlled by a unit of local government that elect to receive semiannual refunds under G.S. 105-164.14(b) instead of annual refunds under G.S. 105-164.14(c). Any nonprofit hospital owned and controlled by a unit of local government may submit a written request to receive semiannual refunds under G.S. 105-164.14(b) instead of annual refunds under G.S. 105-164.14(c). The request is effective beginning with the six-months refund period following the date of the request and applies to sales or use taxes paid on or after the first day of the refund period for which the request is effective.

(f) The refund provisions of this Rule are not applicable to sales taxes incurred by employees on purchases of food, lodging or other taxable travel expenses paid by employees and reimbursed by the type of nonprofit entities institutions and organizations named in G.S. 105-164.14(b). Such expenses are personal to the employee since the contract for food, shelter and travel is between the employee and the provider and payment of the tax is by the employee individually and personally. Such nonprofit entities institutions and organizations have not incurred and have not paid any sales tax liability. In such cases, it has chosen to reimburse a personal expense of the employee. The refund provisions of this Rule do not apply to sales tax paid by the nonprofit entities organizations and institutions named in G.S. 105-164.14(b) on charges by a utility for electricity, piped natural gas and local, toll or private telecommunications services; to the occupancy taxes levied and administered by certain counties and cities in this state; to the prepared food and beverage taxes levied by various local governments in North Carolina; to the highway use taxes paid on the purchase, lease or rental of motor vehicles; to the scrap tire

disposal tax levied on new motor vehicle tires; or to the white goods disposal tax levied on new white goods. Such taxes shall not be included in any claim for refund filed by such nonprofit entities, institutions and organizations.

Authority G.S. 105-164.14; 105-262; 105-264.

SECTION .1700 - SALES TO OR BY THE STATE: COUNTIES: CITIES: AND OTHER POLITICAL SUBDIVISIONS

.1701 GOVERNMENTAL SALES AND PURCHASES

(a) Sales to the State of North Carolina, counties, cities and political subdivisions or agencies thereof, except sales to the Department of Transportation, of:

- (1) tangible personal property not specifically exempt by statute for the purpose of use or consumption are subject to the four percent state tax and any applicable local sales or use tax;
- (2) piped natural gas, electricity and local telecommunications services are subject to the three percent state tax; and
- (3) the gross receipts derived from intrastate toll and private telephone services are subject to the six and one-half percent state tax.

The exemption for the Department of Transportation does not extend to sales of tangible personal property to contractors for use in the performance of contracts with the Department of Transportation nor to sales of tangible personal property to other state agencies, local governments or employees of the Department of Transportation. Sales of building materials, supplies, fixtures and equipment to contractors for use in the performance of contracts with the federal government or any above referred to governmental units or agencies are also subject to the sales or use tax.

(b) When the State of North Carolina, counties, cities, towns, and political subdivisions or any agencies ~~thereof~~ thereof, with the exception of the Department of Transportation, make taxable purchases of tangible personal property from a North Carolina supplier or registered out-of-state supplier who charges the North Carolina and any applicable local sales or use tax thereon, such governmental unit or agency must remit the tax on such purchases to the supplier. Any such governmental unit or agency making taxable purchases of tangible personal property from an out-of-state supplier who does not collect the North Carolina and any applicable local sales or use tax thereon is required to register with the department and remit monthly the tax due on such purchases. Any governmental unit or agency so required to register which does not owe any tax for a given month shall file a report reflecting no tax due.

(c) If any governmental unit or agency referred to in Paragraph (b) of this Rule makes taxable retail sales of tangible personal property, it must register with the department and collect and remit the tax due on such sales. The refund provisions contained in G.S. 105-164.14(c) do not

apply to the tax on such sales and no part thereof shall be refunded or claimed as a refund. Governmental units and agencies properly registered for sales and use tax purposes may purchase the tangible personal property which they resell without paying tax thereon to their suppliers provided they have furnished such suppliers with properly executed Certificates of Resale, Form E-590. Certificates of resale may not be used by any governmental unit or agency herein referred to, or by any other vendee, in making purchases of tangible personal property to be used or consumed by such purchaser.

Authority G.S. 105-164.4; 105-164.6; 105-262.

.1702 REFUNDS TO COUNTIES: CITIES: ETC.

(a) Governmental entities, as defined by G.S. 105-164.14(c), are entitled to an annual refund of sales and/or use taxes paid by them on their direct purchases of tangible personal property, subject to the terms and conditions hereafter set forth. The refund provisions of this Rule are not applicable to sales taxes incurred by employees on purchases of food, lodgings or other taxable travel expenses paid by employees and reimbursed by governmental entities. Such expenses are personal to the employee since the contract for food, shelter and travel is between the employee and the provider and payment of the tax is by the employee individually and personally. The governmental entity has not paid any sales tax liability. In such cases, it has chosen to reimburse a personal expense to the employee. The refund provisions of this Rule do not apply to sales taxes paid by the governmental entities ~~organizations and institutions~~ named in G.S. 105-164.14(c) on charges by a utility for electricity, piped natural gas and local, toll or private telecommunications services; to the occupancy taxes levied and administered by certain counties and cities in this state; to the prepared food and beverage taxes levied by various local governments in North Carolina; to the highway use taxes paid on the purchase, lease or rental of motor vehicles; to the scrap tire disposal tax levied on new motor vehicle tires; or to the white goods disposal tax levied on new white goods. Governmental entities, as defined, and the Federal Government are entitled to annual refunds of sales and/or use taxes paid in North Carolina by their contractors on purchases of building materials, supplies, fixtures and equipment which become a part of or are annexed to any building or structure being erected, altered or repaired under contract with such governmental entities which is owned or leased by such governmental entities for their use.

Nonprofit hospitals owned and controlled by a unit of local government may file claims for refund of sales and use taxes on a semiannual basis under the provisions of G.S. 105-164.14(b) rather than file annually as a part of the local government. In order to file semiannually, the hospital must submit a written request to the Secretary of Revenue and the request will be effective beginning with the six-month refund period following the date of the request

and applies to sales and use taxes paid on or after the first day of the refund period for which the request is effective.

(b) All refund claims must be substantiated by proper documentary proof and only those taxes actually paid by the claimant during the fiscal year covered by the refund claim may be included in the claim. Any local sales or use taxes included in the claim must be separately stated in the claim for refund. In cases where more than one county's sales and use tax has been paid, a breakdown must be attached to the claim for refund showing the amount of each county's local tax separately.

(c) As to taxes paid by governmental entities on purchases for use, other than those made by contractors performing work for the claimant, invoices or copies of invoices showing the property purchased, the cost thereof, the date of purchase, the amount of state and local sales or use tax paid thereon and a record reflecting the date of payment will constitute proper documentary proof.

(d) To substantiate a refund claim for sales or use taxes paid on purchases of building materials, supplies, fixtures, and equipment by its contractor, the claimant must secure from such contractor certified statements setting forth the cost of the property purchased from each vendor and the amount of state and local sales or use taxes paid thereon. In the event the contractor makes several purchases from the same vendor, such certified statement must indicate the invoice numbers, the inclusive dates of the invoices, the total amount of the invoices, and the state and local sales and use taxes paid thereon. Such statement must also include the cost of any tangible personal property withdrawn from the contractor's warehouse stock and the amount of state and local sales or use tax paid thereon by the contractor. Similar certified statements by his subcontractors must be obtained by the general contractor and furnished to the claimant. Any local sales or use taxes included in the contractor's statements must be shown separately from the state sales or use taxes. The contractor's statements must not contain sales or use taxes paid on purchases of tangible personal property purchased by such contractors for use in performing the contract which does not annex to, affix to or in some manner become a part of the building or structure being erected, altered or repaired that is owned or leased by a governmental entity for use by the governmental entity ~~entities~~ as defined by G.S. 105-164.14(c). Examples of property on which sales or use tax has been paid by the contractor and which shall not be included in the contractor's statement are scaffolding, forms for concrete, fuel for the operation of machinery and equipment, tools, equipment repair parts, equipment rentals and blueprints.

Authority G.S. 105-164.14; 105-262.

SECTION .1800 - HOSPITALS AND SANITARIUMS

.1802 REFUNDS TO HOSPITALS: ETC.

(a) Hospitals, sanitariums, religious institutions and

organizations, charitable nursing homes, and charitable rest homes not operated for profit are entitled to semiannual refunds of sales and/or use taxes paid by them on their direct purchases of tangible personal property, including medicines and drugs, for use in carrying on their work. For the purpose of the refund, sales or use taxes paid by contractors on their purchases of building materials, supplies, fixtures and equipment which become a part of or are annexed to a building or structure being erected, altered or repaired under contract with such hospitals, sanitariums, charitable nursing homes and charitable rest homes that is owned or leased by such institutions and used for use in carrying on their nonprofit activities are deemed to be taxes paid on direct purchases.

(b) As to taxes paid on purchases for use other than those made by contractors performing work for the claimant, invoices or copies of invoices showing the property purchased, the cost thereof, the date of purchase and the amount of sales or use tax paid thereon during the refund period will constitute proper documentary proof. To substantiate a refund claim for sales or use taxes paid on purchases of building materials, supplies, fixtures and equipment by its contractor, the claimant must secure from such contractor certified statements setting forth the cost of the property purchased from each vendor and the amount of sales and use taxes paid thereon. In the event the contractor makes several purchases from the same vendor, the certified statements may indicate the invoice numbers, the inclusive dates of the invoices, the total amount of the invoices and the sales or use taxes paid thereon in lieu of an itemized listing of each separate invoice. The statements must also include the cost of any tangible personal property withdrawn from the contractor's warehouse stock and the amount of sales or use tax paid thereon by the contractor. Similar certified statements by his subcontractors must be obtained by the general contractor and furnished to the claimant.

(c) Sales and/or use taxes paid by hospitals, sanitariums, charitable nursing homes and charitable rest homes which are agencies of counties and incorporated cities and towns on their direct purchases of tangible personal property, including medicines and drugs, and by their contractors on purchases of building materials, supplies, fixtures and equipment becoming a part of or annexing to a building or structure being erected, altered or repaired under contract with such institutions that is owned or leased by such institutions for their own use are also refundable; however, such refund must be included in the claim filed by the county or incorporated city or town which is to be filed within six months after the close of the claimant's fiscal year. The documentary proof as explained in Paragraph (b) of this Rule shall be submitted to the county or incorporated city or town filing the claim. The refund provisions are not applicable to hospitals, sanitariums, charitable nursing homes and charitable rest homes which are agencies of the state or any political subdivisions thereof other than counties and incorporated cities and towns. Nonprofit hospitals owned and controlled by a unit of local government may file

for a refund on a semiannual basis under G.S. 105-164.14(b) rather than file annually as a part of the local government unit. In order to file semiannually, the institution must submit a written request to do so to the Secretary of Revenue and the request is effective beginning with the six-months refund period following the date of the request and applies to sales and use tax paid on or after the first day of the refund period for which the request is effective.

(d) The refund provisions set forth in Paragraphs (a), (b) and (c) of this Rule are not applicable to taxes paid by hospitals, sanitariums, religious institutions and organizations, charitable nursing homes and charitable rest homes on their taxable sales and these taxes shall not be refunded or claimed as a refund. The refund provisions are not applicable to sales tax incurred by employees on purchases of food, lodgings or other taxable travel expenses paid by employees and reimbursed by the institution. Such expenses are personal to the employee since the contract for food, shelter and travel is between the employee and the provider and payment of the tax is by the employee individually and personally and such tax shall not be refunded under the provisions of this Rule. The institution has incurred and paid no sales tax liability. In such cases, it has chosen to reimburse a personal expense of the employee.

(e) The refund provisions set forth in Paragraphs (a), (b) and (c) of this Rule are not applicable to sales taxes paid by hospitals, sanitariums, charitable nursing homes and charitable rest homes on charges by a utility for electricity, piped natural gas and local, toll or private telecommunications services; to the occupancy taxes levied and administered by certain counties and cities in this state; to the prepared food and beverage taxes levied by various local governments in North Carolina; to the highway use taxes paid on the purchase, lease or rental of motor vehicles; to the scrap tire disposal tax levied on new motor vehicle tires; or to the white goods disposal tax levied on white goods.

Authority G.S. 105-164.14; 105-262; 105-264.

SECTION .2400 - VETERINARIANS

.2401 SALES TO VETERINARIANS

(a) Veterinarians are engaged in rendering professional services and are the users or consumers of medicines or drugs and other tangible personal property which they purchase for use in administering treatment to animals. Purchases by veterinarians of medicines or drugs for use in the treatment of pets, such as birds, dogs and cats, are subject to the four percent state tax and any applicable local sales or use tax notwithstanding such medicines and drugs may be of the type usually sold on the prescription of a veterinarian. Veterinarians shall remit the tax due on such purchases to their suppliers who collect and remit North Carolina sales and/or use taxes. When such purchases are made from out-of-state suppliers who do not collect and remit the applicable sales or use tax, the veterinarians are liable for remitting the use tax due thereon directly to the

North Carolina Department of Revenue. Purchases and sales by veterinarians of medicines and drugs for use in the treatment of animals, livestock and poultry, including cattle, horses, mules, sheep, chickens, turkeys and other domestic animals usually found on a farm, and other animals or poultry held or produced for commercial purposes are exempt from sales or use tax.

(b) Veterinarians who make purchases of medicines or drugs for use in the treatment of animals livestock, poultry and pets, and by reason of the multiple uses to be made of the medicines or drugs cannot determine the application of tax thereto until they are used may, in connection with such purchases, furnish Veterinarian's Certificate, Form E-567, to their vendors and assume liability for payment of the applicable tax to the Secretary of Revenue on that portion which is used in the treatment of pets. Veterinarians making purchases pursuant to a Veterinarian's Certificate, Form E-567, must register with the Department for the purpose of remitting the use tax due on that portion of such medicines and drugs used in treating pets. The certificate must be prepared in duplicate and copies retained by the veterinarian and the vendor as a part of their permanent records. Vendors that do not choose to use the Veterinarian's Certificate, Form E-567, shall maintain other evidence in writing adequate to support the conclusion that such sales are exempt from tax in accordance with the provisions of G.S. 105-164.13(2).

(c) Sales to veterinarians of medical supplies, including such items as cotton, gauze, adhesive tape, bandages and other dressings and medical instruments and equipment, such as knives, needles, scissors, microscopes, x-ray machines and other laboratory equipment used for testing and diagnosis, and for the prevention, treatment or cure of diseases in animals are subject to the four percent state tax and any applicable local sales or use tax.

Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262.

SECTION .2600 - LIABILITY OF CONTRACTORS: USE TAX ON EQUIPMENT BROUGHT INTO STATE: BUILDING MATERIALS

.2601 USE TAX ON EQUIPMENT BROUGHT INTO STATE

(a) ~~The use tax established by G.S. 105-164.6(g) shall be computed on the basis of such proportion of the original purchase price of such property as the duration of time of use in this state bears to the total useful life thereof. For the purposes of this Paragraph, the word "use" shall mean and include use, storage, consumption and stand-by time occasioned by weather conditions, controversies or other causes, it being the intention of this Paragraph that the tax shall be computed upon the basis of the relative time each item of equipment is in this state rather than upon the basis of actual use.~~

(b) ~~Before any property subject to the use tax is brought~~

~~into this state for use as provided above, the owner, or, if the property is leased, the lessee shall register with the Sales and Use Tax Division of the North Carolina Department of Revenue. After registering, the taxpayer shall file monthly reports on forms furnished by the Secretary of Revenue reporting such property brought, imported or caused to be brought into this state during the preceding calendar month, together with remittance of the amount of tax due. Such reports are to be filed on or before the 15th of the month following the month in which such property was brought into this state.~~

~~Monthly reports filed pursuant to this Rule shall be accompanied by a schedule listing the property included in the report and showing the original cost price, duration of time of use in this state, total useful life, and the taxable amount for each item.~~

~~The taxable amount on each item of property shall be computed by multiplying the original purchase price by the duration of time of use in this state and dividing the result by the total useful life, expressed in the same units of time as the duration of time of use in this state, as follows:~~

$$\frac{\text{Original purchase price} \times \text{Duration of time of use in this state}}{\text{Total useful life}} = \text{Taxable amount}$$

~~In the absence of satisfactory evidence as to the period of use intended in this state, it will be presumed that such property will remain in this state for the remainder of its useful life, which shall be determined in accordance with the experiences and practices of the building and construction trades. Any taxpayer who claims a greater estimated useful life for a given piece of equipment than that suggested by the Internal Revenue Service in Publication 534 for depreciation purposes shall set forth his reasons therefor.~~

(e) ~~When a taxpayer determines that he will have no further liability for use tax, he shall so advise the Department at the time his final monthly report is filed.~~

(d) ~~Nothing in this Rule shall be so construed as to relieve any taxpayer of liability for sales or use tax levied on sales or purchases of tangible personal property for use, storage or consumption in this state under other provisions of the Sales and Use Tax Article of the Revenue Act. In addition to the use tax as provided in this Rule, taxpayers are liable for sales or use tax on all other tangible personal property purchased for use, storage or consumption in this state.~~

Authority G.S. 105-164.6; 105-262.

SECTION .4000 - FERTILIZER: SEEDS: FEED AND INSECTICIDES

.4002 FERTILIZER AND SEEDS

(a) Sales of seeds are exempt from sales and use tax. The term "seeds" shall mean seeds in their generally accepted sense and includes flower seed, sets, tubers, roots,

tobacco plants, tomato plants, pepper plants, egg plants, potato plants, and other small plants that are raised in beds or hothouses for transplanting. The term "seeds" shall not include potted plants, trees, shrubs, cut flowers and other larger plants.

(b) Sales of commercial fertilizer on which the inspection tax is paid are exempt from the sales and use tax. Sales of lime and land plaster for agricultural purposes whether the inspection tax is paid or not are exempt from sales and use tax.

(c) The term "agricultural," as used in this Rule, means cultivating the soil for the production of crops for sale in the regular course of business; the production of ~~animals poultry or livestock~~ for sale in the regular course of business; or the holding and management of ~~poultry or~~ animals for the production of ~~poultry and~~ animal products for sale in the regular course of business. It includes beekeepers, dairy operators, poultry farmers, egg producers, livestock farmers, nurserymen, greenhouse operators, orchardmen and other persons engaged in the commercial production of plants and animals ~~business of producing agricultural products~~ as described in this Rule for sale in the regular course of business. It does not include someone who merely cultivates the soil for the ornamental effects nor does it include home gardening or commercial activities other than the types described in this Rule.

Authority G.S. 105-164.13; 105-262.

.4004 INSECTICIDES: HERBICIDES: ETC.

(a) Sales of rodenticides, insecticides, herbicides, fungicides and pesticides, as herein defined, for use in the commercial production of animals or plants ~~livestock, poultry and agriculture~~ are not subject to the sales or use tax. For the purpose of this Rule the above items are defined as follows:

- (1) Insecticide means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects.
- (2) Fungicide means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi or plant disease.
- (3) Herbicide means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.
- (4) Rodenticide means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents.
- (5) Pesticide means any substance used to kill rats, mites, insects, fungi and bacteria.

(b) Herbicides are exempt only when used as weed killers for the commercial production of plants ~~agricultural purposes~~. The other items herein defined are exempt only when purchased for the commercial production of plants ~~agricultural use~~ or to spray, dust, dip, fumigate or otherwise protect animals held or produced for commercial purposes

~~livestock and poultry~~ or their quarters against insects, diseases or rodents.

Authority G.S. 105-164.13; 105-262.

.4008 BREAD USED FOR FEED

Bulk sales of bread for use as feed for animals held or produced for commercial purposes ~~livestock and poultry~~ are exempt from tax. Bakeries or stores making such sales must show on the sales invoices that the bread is being sold as feed and must reflect the name and address of the purchaser. If records are not kept supporting sales of this type, such sales will be considered taxable.

Authority G.S. 105-164.13; 105-262.

SECTION .4300 - REFUNDS TO INTERSTATE CARRIERS

.4301 REFUNDS TO INTERSTATE CARRIERS

(a) Any person engaged in transporting persons or property in interstate commerce for compensation who is subject to regulation by, and to the jurisdiction of, the Interstate Commerce Commission or the United States Department of Transportation and who is required by either ~~such~~ federal agency to keep records according to its generally accepted accounting principals (GAAP) standard classification of accounting or, in the case of a small certified air carrier, is required by the United States Department of Transportation to make reports of financial and operating ~~statistics, statistics is an interstate carrier. An interstate carrier may secure from the Secretary of Revenue a refund of the North Carolina state and county sales or use tax paid by such person on purchases or acquisitions of lubricants, repair parts and accessories in this state for motor vehicles, railroad cars, locomotives and airplanes operated by such person. Class I, II and III common and contract carriers are under the jurisdiction of the Interstate Commerce Commission; however, Class III common and contract carriers are not required to keep records according to the Interstate Commerce Commission's standard classification of accounting and are not entitled to a refund under the provisions of this Rule.~~ Persons not meeting all of the requirements in this Rule are not entitled to a refund under the provisions of this Rule. The highway use tax levied under Article 5A of Chapter 105 of the General Statutes ~~is not refundable under the provisions of this Rule~~ and the fee levied on new motor vehicle tires by the Scrap Tire Disposal Act are ~~is~~ not refundable under the provisions of this Rule.

- (1) The following are items of tangible personal property which may be included in purchases on line 4 of the application for refund, Form E-581, filed by interstate carriers:

- (A) antennas;
- (B) antifreeze;
- (C) bedding for motor vehicle sleeping compart-

ments;

- (D) charts for tachographs;
- (E) decals for motor vehicles;
- (F) emergency flares and reflectors;
- (G) fire extinguishers;
- (H) freon or nitrogen used in refrigerating and cooling motor vehicles;
- (I) furniture pads;
- (J) lifeboats and oxygen masks;
- (K) load jacks and chains;
- (L) mobile CB radios;
- (M) motor vehicle seat cushions;
- (N) paints for decals;
- (O) polyethylene liners (used to waterproof trailers);
- (P) pouches for registration cards and permits;
- (Q) radios;
- (R) ramp equipment (aircraft steps used to embark or disembark aircraft);
- (S) ropes and chains to tie down cargo (adapted for use on motor vehicles; otherwise not allowed);
- (T) signs (metal signs attached to trucks);
- (U) tarpaulins;
- (V) tire chains;
- (W) tire and tubes;
- (X) welding rods for repair of motor vehicles;
- (Y) windshield solvents;
- (Z) zipped covers for grills.

- (2) The following are purchases of items of tangible personal property which shall not be included in the claim:

- (A) drivers' gloves;
- (B) drivers' uniforms;
- (C) food trays (airplanes);
- (D) fork lift tires and parts;
- (E) gauges for testing equipment;
- (F) hand trucks;
- (G) license and inspection fees;
- (H) pallets;
- (I) pillows (airplanes);
- (J) repair labor;
- (K) road service charges;
- (L) security seals;
- (M) sixty percent on recapped tires where forty percent of the combined price is taxed (17 NCAC 7B .1901);
- (N) tire volume discounts;
- (O) tools, shop supplies;
- (P) trip logs;
- (Q) wax and washing supplies.

- (3) The lists in this Rule are not intended to be exclusive, but are for illustrative purposes only. If there is any question as to whether or not any item which does not appear therein should be included in total purchases on line 4 of the application for refund, a ruling on such items

may be obtained from the Sales and Use Tax Division.

(b) The Secretary shall compute the North Carolina sales or use tax which would be due with respect to all lubricants, repair parts and accessories acquired during the refund period as though all such purchases were made in this state but only on such proportion of the total purchase prices thereof as the total number of miles of operation of such applicant's motor vehicles, railroad cars, locomotives and airplanes within this state bears to the total number of miles of operation of such applicant's motor vehicles, railroad cars, locomotives and airplanes within and without this state, and such amount of sales and use tax as the applicant has paid in this state during said refund period in excess of the amount so computed shall be refunded to the applicant.

(c) The Secretary shall compute the county sales or use tax which would be due with respect to all lubricants, repair parts and accessories acquired during the refund period in the same manner as the state sales and use tax set out in Paragraph (b) of this Rule.

(d) Application for refund forms will be furnished by the Secretary of Revenue and shall be signed by a duly authorized person and notarized. Claims shall be filed quarterly within 60 days from the close of each quarter ending in March, June, September and December of each year covering the purchases or acquisitions during the preceding quarter of lubricants, repair parts and accessories for motor vehicles, railroad cars, locomotives and airplanes. Any claim not filed during the period specified above will not be allowed unless an extension of time has been granted, in which case the claim must be filed during the extended period.

(e) The application for refund shall show, in addition to all other required information, the total number of miles of operation of motor vehicles, railroad cars, locomotives and airplanes within and without this state, the total number of miles of operation of motor vehicles, railroad cars, locomotives and airplanes in this state, the total purchase price of lubricants, repair parts and accessories for motor vehicles, railroad cars, locomotives and airplanes and the total amount of North Carolina state and county sales and use tax paid on such purchases. Any sales or use tax paid to state or local taxing authorities must be excluded from total purchases as shown on line 4 of the application for refund. The amount of purchases of accessories attached to motor vehicles at the time of purchase on which the highway use tax was paid shall not be included in total purchases on line 4 of the refund form. The application for refund form contains the procedure prescribed for computing the amount of the refund and the information necessary to complete such application. Records, upon which the application for refund is based, must be maintained in such manner as to enable a representative of the Department of Revenue to accurately and conveniently verify the correctness of the applicant's statements. The application for refund shall be completed in triplicate and two copies returned to the North Carolina Department of Revenue, Office Examination Division,

Raleigh, North Carolina, within the time prescribed herein. After a representative of the Department has verified the correctness of the application for refund, a voucher for the amount due, if any, will be issued.

(f) Nothing in this Rule shall be so construed as to relieve any taxpayer of liability for remitting sales or use tax on taxable purchases of lubricants, repair parts and accessories for motor vehicles, railroad cars, locomotives and airplanes.

Authority G.S. 105-164.14; 105-262.

SECTION .4400 - LEASE OR RENTAL

.4408 LEASES: OUT OF STATE NEGOTIATIONS

Lessors of motor vehicles may elect to pay the highway use tax to the Commissioner of Motor Vehicles when applying for a certificate of title for a motor vehicle purchased for lease or rental or they may collect and remit to the Secretary of Revenue the alternate gross receipts tax on the lease or rental receipts derived therefrom. Refer to G.S. 105-187.1 through 12 for the provisions of the highway use tax and alternate gross receipts tax rates on motor vehicles. To make the election to collect and remit the tax on rental receipts, the lessor must complete a Form MVR 608 (Rev. 10-99) provided by the Division of Motor Vehicles at the time of applying for a certificate of title. Once made, an election is irrevocable for that motor vehicle. If North Carolina Lessors lease motor vehicles to out-of-state lessees to be located, domiciled or assigned in this state for use in interstate operations, the lessors are required to remit the highway use tax to the Commissioner of Motor Vehicles when applying for a certificate of title for the vehicles or collect and remit the alternate gross receipts tax on the lease or rental receipts notwithstanding that the lease may be negotiated outside North Carolina or that the vehicles are delivered to the lessees at a point outside this state or are registered outside this state. If North Carolina lessors lease motor vehicles to out-of-state lessees for use exclusively in a state other than North Carolina and deliver the vehicles to the lessees at a point outside this state, the lessor is not liable for the highway use tax on the vehicle or the alternate gross receipts tax on the lease receipts.

Authority G.S. 105-164.4; 105-164.13; 105-262.

SECTION .4900 - TRANSPORTATION CHARGES

.4902 SHIPMENTS FROM WITHIN NORTH CAROLINA

(a) Freight, delivery or other transportation charges made or paid in connection with the sale or purchase of tangible personal property are subject to the applicable ~~four percent~~ state tax and any applicable local sales or use tax when the shipment originates within this state unless title to the transported property passes to the vendee at the point of origin, or the sale of the property being transported is

exempt from sales and use tax. Except as provided by Paragraph (c) of this Rule, or unless the terms of the sale dictate otherwise, title to property being transported is deemed to have passed to the purchaser at the point of origin only when:

- (1) The vendor delivers the property to a common carrier acting in his capacity as such, including the U.S. Mails, for delivery to the vendee. If property is sold and the vendor contracts for delivery with a carrier other than a common carrier, unless the sale dictates to the contrary, title remains with the vendor. If the vendee contracts with a contract carrier, it becomes the vendee's property when the contract carrier takes delivery; or
- (2) The vendor delivers the property to the vendee or his agent for transportation by the vendee or his agent.

A common carrier is any person who transports persons or property for the general public for hire. A contract carrier is a person operating under an individual contract or agreement with another person to transport persons or property for hire.

(b) Except as provided by Paragraph (a) of this Rule, when the vendor prepays transportation charges connected with the taxable sale or purchase of tangible personal property, the tax shall be computed on the total amount charged for the property and for transporting the same, even though the transportation charges are billed separately or are separately stated on the invoice for the property.

(c) In the case of so-called delivered price shipments or shipments FOB the place of destination, the sales and use tax must be computed on the delivered price without any deduction for transportation charges included therein. When tangible personal property the sale or purchase of which is subject to tax is delivered freight prepaid and allowed or freight collect and allowed, the sales or use tax must be computed on the total sales or purchase price of the property before any allowance for transportation charges is deducted.

Authority G.S. 105-164.12; 105-262.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 54 - PSYCHOLOGY BOARD

Due to adverse weather conditions, the North Carolina Psychology Board continued the rule making hearing which was published in 10:16C NCR 2111-2124. The hearing will be continued at 2:00 p.m. on Thursday, February 22, 1996 at the Howard Johnson Coliseum, 3030 High Point Road, Greensboro, N.C.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the *North Carolina Register* serves as a notice of rule-making proceedings for a permanent rule that does not differ substantially from the published temporary rule.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Rule-making Agency: *Division of Facility Services*

Rule Citation: *10 NCAC 3R .3001, .3010, .3020, .3030, .3032, .3040, .3050*

Effective Date: *January 1, 1996*

Findings Reviewed by the Codifier of Rules: *Approved 10 NCAC 3R .3001, .3010, .3020, .3030 (1)-(7) and (8)(e)-(h), .3032, .3040 and .3050 as submitted. Disapproved proposed amendments to Rule .3030(8)(a), (b), (c), and (d) and returned to the agency.*

Statutory Authority for the rule-making: *131E-176(25); 131E-177(1); 131E-183(b)*

Reason for Proposed Action: *Establish rules for the 1996 State Medical Facilities Plan.*

Comment Procedures: *Written comments should be submitted to Jackie Sheppard, APA Coordinator, PO Box 29530, Raleigh, NC 27626-0530.*

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

SECTION .3000 - STATE MEDICAL FACILITIES PLAN

.3001 CERTIFICATE OF NEED REVIEW CATEGORIES

The agency has established nine categories of facilities and services for certificate of need review and will determine the appropriate review category or categories for all applications submitted pursuant to 10 NCAC 3R .0304. For proposals which include more than one category, the agency 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. The review of an application for a certificate of need will commence in the next review schedule after the application has been determined to be complete. The nine categories of facilities and services are:

- (1) Category A. Proposals for acute health service facilities, except those proposals included in Categories B through H, including but not limited to the following types of projects: renovation, construction, equipment, and acute care services.
- (2) Category B. Proposals for long-term nursing facility and new continuing care facilities applying for exemption under 10 NCAC 3R .3050(b)(2).
- (3) Category C. Proposals for new psychiatric facilities; psychiatric beds in existing health care facilities; new intermediate care facilities for the mentally retarded (ICF/MR) and ICF/MR beds in existing health care facilities; new substance abuse and chemical dependency facilities; substance abuse and chemical dependency beds in existing health care facilities.
- (4) Category D. Proposals for ~~new or expanded end-stage renal disease treatment facilities~~ dialysis stations in response to the "county need" or "facility need" methodologies; and relocations of existing dialysis stations to another county.
- (5) Category E. Proposals for new or expanded inpatient rehabilitation facilities and inpatient rehabilitation beds in other health care facilities; and new or expanded ambulatory surgical facilities except those proposals included in Category H.
- (6) Category F. Proposals for new home health agencies or offices, new hospice home care programs, new hospice inpatient beds, and new hospice residential beds.
- (7) Category G. Proposals for converting hospital beds to nursing care under 10 NCAC 3R .3050(b)(1); and for ~~demonstration projects designated in the SMFP~~ new dialysis stations as the result of "adjusted need determinations" for Dare and Carteret counties.

- (8) Category H. Proposals for bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, cardiac angioplastie angioplasty equipment, cardiac catheterization equipment, heart-lung bypass ~~machine~~, machines, gamma knife, knives, lithotriptors, magnetic resonance imaging ~~scanner~~, scanners, positron emission tomography scanners, and major medical equipment as defined in G.S. 131E-176(14f), diagnostic centers as defined in G.S. 131E-176(7a), and oncology treatment centers as defined in G.S. 131E-176(18a).
- (9) Category I. Proposals involving cost overruns; expansions of existing continuing care facilities which are licensed by the Department of Insurance at the date the application is filed and are applying under exemptions from need determinations in 10 NCAC 3R .3030; relocations within the same county of existing health service facilities, beds or dialysis stations which do not involve an increase in the number of health service facility beds or stations; reallocation of beds or stations; Category A proposals submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; proposals submitted pursuant to 10 NCAC 3R .3050(a)(3) by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; and any other proposal not included in Categories A through H.

History Note: Filed as a Temporary Amendment Eff. January 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. December 31, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. April 2, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Rule Eff. May 31, 1992 for a period of 153 days to expire on October 31, 1992;
 Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
 Eff. November 2, 1992;
 Amended Eff. April 1, 1995; April 1, 1994; September 1, 1993, January 4, 1993;
 Temporary Amendment Eff. January 1, 1996.

.3010 MULTI-COUNTY GROUPINGS

(a) Health Service Areas. The agency has assigned the counties of the state to the following health service areas for the purpose of scheduling applications for certificates of need:

HEALTH SERVICE AREAS (HSA)

I County	II County	III County	IV County	V County	VI County
Alexander	Alamance	Cabarrus	Chatham	Anson	Beaufort
Alleghany	Caswell	Gaston	Durham	Bladen	Bertie
Ashe	Davidson	Iredell	Franklin	Brunswick	Camden
Avery	Davie	Lincoln	Granville	Columbus	Carteret
Buncombe	Forsyth	Mecklenburg	Johnston	Cumberland	Chowan
Burke	Guilford	Rowan	Lee	Harnett	Craven
Caldwell	Randolph	Stanly	Orange	Hoke	Currituck
Catawba	Rockingham	Union	Person	Montgomery	Dare
Cherokee	Stokes		Vance	Moore	Duplin
Clay	Surry		Wake	New Hanover	Edgecombe
Cleveland	Yadkin		Warren	Pender	Gates
Graham				Richmond	Greene
Haywood				Robeson	Halifax

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I County	II County	III County	IV County	V County	VI County
Henderson				Sampson	Hertford
Jackson				Scotland	Hyde
McDowell					Jones
Macon					Lenoir
Madison					Martin
Mitchell					Nash
Polk					Northampton
Rutherford					Onslow
Swain					Pamlico
Transylvania					Pasquotank
Watauga					Perquimans
Wilkes					Pitt
Yancey					Tyrrell
					Washington
					Wayne
					Wilson

(b) Mental Health Planning Areas. The agency has assigned the counties of the state to the following Mental Health Planning Areas for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING AREAS

<u>Area Number</u>	<u>Constituent Counties</u>
<u>1</u>	<u>Jackson, Haywood, Macon, Cherokee, Clay, Graham, Swain</u>
<u>2</u>	<u>Buncombe, Madison, Mitchell, Yancey</u>
<u>3</u>	<u>Alleghany, Ashe, Avery, Watauga, Wilkes</u>
<u>4</u>	<u>Transylvania, Henderson</u>
<u>5</u>	<u>Caldwell, Burke, Alexander, McDowell</u>
<u>6</u>	<u>Rutherford, Polk</u>
<u>7</u>	<u>Cleveland</u>
<u>8</u>	<u>Gaston, Lincoln</u>
<u>9</u>	<u>Catawba</u>
<u>10</u>	<u>Mecklenburg</u>
<u>11</u>	<u>Rowan, Iredell, Davie</u>

<u>Area Number</u>	<u>Constituent Counties</u>
<u>12</u>	<u>Stanly, Cabarrus, Union</u>
<u>13</u>	<u>Surry, Yadkin</u>
<u>14</u>	<u>Forsyth, Stokes</u>
<u>15</u>	<u>Rockingham</u>
<u>16</u>	<u>Guilford</u>
<u>17</u>	<u>Alamance, Caswell</u>
<u>18</u>	<u>Orange, Person, Chatham</u>
<u>19</u>	<u>Durham</u>
<u>20</u>	<u>Vance, Granville, Franklin, Warren</u>
<u>21</u>	<u>Davidson</u>
<u>22</u>	<u>Moore, Hoke, Richmond, Montgomery, Anson</u>
<u>23</u>	<u>Robeson, Bladen, Scotland, Columbus</u>
<u>24</u>	<u>Cumberland</u>
<u>25</u>	<u>Lee, Harnett</u>
<u>26</u>	<u>Johnston</u>
<u>27</u>	<u>Wake</u>
<u>28</u>	<u>Randolph</u>
<u>29</u>	<u>New Hanover, Brunswick, Pender</u>
<u>30</u>	<u>Onslow</u>
<u>31</u>	<u>Wayne</u>
<u>32</u>	<u>Wilson, Greene</u>
<u>33</u>	<u>Edgecombe, Nash</u>
<u>34</u>	<u>Halifax</u>
<u>35</u>	<u>Craven, Jones, Pamlico, Carteret</u>
<u>36</u>	<u>Lenoir</u>
<u>37</u>	<u>Pitt</u>
<u>38</u>	<u>Hertford, Bertie, Gates, Northampton</u>
<u>39</u>	<u>Beaufort, Washington, Tyrrell, Hyde, Martin</u>
<u>40</u>	<u>Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck</u>
<u>41</u>	<u>Duplin, Sampson</u>

(c) Mental Health Planning Regions. The agency has assigned the counties of the state to the following Mental Health Planning Regions for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING REGIONS (Area Number and Constituent Counties)

<u>Western (W)</u>	
<u>1</u>	<u>Jackson, Haywood, Macon, Cherokee, Clay, Graham, Swain</u>
<u>2</u>	<u>Buncombe, Madison, Mitchell, Yancey</u>
<u>3</u>	<u>Alleghany, Ashe, Avery, Watauga, Wilkes</u>
<u>4</u>	<u>Transylvania, Henderson</u>
<u>5</u>	<u>Caldwell, Burke, Alexander, McDowell</u>
<u>6</u>	<u>Rutherford, Polk</u>
<u>7</u>	<u>Cleveland</u>
<u>8</u>	<u>Gaston, Lincoln</u>
<u>9</u>	<u>Catawba</u>
<u>10</u>	<u>Mecklenburg</u>
<u>11</u>	<u>Rowan, Iredell, Davie</u>
<u>12</u>	<u>Stanly, Cabarrus, Union</u>
<u>North Central (NC)</u>	
<u>13</u>	<u>Surry, Yadkin</u>
<u>14</u>	<u>Forsyth, Stokes</u>
<u>15</u>	<u>Rockingham</u>
<u>16</u>	<u>Guilford</u>
<u>17</u>	<u>Alamance, Caswell</u>
<u>18</u>	<u>Orange, Person, Chatham</u>
<u>19</u>	<u>Durham</u>
<u>20</u>	<u>Vance, Granville, Franklin, Warren</u>
<u>South Central (SC)</u>	
<u>21</u>	<u>Davidson</u>
<u>22</u>	<u>Moore, Hoke, Richmond, Montgomery, Anson</u>
<u>23</u>	<u>Robeson, Bladen, Scotland, Columbus</u>
<u>24</u>	<u>Cumberland</u>
<u>25</u>	<u>Lee, Harnett</u>
<u>26</u>	<u>Johnston</u>
<u>27</u>	<u>Wake</u>
<u>28</u>	<u>Randolph</u>

<u>Eastern (E)</u>	
<u>29</u>	<u>New Hanover, Brunswick, Pender</u>
<u>30</u>	<u>Onslow</u>
<u>31</u>	<u>Wayne</u>
<u>32</u>	<u>Wilson, Greene</u>
<u>33</u>	<u>Edgecombe, Nash</u>
<u>34</u>	<u>Halifax</u>
<u>35</u>	<u>Craven, Jones, Pamlico, Carteret</u>
<u>36</u>	<u>Lenoir</u>
<u>37</u>	<u>Pitt</u>
<u>38</u>	<u>Hertford, Bertie, Gates, Northampton</u>
<u>39</u>	<u>Beaufort, Washington, Tyrrell, Hyde, Martin</u>
<u>40</u>	<u>Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck</u>
<u>41</u>	<u>Duplin, Sampson</u>

History Note: Filed as a Temporary Rule Eff. May 31, 1992 for a period of 153 days to expire on October 31, 1992; Authority G.S. 131E-176(25); 131E-177(1); 131E-183(1); Eff. November 1, 1992; Temporary Amendment Eff. January 1, 1996.

.3020 CERTIFICATE OF NEED REVIEW SCHEDULE

The agency has established the following schedule for review of categories and subcategories of facilities and services in ~~1995-~~ 1996.

- (1) Category B. Subcategory Long-Term Nursing Facilities.

<u>County</u>	<u>HSA</u>	<u>CON Beginning -Review Date</u>
Alexander	I	February 1, 1995
Caldwell	I	April 1, 1995
Graham	I	April 1, 1995
Transylvania	I	August 1, 1995
Randolph	II	August 1, 1995
Moore	V	May 1, 1995
Craven	VI	March 1, 1995
Camden	VI	September 1, 1995
Carteret	VI	September 1, 1995
Jones	VI	March 1, 1995
Hyde	VI	May 1, 1995
Gates	VI	December 1, 1995

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<u>County</u>	<u>HSA</u>	<u>CON Beginning Review Date</u>
<u>Perquimans</u>	<u>VI</u>	<u>December 1, 1995</u>

<u>County</u>	<u>CON Beginning Review Date</u>
<u>Alexander</u>	<u>April 1, 1996</u>
<u>Henderson</u>	<u>April 1, 1996</u>
<u>McDowell</u>	<u>August 1, 1996</u>
<u>Rutherford</u>	<u>March 1, 1996</u>
<u>Watauga</u>	<u>March 1, 1996</u>
<u>Alamance</u>	<u>August 1, 1996</u>
<u>Lee</u>	<u>September 1, 1996</u>
<u>Wake</u>	<u>May 1, 1996</u>
<u>Brunswick</u>	<u>December 1, 1996</u>
<u>Cumberland</u>	<u>December 1, 1996</u>
<u>New Hanover</u>	<u>September 1, 1996</u>
<u>Pender</u>	<u>May 1, 1996</u>
<u>Beaufort</u>	<u>December 1, 1996</u>
<u>Onslow</u>	<u>March 1, 1996</u>
<u>Pitt</u>	<u>May 1, 1996</u>

(2) Category C.

(a) Subcategory Intermediate Care Facilities for Mentally Retarded.

<u>Counties</u>	<u>HSA</u>	<u>CON Beginning Re- view Date</u>
<u>Buncombe, Madison, Mitchell, Yancey</u>	<u>I</u>	<u>October 1, 1995</u>
<u>Alleghany, Ashe, Avery, Watauga, Wilkes</u>	<u>I</u>	<u>October 1, 1995</u>
<u>Caldwell, Burke, Alexander, McDowell</u>	<u>I</u>	<u>October 1, 1995</u>
<u>Rutherford, Polk</u>	<u>I</u>	<u>October 1, 1995</u>
<u>Forsyth, Stokes</u>	<u>II</u>	<u>October 1, 1995</u>
<u>Guilford</u>	<u>II</u>	<u>October 1, 1995</u>
<u>Davidson</u>	<u>II</u>	<u>October 1, 1995</u>
<u>Gaston, Lincoln</u>	<u>III</u>	<u>October 1, 1995</u>
<u>Stanly, Cabarrus, Union</u>	<u>III</u>	<u>October 1, 1995</u>
<u>Orange, Person, Chatham</u>	<u>IV</u>	<u>November 1, 1995</u>

Counties	HSA	CON Beginning Review Date
Robeson, Bladen, Scotland, Columbus	V	November 1, 1995
Cumberland	V	November 1, 1995
New Hanover, Brunswick, Pender	V	November 1, 1995
Edgecombe, Nash	VI	November 1, 1995
Pitt	VI	November 1, 1995
Hertford, Bertie, Gates, Northampton	VI	November 1, 1995
Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck	VI	November 1, 1995

<u>Mental Health Planning Areas (Constituent Counties)</u>		<u>CON Beginning Review Date</u>
<u>2</u>	<u>(Buncombe, Madison, Mitchell, Yancey)</u>	<u>April 1, 1996</u>
<u>3</u>	<u>(Alleghany, Ashe, Avery, Watauga, Wilkes)</u>	<u>December 1, 1996</u>
<u>5</u>	<u>(Caldwell, Burke, Alexander, McDowell)</u>	<u>December 1, 1996</u>
<u>21</u>	<u>(Davidson)</u>	<u>October 1, 1996</u>
<u>10</u>	<u>(Mecklenburg)</u>	<u>April 1, 1996</u>
<u>12</u>	<u>(Stanley, Cabarrus, Union)</u>	<u>October 1, 1996</u>
<u>18</u>	<u>(Orange, Person, Chatham)</u>	<u>November 1, 1996</u>
<u>35</u>	<u>(Craven, Jones, Pamlico, Carteret)</u>	<u>July 1, 1996</u>

(b) Subcategory Detox-Only Beds.

<u>Mental Health Planning Areas (Constituent Counties)</u>		<u>CON Beginning Review Date</u>
<u>1</u>	<u>(Jackson, Haywood, Macon, Cherokee, Clay, Graham, Swain)</u>	<u>December 1, 1996</u>
<u>4</u>	<u>(Transylvania, Henderson)</u>	<u>December 1, 1996</u>
<u>5</u>	<u>(Caldwell, Burke, Alexander, McDowell)</u>	<u>December 1, 1996</u>
<u>6</u>	<u>(Rutherford, Polk)</u>	<u>December 1, 1996</u>
<u>8</u>	<u>(Gaston, Lincoln)</u>	<u>December 1, 1996</u>
<u>9</u>	<u>(Catawba)</u>	<u>December 1, 1996</u>
<u>11</u>	<u>(Rowan, Iredell, Davie)</u>	<u>December 1, 1996</u>
<u>13</u>	<u>(Surry, Yadkin)</u>	<u>June 1, 1996</u>
<u>14</u>	<u>(Forsyth, Stokes)</u>	<u>June 1, 1996</u>
<u>15</u>	<u>(Rockingham)</u>	<u>June 1, 1996</u>
<u>16</u>	<u>(Guilford)</u>	<u>June 1, 1996</u>

<u>Mental Health Planning Areas (Constituent Counties)</u>		<u>CON Beginning Review Date</u>
<u>17</u>	<u>(Alamance, Caswell)</u>	<u>June 1, 1996</u>
<u>18</u>	<u>(Orange, Person, Chatham)</u>	<u>June 1, 1996</u>
<u>20</u>	<u>(Vance, Granville, Franklin, Warren)</u>	<u>June 1, 1996</u>
<u>21</u>	<u>(Davidson)</u>	<u>November 1, 1996</u>
<u>23</u>	<u>(Robeson, Bladen, Scotland, Columbus)</u>	<u>November 1, 1996</u>
<u>24</u>	<u>(Cumberland)</u>	<u>November 1, 1996</u>
<u>25</u>	<u>(Lee, Harnett)</u>	<u>November 1, 1996</u>
<u>26</u>	<u>(Johnston)</u>	<u>November 1, 1996</u>
<u>27</u>	<u>(Wake)</u>	<u>November 1, 1996</u>
<u>28</u>	<u>(Randolph)</u>	<u>November 1, 1996</u>
<u>31</u>	<u>(Wayne)</u>	<u>May 1, 1996</u>
<u>32</u>	<u>(Wilson, Greene)</u>	<u>May 1, 1996</u>
<u>33</u>	<u>(Edgecombe, Nash)</u>	<u>May 1, 1996</u>
<u>34</u>	<u>(Halifax)</u>	<u>May 1, 1996</u>
<u>35</u>	<u>(Craven, Jones, Pamlico, Carteret)</u>	<u>May 1, 1996</u>
<u>36</u>	<u>(Lenoir)</u>	<u>May 1, 1996</u>
<u>38</u>	<u>(Hertford, Bertie, Gates, Northampton)</u>	<u>May 1, 1996</u>
<u>39</u>	<u>(Beaufort, Washington, Tyrrell, Hyde, Martin)</u>	<u>May 1, 1996</u>
<u>40</u>	<u>(Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck)</u>	<u>May 1, 1996</u>
<u>41</u>	<u>(Duplin, Sampson)</u>	<u>May 1, 1996</u>

- (3) Category D. Subcategory End Stage Renal Disease Dialysis Stations. Dialysis station review in response to the "county need" or "facility need" methodologies shall be conducted under the provisions of 10 NCAC 3R .3032.
- (4) ~~Category E. Subcategory Ambulatory Surgical Facilities~~

<u>County</u>	<u>HSA</u>	<u>CON Beginning Review Date</u>
<u>Cleveland</u>	<u>I</u>	<u>April 1, 1995</u>

- (5) (4) Category F. Subcategory Home Health Agencies or Offices.

<u>County</u>	<u>HSA</u>	<u>CON Beginning Review Date</u>
<u>Watauga</u>	<u>I</u>	<u>October 1, 1995</u>
<u>Forsyth</u>	<u>H</u>	<u>June 1, 1995</u>
<u>Stokes</u>	<u>H</u>	<u>October 1, 1995</u>

County	HSA	CON Beginning Review Date
Orange	IV	November 1, 1995
Wake	IV	July 1, 1995
Bertie	VI	July 1, 1995
Onslow	VI	November 1, 1995

HSA	CON Beginning Review Date
I	October 1, 1996
II	March 1, 1996
III	June 1, 1996
IV	November 1, 1996
V	March 1, 1996
VI	July 1, 1996

- (5) Category G. Subcategory New Dialysis Stations as a result of "Adjusted Need Determinations."

County	CON Beginning Review Date
Carteret	March 1, 1996
Dare	March 1, 1996

- (6) Applications for certificates of need will be reviewed pursuant to the following review schedule, unless another schedule has been specified in Items (1) through (5) of this Rule or it has been determined in 10 NCAC 3R .3030 that there is no need for the health service or facility proposed by the applicant.

CON Beginning Review Date	HSA I, II, III	HSA IV, V, VI
January 1	--	--
February 1	A, B, G, I --	G --
March 1	-- A, B, F, G, I	A, B, E, F, G, I
April 1	B, E, H, I	--
May 1	--	B, C, H, I
June 1	A, C, D, I, F	D
July 1	--	A, F, I
August 1	B, E, I	--
September 1	--	B, E, I
October 1	A, C, F, I	--

CON Beginning Review Date	HSA I, II, III	HSA IV, V, VI
November 1	--	A, C, F, I
December 1	C, D, H, I	B, D, H, I

History Note: Filed as a Temporary Amendment Eff. January 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. June 7, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. December 31, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. April 2, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Filed as a Temporary Amendment Eff. July 23, 1992 for a period of 180 days or upon the effective date of the permanent rule, whichever is sooner;
 Filed as a Temporary Rule Eff. May 31, 1992 for a period of 153 days to expire on October 31, 1992;
 Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
 Eff. November 2, 1992;
 Amended Eff. April 1, 1995; October 1, 1994; April 1, 1994; September 1, 1993;
 Temporary Amendment Eff. January 1, 1996.

.3030 FACILITY AND SERVICE NEED DETERMINATIONS

Facility and service need determinations are shown in Items (1) - (8) of this Rule. The need determinations shall be revised continuously throughout ~~1995~~ 1996 pursuant to 10 NCAC 3R .3040.

- (1) Category A. Acute Health Service Facilities. It is determined that there is no need for additional acute care beds and no reviews are scheduled.
- (2) Category B. Long-Term Nursing Facility Beds. (a) It is determined that the counties listed below need additional Long-Term Nursing Facility Beds as specified. There is no need for additional Long-Term Nursing Facility Beds in other counties and no other reviews are scheduled.

County	HSA	Number of Nursing Beds Needed
Alexander	I	20
Caldwell	I	60
Transylvania	I	30
Randolph	II	70
Moore	V	70
Craven	VI	50
Camden	VI	40
Carteret	VI	50

County	Number of Nursing Beds Needed
Alexander	30
Henderson	90
McDowell	30

County	Number of Nursing Beds Needed
<u>Rutherford</u>	<u>40</u>
<u>Watauga</u>	<u>20</u>
<u>Alamance</u>	<u>90</u>
<u>Lee</u>	<u>30</u>
<u>Wake</u>	<u>120</u>
<u>Brunswick</u>	<u>60</u>
<u>Cumberland</u>	<u>90</u>
<u>New Hanover</u>	<u>90</u>
<u>Pender</u>	<u>30</u>
<u>Beaufort</u>	<u>30</u>
<u>Onslow</u>	<u>40</u>
<u>Pitt</u>	<u>60</u>

(b) ~~It is presumed that operation of a new long term nursing facility with a capacity of only 10 beds (as contrasted with an addition to an existing facility, or conversion of hospital or home for the aged beds) is not financially feasible under usual circumstances. Camden County lacks such facilities for expansion or conversion. Nevertheless, the need determination shown in this Plan provides an opportunity for development of this capacity within Camden County if special measures for assuring financial feasibility (such as philanthropic, religious, fraternal or public body financial assistance) can be demonstrated. Applications to develop Camden County's need determination in a contiguous county shall also be considered. Any such application shall confirm that admission priority shall be given to patients from Camden County, up to the number of beds in the need determination, and conditions attached to the award of any resulting certificate of need shall stipulate how this admission preference is to be assured. It is the intent of this provision that consideration of any proposed alternative site shall give due regard to the convenience of its use by citizens of Camden County, as applicable. Convenience includes the extent to which visits to patients are likely to be facilitated by usual patterns of citizen travel associated with obtaining goods and services and employment. Any county's bed surplus or deficit is deemed irrelevant to its selection as an alternative location for the transfer of this capacity.~~

(3) Category C.

- (a) Psychiatric Facility Beds. It is determined that there is no need for additional psychiatric beds and no reviews are scheduled.
- (b) Intermediate Care ~~Facilities Facility Beds for the Mentally Retarded Beds~~. It is determined that the ~~counties~~ mental health planning areas listed below in the following table need additional Intermediate Care Facility beds for the Mentally Retarded ("ICF/MR beds"). ~~(ICF/MR) beds as specified. The table identifies the number of new child and adult ICF/MR beds needed by each of the listed planning areas. These new ICF/MR beds shall only be used to convert existing five-bed ICF/MR beds into six-bed facilities. There is no need for new ICF/MR facilities or for ICF/MR facilities with more than six beds in these planning areas.~~ There is no need for any additional ICF/MR Beds in any other counties mental health planning areas and no other reviews are scheduled, except as provided in Rule 10 NCAC 3R .3040(a)(8).

Counties	HSA	Need -Determination	
		Child	Adult
Buncombe, Madison, Mitchell, Yancey	1	-6	-1

Counties	HSA	Need Determination	
		Child	Adult
Alleghany, Ashe, Avery, Watauga, Wilkes	I	0	1
Caldwell, Burke, Alexander, McDowell	I	6	0
Rutherford, Polk	I	6	0
Forsyth, Stokes	II	6	6
Guilford	II	0	8
Davidson	II	12	2
Gaston, Lincoln	III	0	18
Stanly, Cabarrus, Union	III	0	7
Orange, Person, Chatham	IV	-0	-7
Robeson, Bladen, Scotland, Columbus	V	0	6
Cumberland	V	0	8
New Hanover, Brunswick, Pender	V	6	0
Edgecombe, Nash	VI	0	6
Pitt	VI	-0	-6
Hertford, Bertie, Gates, Northampton	VI	0	6
Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck	VI	-6	-0

Mental Health Planning Area (Constituent Counties)		Need Determination	
		Child	Adult
<u>2</u>	<u>(Buncombe, Madison, Mitchell, Yancey)</u>	<u>1</u>	<u>1</u>
<u>3</u>	<u>(Alleghany, Ashe, Avery, Watauga, Wilkes)</u>	<u>0</u>	<u>1</u>
<u>5</u>	<u>(Caldwell, Burke, Alexander, McDowell)</u>	<u>1</u>	<u>0</u>
<u>21</u>	<u>(Davidson)</u>	<u>0</u>	<u>1</u>
<u>10</u>	<u>(Mecklenburg)</u>	<u>1</u>	<u>0</u>
<u>12</u>	<u>(Stanly, Cabarrus, Union)</u>	<u>1</u>	<u>2</u>
<u>18</u>	<u>(Orange, Person, Chatham)</u>	<u>0</u>	<u>1</u>
<u>35</u>	<u>(Craven, Jones, Pamlico, Carteret)</u>	<u>2</u>	<u>0</u>

(c) Chemical Dependency Treatment Beds.

- (i) It is determined that there is no need for any additional chemical dependency treatment beds ~~and no reviews are scheduled other than detox-only beds for adults.~~ The following table lists the mental health planning areas that need detox-only beds for adults and identifies the number of such beds needed in each planning area. There is no need for additional detox-only beds for adults in any other mental health planning areas. No other reviews for chemical dependency treatment beds are scheduled.

<u>Mental Health Planning Areas</u> <u>(Constituent Counties)</u>	<u>Mental Health</u> <u>Planning Regions</u>	<u>Number of</u> <u>Detox-Only</u> <u>Beds Needed</u>
1 (Jackson, Haywood, Macon, Cherokee, Clay, Graham, Swain)	W	10
4 (Transylvania, Henderson)	W	10
5 (Caldwell, Burke, Alexander, McDowell)	W	1
6 (Rutherford, Polk)	W	10
8 (Gaston, Lincoln)	W	20
9 (Catawba)	W	8
11 (Rowan, Iredell, Davie)	W	10
13 (Surry, Yadkin)	NC	2
14 (Forsyth, Stokes)	NC	10
15 (Rockingham)	NC	10
16 (Guilford)	NC	10
17 (Alamance, Caswell)	NC	6
18 (Orange, Person, Chatham)	NC	2
20 (Vance, Granville, Franklin, Warren)	NC	10
21 (Davidson)	SC	10
23 (Robeson, Bladen, Scotland, Columbus)	SC	5
24 (Cumberland)	SC	10
25 (Lee, Harnett)	SC	10
26 (Johnston)	SC	7
27 (Wake)	SC	10
28 (Randolph)	SC	4
31 (Wayne)	E	10
32 (Wilson, Greene)	E	10
33 (Edgecombe, Nash)	E	6
34 (Halifax)	E	10
35 (Craven, Jones, Pamlico, Carteret)	E	10
36 (Lenoir)	E	10
38 (Hertford, Bertie, Gates, Northampton)	E	4
39 (Beaufort, Washington, Tyrrell, Hyde, Martin)	E	5
40 (Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck)	E	10
41 (Duplin, Sampson)	E	10

- (ii) "Detox-only beds for adults" are chemical dependency treatment beds that are occupied exclusively by persons who are eighteen years of age or older who are experiencing physiological withdrawal from the effects of alcohol or other drugs.
- (iii) The county or counties which comprise each mental health planning area are listed in 10 NCAC 3R .3010(b).
- (iv) Detox-only beds for adults may be developed outside of the mental health planning area in which they are needed if:
 - (A) The beds are developed in a contiguous mental health planning area that is within the same mental health planning region, as defined by 10 NCAC 3R .3010(c); and
 - (B) The program board in the planning area in which the beds are needed and the program board in the planning area in which the beds are to be developed each adopt a resolution supporting the development of the beds in the contiguous planning area.
- (4) Category D. End-Stage Renal Kidney Disease Treatment Facilities Centers and Dialysis Stations Need for end-stage renal dialysis facilities or stations stations, except as otherwise provided in Item (7) of this Rule, is determined as is provided in by 10 NCAC 3R .3032.
- (5) Category E.
 - (a) Inpatient Rehabilitation Facility Beds.
 - (i) Except as provided in Sub-item (5)(a)(ii) of this Rule, If it is determined that there is no need for any additional inpatient rehabilitation facility beds and no reviews are scheduled.
 - (ii) It is determined that there is a need for a demonstration project consisting of one inpatient rehabilitation unit containing no more than 10 inpatient rehabilitation facility beds in Wilson County. The purpose of the project shall be to demonstrate whether such a unit is viable in terms of cost, utilization, and good medical practice; whether such a unit increases the utilization of inpatient rehabilitation services by patients who could benefit from such services; and whether such a unit improves patient outcomes. An application for a certificate of need for the demonstration project shall:
 - (A) Conform to the requirements of the rules in 10 NCAC 3R .2800, with the exception of 10 NCAC 3R .2803(b);
 - (B) Demonstrate that the project's rehabilitation services beds shall be developed solely by the conversion of existing licensed health service facility beds;
 - (C) Demonstrate that the project's rehabilitation services beds shall be licensed, certified, and placed into operation within 12 months after the certificate of need is issued;
 - (D) Contain the applicant's commitment to submit to the Certificate of Need Section three annual reports on the operation of the demonstration project. The annual report shall be postmarked on or before the thirtieth day following the anniversary of the licensing of the demonstration project and shall contain the following information:
 - (I) The demonstration project's average per diem patient charges for the past year;
 - (II) The demonstration project's average per discharge patient charges for the past year;
 - (III) An accounting of the operational costs and patient revenues of the demonstration project for the past year;
 - (IV) The total number of patients served by the demonstration project during the past year;
 - (V) A list of the demonstration project's patient payor sources for the past year;
 - (VI) A description of the demonstration project's patient origin by county for the past year; and
 - (VII) An assessment of patient outcomes in the demonstration project during the past year.

The target average annual occupancy rate for the demonstration project is the average of the average annual occupancy rates reported by or for all existing inpatient rehabilitation facilities or units in their 1996 license renewal applications. The demonstration project shall meet or exceed this target average annual occupancy rate during at least one period of 12 consecutive calendar months within five years after the demonstration project is licensed. If it does not, the demonstration project shall be terminated automatically and the beds shall revert to their prior health service facility bed category. Additionally, the rehabilitation facility beds shall automatically revert to their prior health service facility bed category if the applicant voluntarily terminates the demonstration project.

 - (b) Ambulatory Surgery Operating Rooms. It is determined that ~~there is need for two additional ambulatory surgery operating rooms in Cleveland County. There~~ there is no need for additional ambulatory surgery operating rooms in other counties and no other reviews are scheduled, except that a Rural Primary Care Hospital designated by the N.C. Office of Rural Health Services pursuant to Section 1820(f) of the Social Security Act may apply for a certificate of need to convert existing operating rooms for use as a freestanding ambulatory surgical facility.- (6) Category F.

- (a) New Home Health Agencies or Offices. It is determined that the counties Health Service Areas identified in 10 NCAC 3R .3010 and listed below need additional Home Health Agencies or Offices as specified. ~~There is no need for additional Home Health Agencies or Offices in other counties and no other reviews are scheduled.~~

County	HSA	Number of Agencies or Offices Needed
Watauga	I	1
Forsyth	II	1
Stokes	II	1
Orange	IV	1
Wake	IV	3
Bertie	VI	1
Onslow	VI	1

<u>HSA</u>	<u>Number of Agencies or Offices Needed</u>
<u>I</u>	<u>1</u>
<u>II</u>	<u>1</u>
<u>III</u>	<u>1</u>
<u>IV</u>	<u>1</u>
<u>V</u>	<u>1</u>
<u>VI</u>	<u>1</u>

- (b) New Hospice Home Care Programs. It is determined that there is no need for additional Hospice Home Care Programs and no reviews are scheduled.
- (c) New Hospice Inpatient Beds.
- (i) Single Counties. Single counties with a projected deficit of six or more beds are allocated beds based on the projected deficit. ~~It has been determined that Forsyth County has a need for fourteen Hospice Inpatient Beds. There~~ It is determined that there is no need for additional single county Hospice Inpatient Bed facilities and no other reviews are scheduled.
- (ii) Contiguous Counties. ~~It has been~~ is determined that any combination of two or more contiguous counties taken from the following list shall have a need for new hospice inpatient beds if the combined bed deficit for the grouping of contiguous counties totals six or more beds. Each county in a grouping of contiguous counties must have a deficit of at least one and no more than five beds. The need for the grouping of contiguous counties shall be the sum of the deficits in the individual counties. For purposes of this Rule, "contiguous counties" shall mean a grouping of North Carolina counties which includes the county in which the new hospice inpatient facility is proposed to be located and any one or more of the North Carolina counties which have a common border with that county, even if the borders only touch at one point. No county may be included in a grouping of contiguous counties unless it is listed in the following table:

County	HSA	Hospice Inpatient Bed Deficit
Alexander	I	1
Ashe	I	1
Avery	I	1

TEMPORARY RULES

County	HSA	Hospice Inpatient Bed Deficit
Rutherford	I	2
Transylvania	I	1
Wilkes	I	1
Alamance	II	4
Davidson	II	2
Rockingham	II	2
Stokes	II	1
Surry	II	2
Cabarrus	III	1
Gaston	III	3
Iredell	III	1
Lincoln	III	1
Rowan	III	2
Stanly	III	1
Union	III	1
Chatham	IV	1
Durham	IV	2
Johnston	IV	1
Wake	IV	5
Bladen	V	1
Brunswick	V	1
Columbus	V	2
Cumberland	V	1
Moore	V	1
Pender	V	1
Richmond	V	1
Robeson	V	1
Scotland	V	1
Bertie	VI	1
Craven	VI	1
Duplin	VI	2
Edgecombe	VI	1
Hertford	VI	1
Nash	VI	1

County	HSA	Hospice Inpatient Bed Deficit
Northampton	VI	+
Onslow	VI	+
Pitt	VI	+
Wilson	VI	+

County	Hospice Inpatient Bed Deficit
<u>Alexander</u>	<u>1</u>
<u>Ashe</u>	<u>1</u>
<u>Haywood</u>	<u>1</u>
<u>Mitchell</u>	<u>1</u>
<u>Polk</u>	<u>1</u>
<u>Rutherford</u>	<u>3</u>
<u>Transylvania</u>	<u>1</u>
<u>Watauga</u>	<u>1</u>
<u>Alamance</u>	<u>4</u>
<u>Davidson</u>	<u>2</u>
<u>Rockingham</u>	<u>3</u>
<u>Stokes</u>	<u>2</u>
<u>Surry</u>	<u>4</u>
<u>Cabarrus</u>	<u>2</u>
<u>Gaston</u>	<u>4</u>
<u>Iredell</u>	<u>1</u>
<u>Lincoln</u>	<u>1</u>
<u>Rowan</u>	<u>1</u>
<u>Stanly</u>	<u>1</u>
<u>Union</u>	<u>2</u>
<u>Chatham</u>	<u>1</u>
<u>Durham</u>	<u>5</u>
<u>Johnston</u>	<u>1</u>
<u>Lee</u>	<u>1</u>
<u>Wake</u>	<u>4</u>
<u>Bladen</u>	<u>1</u>
<u>Brunswick</u>	<u>1</u>
<u>Columbus</u>	<u>3</u>

<u>County</u>	<u>Hospice Inpatient Bed Deficit</u>
<u>Harnett</u>	<u>1</u>
<u>Moore</u>	<u>2</u>
<u>Pender</u>	<u>1</u>
<u>Richmond</u>	<u>1</u>
<u>Robeson</u>	<u>1</u>
<u>Scotland</u>	<u>1</u>
<u>Bertie</u>	<u>1</u>
<u>Craven</u>	<u>1</u>
<u>Duplin</u>	<u>2</u>
<u>Edgecombe</u>	<u>1</u>
<u>Hertford</u>	<u>1</u>
<u>Nash</u>	<u>1</u>
<u>Northampton</u>	<u>1</u>
<u>Onslow</u>	<u>1</u>
<u>Pitt</u>	<u>1</u>
<u>Wilson</u>	<u>1</u>

- (7) Category G. Psychiatric/Substance Abuse Demonstration Project. Kidney Disease Treatment Facilities and Dialysis Stations. It is determined that Carteret and Dare Counties have a need for additional dialysis stations that is not revealed by the standard need methodology in 10 NCAC 3R .3032 because of conditions unique to these two counties. The dialysis station need in Carteret and Dare Counties is shown in the following table:

<u>County</u>	<u>Number of New Dialysis Stations Needed</u>
<u>Carteret</u>	<u>6</u>
<u>Dare</u>	<u>4</u>

- (a) ~~It is determined that no more than fifty beds, in a free standing facility, are needed for a demonstration of the effectiveness and economy of the treatment, in the same facility and therapeutic milieu, of persons with addictions and persons with psychiatric disorders such as are evidenced by compulsive behaviors.~~
- (b) ~~Such a demonstration shall incorporate the concept of closed groups; that is, "classes" of patients entering and leaving treatment concurrently, so as to facilitate the recovery inducing aspects of the interaction of members of therapeutic groups. The treatment proposed to be offered in the demonstration also shall integrate a cognitively-based therapeutic program with a 12 step recovery model, a treatment modality based on the method of treatment of Alcoholics Anonymous which uses twelve fundamental principles as guides to the process of personal change that is required to achieve sobriety.~~
- (c) ~~Persons proposing to meet this need must provide, in their applications for a certificate of need, evidence of their experience, ability and commitment not only to provide services as described above, but to demonstrate the applicability of these and other innovations to the broader therapeutic community. Such evidence shall include:~~
- (i) ~~A written agreement with a university affiliated professional to design and oversee periodic or continuing determinations of the effectiveness of treatment provided in the demonstration, and the publication of the results.~~

- ~~(ii) A written agreement with a university affiliated professional from an academic medical center that establishes the willingness and intent of such professional to engage in a clinical relationship with the demonstration facility.~~
- ~~(iii) A written statement that at least ten percent of the patients of the demonstration facility will be indigent persons, who will be provided free care.~~
- ~~(iv) A commitment to provide to the Certificate of Need Section annual reports of the average per diem and per discharge patient charges, the total number of patients served, and the number of free care patients. Such reports will be due thirty days following the first, second and third anniversary dates of the licensure of the facility.~~
- ~~(d) The number of beds for which a certificate of need is granted will not be counted in the State Medical Facility Plan's inventory of psychiatric or substance abuse beds in the mental health area or region in which the facility is to be located, or in any other area or region of the state.~~
- ~~(e) Pursuant to the provisions of 10 NCAC 14K. 0216, the Director of the Division of Facility Services shall waive any licensure rule which requires that substance abuse and psychiatric patients be treated in separate accommodations, and from all other rules which are inconsistent with the unique character of the demonstration facility, if the applicant for, or holder of, a certificate of need issued pursuant to this rule demonstrates that the waiver will not affect the health, safety, or welfare of the patients.~~
- (8) Category H.
 - (a) Open heart surgery services. It is determined that there is no need for additional open heart surgery services and no reviews are scheduled; except that a health service facility that currently provides these services may apply for a certificate of need to expand its existing services to meet specific needs if utilization of the health service facility's existing open heart surgery services exceeds 80% of capacity.
 - (b) Heart-Lung Bypass Machines. It is determined that there is no need for additional heart-lung bypass machines and no reviews are scheduled; except that a health service facility that currently provides open heart surgery services may apply for a certificate of need to acquire additional heart-lung bypass machinery if the existing heart-lung machinery used by the health service facility is utilized at or above 80% of capacity.
 - (c) Cardiac Angioplasty Equipment. It is determined that there is no need for additional cardiac angioplasty equipment and no reviews are scheduled; except that a health service facility that currently provides cardiac angioplasty services may apply for a certificate of need to acquire additional cardiac angioplasty equipment if utilization of cardiac angioplasty equipment used by the health service facility exceeds 80% of capacity.
 - (d) Cardiac Catheterization Equipment. It is determined that there is no need for additional fixed or mobile cardiac catheterization equipment and no reviews are scheduled; except that a health service facility that currently provides cardiac catheterization services may apply for a certificate of need to acquire additional cardiac catheterization equipment if utilization of cardiac catheterization equipment used by the health service facility exceeds 80% of capacity. Mobile cardiac catheterization equipment and services shall only be approved for development on hospital sites.
 - (e) Solid organ transplant services shall be developed and offered only by academic medical center teaching hospitals as designated in 10 NCAC 3R .3050(a)(3). It is determined that there is no need for new solid organ transplant services and no reviews are scheduled.
 - (f) Bone Marrow Transplantation Services. It is determined that allogeneic bone marrow transplantation services shall be developed and offered only by academic medical center teaching hospitals as designated in 10 NCAC 3R .3050(a)(3). It is determined that there is no need for additional allogeneic or autologous bone marrow transplantation services and no reviews are scheduled.
 - (g) ~~Gamma Knife Equipment. Knives.~~ It is determined that there is no need for gamma knife equipment knives and no reviews are scheduled.
 - (h) ~~Positron Emission Tomography Scanner. Scanners.~~ It is determined that there is no need for additional positron emission tomography scanners for purposes other than research and no reviews are scheduled.

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Eff. November 2, 1992;

Amended Eff. April 1, 1995; October 1, 1994; April 1, 1994; January 4, 1993;

Temporary Amendment Eff. January 1, 1996.

.3032 DIALYSIS STATION NEED DETERMINATION

(a) The Medical Facilities Planning Section (MFPS) shall determine need for new dialysis stations ~~and facilities~~ two times each calendar year, and shall make a report of such determinations available to all who request it. This report shall be called the North Carolina Semiannual Dialysis Report (SDR). Data to be used for such determinations, and their sources, are as follows:

- (1) Numbers of dialysis patients, by type, county and facility, from the Southeastern Kidney Council, Inc. (SEKC) and the Mid-Atlantic Renal Coalition, Inc. as of December 31, 1995 for the March SDR and as of June 30, 1996 for the September SDR.
- (2) Certificate of need decisions, decisions appealed, appeals settled, and awards, from the Certificate of Need Section, DFS.
- (3) Facilities certified for participation in Medicare, from the Certification Section, DFS.
- (4) Need determinations for which certificate of need decisions have not been made, from MFPS records.

Need determinations in this report shall be an integral part of the State Medical Facilities Plan, as provided in G.S. 131E-183.

(b) Need for new dialysis stations ~~and facilities~~ shall be determined as follows:

- (1) County Need
 - (A) The average annual rate (%) of change in total number of dialysis patients resident in each county from the end of ~~1990~~ 1991 to the end of ~~1994~~ 1995 is multiplied by the county's ~~1994~~ 1995 year end total number of patients in the SDR, and the product is added to each county's most recent total number of patients reported in the SDR. The sum is the county's projected total ~~1995~~ 1996 patients.
 - (B) The percent of each county's total patients who were home dialysis patients at the end of ~~1994~~ 1995 is multiplied by the county's projected total ~~1995~~ 1996 patients, and the product is subtracted from the county's projected total ~~1995~~ 1996 patients. The remainder is the county's projected ~~1995~~ 1996 in-center dialysis patients.
 - (C) The projected number of each county's ~~1995~~ 1996 in-center patients is divided by 3.2. The quotient is the projection of the county's ~~1995~~ 1996 in-center dialysis stations.
 - (D) From each county's projected number of ~~1995~~ 1996 in-center stations is subtracted the county's number of stations certified for Medicare, CON-approved and awaiting certification, awaiting resolution of CON appeals, and the number represented by need determinations in previous State Medical Facilities Plans or Semiannual Dialysis Reports for which CON decisions have not been made. The remainder is the county's ~~1995~~ 1996 station need projection.
 - (E) If a county's ~~1995~~ 1996 station need projection is ten or greater and the SDR shows that utilization of each dialysis facility in the county is 80% or greater, the ~~1995~~ 1996 county station need determination is the same as the ~~1995~~ 1996 station need projection. If a county's ~~1995~~ 1996 station need projection is less than ten, or the utilization of any dialysis facility in the county is less than 80%, the county's ~~1995~~ 1996 station need determination is zero.
- (2) Facility Need

A dialysis facility located in a county ~~whose unmet need for which the result of the County Need methodology is zero~~ in the reference Semiannual Dialysis Report (SDR) ~~is less than ten stations~~ is determined to need additional stations to the extent that:

 - (A) Its utilization, reported in the SDR, is greater than 3.2 patients per station.
 - (B) Such need, calculated as follows, is reported in an application for a certificate of need:
 - (i) The facility's number of in-center ~~hemodialysis~~ dialysis patients reported in the previous SDR (SDR₁) is subtracted from the number of in-center ~~hemodialysis~~ dialysis patients reported in the current SDR (SDR₂). The difference is multiplied by 2 to project the net in-center change for 1 year. Divide the projected net in-center change for the year by the number of in-center patients from SDR₁ to determine the projected annual growth rate.
 - (ii) The quotient from Subpart (b)(2)(B)(i) of this Rule is divided by 12.
 - (iii) The quotient from Subpart (b)(2)(B)(ii) of this Rule is multiplied by the number of months from the most recent month reported in the current SDR until the end of calendar ~~1995~~ 1996.
 - (iv) The product from Subpart (b)(2)(B)(iii) of this Rule is multiplied by the number of the facility's in-center

patients reported in the current SDR and that product is added to such reported number of in-center patients.

- (v) The sum from Subpart (b)(2)(B)(iv) of this Rule is divided by 3.2, and from the quotient is subtracted the facility's current number of certified and pending stations as recorded in the current SDR. The remainder is the number of stations needed.

- (C) The facility may apply to expand to meet the need established in Subpart (b)(2)(B)(v) of this Rule, up to a maximum of ten stations.

(c) The schedule for publication of the North Carolina Semiannual Dialysis Report (SDR) and for receipt of certificate of need applications based on each issue of this report in 1995 1996 shall be as follows:

Date for Period Ending	Receipt of SEKC Report	Publication of SDR	Receipt of CON Applications	Beginning Review Dates
Dec. 31, 1994	Feb. 28, 1995	March 20, 1995	May 16, 1995	June 1, 1995
June 30, 1995	Aug. 31, 1995	Sept. 20, 1995	Nov. 15, 1995	Dec. 1, 1995

Date for Period Ending	Receipt of SEKC Report	Publication of SDR	Receipt of CON Applications	Beginning Review Dates
Dec. 31, 1995	Feb. 28, 1996	March 20, 1996	May 16, 1996	June 1, 1996
June 30, 1996	Aug. 31, 1996	Sept. 20, 1996	Nov. 15, 1996	Dec. 1, 1996

(d) An application for a certificate of need pursuant to this Rule shall be accepted only if it demonstrates a need by utilizing one of the methods of determining need outlined in this Rule.

(e) An application for a new End Stage Renal Disease ~~facility~~ facility, other than applications for dialysis stations to be developed in Dare and Carteret Counties pursuant to 10 NCAC 3R .3030(7), shall not be approved unless it documents the need for at least 10 stations based on utilization of 3.2 patients per station per week.

(f) Home patients will not be included in determination of need for new stations.

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.3040 REALLOCATIONS AND ADJUSTMENTS

(a) REALLOCATIONS.

- (1) Reallocations shall be made only to the extent that 10 NCAC 3R .3030 determines that a need exists after the inventory is revised and the need determination is recalculated.
- (2) Beds or services which are reallocated once in accordance with this Rule shall not be reallocated again. Rather, the Medical Facilities Planning Section shall make any necessary changes in the next published amendment to 10 NCAC 3R .3030.
- (3) Dialysis stations that are withdrawn, relinquished, not applied for or decertified shall not be reallocated. Instead, any necessary redetermination of need shall be made in the next scheduled publication of the Semiannual Dialysis Report.
- (4) Appeals of Certificate of Need Decisions on Applications. Need determinations of beds or services for which the CON Section decision has been appealed shall not be reallocated until the appeal is resolved.
- (A) Appeals Resolved Prior to September 17: If an appeal is resolved in the calendar year prior to September 17, the beds or services shall not be reallocated by the CON Section; rather the Medical Facilities Planning Section shall make the necessary changes in the next amendment to 10 NCAC 3R .3030.
- (B) Appeals Resolved On Or After September 17: If the appeal is resolved on or after September 17 in the calendar year, the beds or services, except for dialysis stations, shall be made available for a review period to

be determined by the CON Section, but beginning no earlier than 60 days from the date that the appeal is resolved. Notice shall be given by the Certificate of Need Section no less than 45 days prior to the due date for receipt of new applications.

~~(4) Dialysis stations that are withdrawn, relinquished, not applied for or decertified shall not be reallocated. Instead, any necessary redetermination of need shall be made in the next scheduled publication of the Semiannual Dialysis Report.~~

(5) **Withdrawals and Relinquishments.** Except for dialysis stations, a A need determination for which a certificate of need is issued, but is subsequently withdrawn or relinquished, is available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from:

- (A) the last date on which an appeal of the notice of intent to withdraw the certificate could be filed if no appeal is filed,
- (B) the date on which an appeal of the withdrawal is finally resolved against the holder, or
- (C) the date that the Certificate of Need Section receives from the holder of the certificate of need notice that the certificate has been voluntarily relinquished.

Notice of the scheduled review period for the reallocated services or beds shall be given no less than 45 days prior to the due date for submittal of the new applications.

(6) **Need Determinations for which No Applications are Received**

(A) **Services or Beds with Scheduled Review in the Calendar Year on or Before October 1:** Need determinations, or portions of such need, for services or beds in this category include long-term nursing care beds, home health agencies or offices, hospice home care programs, hospice inpatient beds, and beds in intermediate care facilities for the mentally retarded (ICF/MR) with the exception of ICF/MR need determinations with a scheduled review that begins after October 1. The Certificate of Need Section shall not reallocate the services or beds in this category for which no applications were received, because the Medical Facilities Planning Section will have sufficient time to make any necessary changes in the determinations of need for these services or beds in the next annual amendment to 10 NCAC 3R .3030.

(B) **Services or Beds with Scheduled Review in the Calendar Year After October 1:** Need determinations for services or beds in this category include acute care beds, psychiatric beds, substance abuse beds, ICF/MR beds, bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, cardiac angioplastic equipment, cardiac catheterization equipment, heart-lung bypass ~~machine,~~ machines, gamma ~~knife,~~ knives, lithotriptors, magnetic resonance imaging ~~scanner,~~ scanners, positron emission tomography scanners, major medical equipment as defined in G.S. 131E-176(14f), diagnostic centers and oncology treatment centers for which review commences after October 1. A need determination in this category for which no application has been received by the last due date for submittal of applications shall be available to be applied for in the second Category I review period in the next calendar year for the applicable HSA. Notice of the scheduled review period for the reallocated beds or services shall be given by the Certificate of Need Section no less than 45 days prior to the due date for submittal of new applications.

(7) **Need Determinations not Awarded because Application Disapproved.**

(A) **Disapproval in the Calendar Year prior to September 17:** Need determinations or portions of such need for which applications were submitted but disapproved by the Certificate of Need Section before September 17, shall not be reallocated by the Certificate of Need Section. Instead the Medical Facilities Planning Section shall make the necessary changes in the next annual amendment to 10 NCAC 3R .3030 if no appeal is filed.

(B) **Disapproval in the Calendar Year on or After September 17:** Need determinations or portions of such need for which applications were submitted but disapproved by the Certificate of Need Section on or after September 17, shall be reallocated by the Certificate of Need Section except for dialysis stations. A need in this category shall be available for a review period to be determined by the Certificate of Need Section but beginning no earlier than 95 days from the date the application was disapproved, if no appeal is filed. Notice of the scheduled review period for the reallocation shall be mailed no less than 80 days prior to the due date for submittal of the new applications.

(8) **Reallocation of Delicensed and Decertified ICF/MR Beds.** If an ICF/MR facility's license and Medicaid certification are relinquished or revoked, the ICF/MR beds in the facility shall be reallocated by the Department of Human Resources, Division of Facility Services, Medical Facilities Planning Section pursuant to the provisions of the following sub-parts. The reallocated beds shall only be used to convert five-bed ICF/MR facilities into six-bed facilities.

(A) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located equals or exceeds the number of reallocated beds, the beds shall be reallocated solely within the planning region after considering the recommendation of the Regional Team of Developmental Disabilities Services Directors.

- (B) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located is less than the number of reallocated beds, the Medical Facilities Planning Section shall reallocate the excess beds to other planning regions after considering the recommendation of the Developmental Disabilities Section in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. The Medical Facilities Planning Section shall then allocate the beds among the planning areas within those planning regions after considering the recommendation of the appropriate Regional Teams of Developmental Disabilities Services Directors.
- (C) The Department of Human Resources, Division of Facility Services, Certificate of Need Section shall schedule reviews of applications for these beds pursuant to Subparagraph (a)(5) of this Rule.
- (b) CHANGES IN NEED DETERMINATIONS.
- (1) The need determinations in 10 NCAC 3R .3030 and .3032 shall be revised continuously throughout ~~1995~~ the calendar year to reflect all changes in the inventories of:
- (A) the health services listed at G.S. 131E-176(16)f;
 - (B) health service facilities;
 - (C) health service facility beds;
 - (D) dialysis stations;
 - (E) the equipment listed at G.S. 131E-176(16)f1; and
 - (F) mobile medical equipment.
- as those changes are reported to the Medical Facilities Planning Section. However, need determinations in 10 NCAC 3R .3030 or .3032 shall not be reduced if the relevant inventory is adjusted upward 30 days or less prior to the first day of the applicable review period.
- (2) Inventories shall be updated to reflect:
- (A) decertification of home health agencies or ~~offices~~ offices, intermediate care facilities for the mentally retarded, and dialysis stations;
 - (B) delicensure of health service facilities and health service facility beds;
 - (C) demolition, destruction, or decommissioning of equipment as listed at G.S. 131E-176(16)f1 and s;
 - (D) elimination or reduction of a health service as listed at G.S. 131E-176(16)f;
 - (E) psychiatric beds licensed pursuant to G.S. 131E-184(c);
 - (F) certificates of need awarded, relinquished, or withdrawn, subsequent to the preparation of the inventories in the State Medical Facilities Plan; and
 - (G) corrections of errors in the inventory as reported to the Medical Facilities Planning Section.
- (3) Any person who is interested in applying for a new institutional health service for which a need determination is made in 10 NCAC 3R .3030 or .3032 may obtain information about updated inventories and need determinations from the Medical Facilities Planning Section.

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.3050 POLICIES

(a) ACUTE CARE FACILITIES AND SERVICES

- (1) Use of Licensed Bed Capacity Data for Planning Purposes. For planning purposes the number of licensed beds shall be determined by the Division of Facility Services in accordance with standards found in 10 NCAC 3C .1510 - Bed Capacity.
- (2) Utilization of Acute Care Hospital Bed Capacity. Conversion of underutilized hospital space to other needed purposes shall be considered an alternative to new construction. Hospitals falling below utilization targets in 10 NCAC 3R .3050(a)(4) are assumed to have underutilized space. Any such hospital proposing new construction must clearly demonstrate that it is more cost-effective than conversion of existing space.
- (3) Exemption from Plan Provisions for Certain Academic Medical Center Teaching Hospital Projects. Projects for which certificates of need are sought by academic medical center teaching hospitals may qualify for exemption from provisions of 10 NCAC 3R .3030. The State Medical Facilities Planning Section shall designate as an

Academic Medical Center Teaching Hospital any facility whose application for such designation demonstrates the following characteristics of the hospital:

- (A) Exemption from Plan provisions for certain Academic Medical Center Teaching Hospital projects that serve as a primary teaching site for a school of medicine and at least one other health professional school, providing undergraduate, graduate and postgraduate education.
- (B) Exemption from provisions of 10 NCAC 3R .3030 shall be granted to projects submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990 and houses extensive basic medical science and clinical research programs, patients and equipment, and which projects comply with one of the following conditions.
 - (i) Necessary to complement a specified and approved expansion of the number of types of students, residents or faculty, as certified by the head of the relevant associated professional school; or
 - (ii) Necessary to accommodate patients, staff or equipment for a specified and approved expansion of research activities, as certified by the head of the entity sponsoring the research; or
 - (iii) Necessary to accommodate changes in requirements of specialty education accrediting bodies, as evidenced by copies of documents issued by such bodies.
- (C) Serves the treatment needs of patients from a broad geographic area through multiple medical specialties.
- (4) Reconversion to Acute Care. Facilities redistributing beds from acute care bed capacity to rehabilitation or psychiatric use shall obtain a certificate of need to convert this capacity back to acute care. Application for such reconversion to acute care of beds converted to psychiatry or rehabilitation shall be evaluated against the hospital's utilization in relation to target occupancies used in determining need shown in 10 NCAC 3R .3030 without regard to the acute care bed need shown in the Rule. These target occupancies are:

Licensed Bed Capacity	Percent Occupancy
1 - 49	65
50 - 99	70
100 - 199	75
200 - 699	80
700 - +	81.5

- (5) Multi-Specialty Ambulatory Surgery. After applying other required criteria, when superiority among two or more competing ambulatory surgical facility certificate of need applications is uncertain, favorable consideration shall be given to "multi-specialty programs" over "specialty programs" in areas where need is demonstrated in 10 NCAC 3R .3030. A multi-specialty ambulatory surgical program means a program providing services in at least three of the following areas; gynecology, otolaryngology, plastic surgery, general surgery, ophthalmology, orthopedics, urology, and oral surgery. An ambulatory surgical facility shall provide at least two designated operating rooms with general anesthesia capabilities, and at least one designated recovery room.
- (6) Distribution of Inpatient Rehabilitation Beds. After applying other required criteria, when superiority among two or more competing rehabilitation facility certificate of need applications is uncertain, favorable consideration shall be given to proposals that make rehabilitation services more accessible to patients and their families or are part of a comprehensive regional rehabilitation network.

(b) LONG-TERM CARE FACILITIES AND SERVICES.

- (1) Provision of Hospital-Based Long-Term Nursing Care. A certificate of need may be issued to a hospital which is licensed under G.S. 131E, Article 5, and which meets the conditions set forth below and other relevant rules, to convert up to ten beds from its licensed acute care bed capacity for use as hospital-based long-term nursing care beds without regard to determinations of need in 10 NCAC 3R .3030 if the hospital:

- (A) is located in a county which was designated as non-metropolitan by the U. S. Office of Management and Budget on January 1, 1995; 1996; and
- (B) on January 1, 1995; 1996, had a licensed acute care bed capacity of 150 beds or less.

The certificate of need shall remain in force as long as the Department of Human Resources determines that the hospital is meeting the conditions outlined in this Rule.

"Hospital-based long-term nursing care" is defined as long-term nursing care provided to a patient who has been directly discharged from an acute care bed and cannot be immediately placed in a licensed nursing facility because of the unavailability of a bed appropriate for the individual's needs. Determination of the patient's need for hospital-based long-term nursing care shall be made in accordance with criteria and procedures for determining need for long-term nursing care administered by the Division of Medical Assistance and the Medicare program. Beds developed under this Rule are intended to provide placement for residents only when placement in other long-term care beds is unavailable in the geographic area. Hospitals which develop beds under this Rule shall

discharge patients to other nursing facilities with available beds in the geographic area as soon as possible where appropriate and permissible under applicable law. Necessary documentation including copies of physician referral forms (FL 2) on all patients in hospital-based nursing units shall be made available for review upon request by duly authorized representatives of licensed nursing facilities.

For purposes of this Rule, beds in hospital-based long-term nursing care shall be certified as a "distinct part" as defined by the Health Care Financing Administration. Beds in a "distinct part" shall be converted from the existing licensed bed capacity of the hospital and shall not be reconverted to any other category or type of bed without a certificate of need.

An application for a certificate of need for reconverting beds to acute care shall be evaluated against the hospital's service needs utilizing target occupancies shown in 10 NCAC 3R .3050(a)(4), without regard to the acute care bed need shown in 10 NCAC 3R .3030. A certificate of need issued for a hospital-based long-term nursing care unit shall remain in force as long as the following conditions are met:

- (i) the beds shall be certified for participation in the Title XVIII (Medicare) and Title XIX (Medicaid) Programs;
- (ii) the hospital discharges residents to other nursing facilities in the geographic area with available beds when such discharge is appropriate and permissible under applicable law;
- (iii) patients admitted shall have been acutely ill inpatients of an acute hospital or its satellites immediately preceding placement in the unit.

The granting of beds for hospital-based long-term nursing care shall not allow a hospital to convert additional beds without first obtaining a certificate of need. Where any hospital, or the parent corporation or entity of such hospital, any subsidiary corporation or entity of such hospital, or any corporation or entity related to or affiliated with such hospital by common ownership, control or management:

- (I) applies for and receives a certificate of need for long-term care bed need determinations in 10 NCAC 3R .3030; or
 - (II) currently has nursing home beds licensed as a part of the hospital under G.S. 131E, Article 5; or
 - (III) currently operates long-term care beds under the Federal Swing Bed Program (P.L. 96-499),
- such hospital shall not be eligible to apply for a certificate of need for hospital-based long-term care nursing beds under this Rule. Hospitals designated by the State of North Carolina as Rural Primary Care Hospitals pursuant to section 1820(f) of the Social Security Act, as amended, which have not been allocated long-term care beds under provisions of G.S. 131E-175 through G.S. 131E-190, may apply to develop beds under this Rule. However, such hospitals shall not develop long-term care beds both to meet needs determined in 10 NCAC 3R .3030 and this Rule.

Beds certified as a "distinct part" under this Rule shall be counted in the inventory of existing long-term care beds and used in the calculation of unmet long-term care bed need for the general population of a planning area. Applications for certificates of need pursuant to this Rule shall be accepted only for the March 1 review cycle. Beds awarded under this Rule shall be deducted from need determinations for the county as shown in 10 NCAC 3R .3030. Continuation of this Rule shall be reviewed and approved by the Department of Human Resources annually. Certificates of need issued under policies analogous to this Rule in State Medical Facilities Plans subsequent to the 1986 Plan are automatically amended to conform with the provisions of this Rule at the effective date of this Rule. The Department of Human Resources shall monitor this program and ensure that patients affected by this Rule are receiving appropriate services, and that conditions under which the certificate of need was granted are being met.

(2) Plan Exemption for Continuing Care Facilities.

- (A) Qualified continuing care facilities may include from the outset, or add or convert bed capacity for long-term nursing care without regard to the bed need shown in 10 NCAC 3R .3030. To qualify for such exemption, applications for certificates of need shall show that the proposed long-term nursing bed capacity:
 - (i) Will only be developed concurrently with, or subsequent to construction on the same site, of facilities for both of the following levels of care:
 - (I) independent living accommodations (apartments and homes) for persons who are able to carry out normal activities of daily living without assistance; such accommodations may be in the form of apartments, flats, houses, cottages, and rooms within a suitable structure;
 - (II) domiciliary care (home for the aged) beds for use by persons who, because of age or disability require some personal services, incidental medical services, and room and board to assure their safety and comfort.
 - (ii) Will be used exclusively to meet the needs of persons with whom the facility has continuing care contracts (in compliance with the Department of Insurance statutes and rules) who have lived in a non-nursing unit of the continuing care facility for a period of at least 30 days. Exceptions shall be allowed when one

spouse or sibling is admitted to the nursing unit at the time the other spouse or sibling moves into a non-nursing unit, or when the medical condition requiring nursing care was not known to exist or be imminent when the individual became a party to the continuing care contract. Financial consideration paid by persons purchasing a continuing care contract shall be equitable between persons entering at the "independent living" and "domiciliary" levels of care.

(iii) Reflects the number of beds required to meet the current or projected needs of residents with whom the facility has an agreement to provide continuing care, after making use of all feasible alternatives to institutional nursing care.

(iv) Will not be certified for participation in the Medicaid program.

(B) One half of the long-term nursing beds developed under this exemption shall be excluded from the inventory used to project bed need for the general population. Certificates of need issued under policies analogous to this Rule in State Medical Facilities Plans subsequent to the 1985 SMFP are automatically amended to conform with the provisions of this Rule at the effective date of this Rule. Certificates of need awarded pursuant to the provisions of Chapter 920, Session Laws 1983, or Chapter 445, Session Laws 1985 shall not be amended.

(3) Development of Home Health Services. After applying other required criteria, when superiority among two or more competing home health agency or office certificate of need applications is uncertain, favorable consideration shall be given to proposals which:

(A) provide an expanded scope of services (including nursing, physical therapy, speech therapy, and home health aide service);

(B) provide the widest range of treatments within a given service; and

(C) have the ability to offer services on a seven days per week basis as required to meet patient ~~needs~~ needs; and

(D) provide specialized services to address the needs of at least one of the following groups: nursing home patients in transition to the community, HIV/AIDS patients, Alzheimer's Disease/senile dementia patients, or underserved patients in rural counties.

(4) Need Determination Upon Termination of County's Sole Home Health Agency. When a home health agency's board of directors, or in the case of a public agency, the responsible public body, votes to discontinue the agency's provision of home health services; and

(A) the agency is the only home health agency with an office physically located in the county; and

(B) the agency is not being lawfully transferred to another entity;

need for a new home health agency or office in the county is thereby established through this Rule.

Following receipt of written notice of such decision from the home health agency's chief administrative officer, the Certificate of Need Section shall give public notice of the need for one home health agency or office in the county, and the dates of the review of applications to meet the need. Such notice shall be given no less than 45 days prior to the final date for receipt of applications in a newspaper serving the county and to home health agencies located outside the county reporting serving county patients in the most recent licensure applications on file.

(5) Availability of Dialysis Care. After applying other required criteria, when superiority among two or more competing dialysis facility or station certificate of need applications is uncertain, favorable consideration shall be given to applicants proposing to provide or arrange for:

(A) home training and backup for patients suitable for home dialysis in the ESRD dialysis facility or in a facility that is a reasonable distance from the patient's residence;

(B) ESRD dialysis service availability at times that do not interfere with ESRD patients' work schedules;

(C) services in rural, remote areas.

(6) Determination of Need for Additional Nursing Beds in Single Provider Counties. When a long-term care facility with fewer than 80 nursing care beds is the only nursing care facility within a county, it may apply for a certificate of need for additional nursing beds in order to bring the minimum number of beds available within the county to no more than 80 nursing beds without regard to the nursing bed need determination for that county as listed in 10 NCAC 3R .3030.

(c) MENTAL HEALTH FACILITIES AND SERVICES.

(1) Appropriate Provision of Care. Hospitalization shall be considered the most restrictive form of therapeutic intervention or treatment and shall be used only when this level of 24-hour care and supervision is required to meet the patient's health care needs.

(2) Linkages Between Treatment Settings. Anyone applying for a certificate of need for psychiatric, ICF/MR or substance abuse beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services, relative to their endorsement of the project and involvement in the development of a client admission and discharge agreement.

(3) Transfer of Beds from State Psychiatric Hospitals to Community Facilities. Beds in the State psychiatric hospitals

used to serve short-term psychiatric patients may be relocated to community facilities. However, before beds are transferred out of the State psychiatric hospitals, appropriate services and programs shall be available in the community. The process of transferring beds shall not result in a net change in the number of psychiatric beds available, but rather in the location of beds counted in the existing inventory. State hospital beds which are relocated to community facilities shall be closed within ninety days following the date the transferred beds become operational in the community. Facilities proposing to operate transferred beds shall commit to serve the type of short-term patients normally placed at the State psychiatric hospitals. To help ensure that relocated beds will serve those persons who would have been served by the State psychiatric hospitals, a proposal to transfer beds from a State hospital shall include a written memorandum of agreement between the area MH/DD/SAS program serving the county where the beds are to be located, the Secretary of Human Resources, and the person submitting the proposal.

- (4) Inpatient Psychiatric Services for Children and Adolescents. Inpatient psychiatric treatment of children and adolescents which is more extensive than stabilization shall occur in units which are separate and distinct from both adult psychiatric units and general pediatric units. In order to maximize efficiency and ensure the availability of a continuum of care, psychiatric beds for children and adolescents shall be developed in conjunction with outpatient treatment programs.
- (5) Involuntarily Committed Patients. All certificate of need applications for psychiatric beds shall indicate the proponents' willingness to be designated to serve involuntarily committed patients.
- (6) Substance Abuse Programs to Treat Adolescents. Adolescents shall receive substance abuse treatment services that are distinct from services provided to adults.
- (7) Determination of Intermediate Care Bed Need for Mentally Retarded/Developmentally Disabled Persons. After applying other required criteria, when superiority among two or more competing ICF/MR certificate of need applications is uncertain, favorable consideration shall be given to counties that do not have ICF/MR group homes when such counties are part of a multi-county area for which a need is shown in 10 NCAC 3R .3030.
- (8) Transfer of Beds from State Mental Retardation Centers. Facilities proposing to transfer ICF/MR beds from State mental retardation centers to communities shall demonstrate that they are committed to serving the same type of residents normally served in the State mental retardation centers. To ensure that relocated beds will serve those persons, any certificate of need application proposing to transfer beds under this rule must meet the requirements of Chapter 858 of the 1983 Session Laws. The application for transferred beds shall include a written agreement by the applicant with the following representatives which outlines the operational aspects of the bed transfers: Director of the Area MH/DD/SAS Program serving the county where the program is to be located; the Director of the applicable State Mental Retardation Center; the Chief of Developmental Disability Services in the DMH/DD/SAS; and the Secretary of the Department of Human Resources.

History Note: Filed as a Temporary Amendment Eff. January 1, 1995 for a period of 180 days or until the permanent rule becomes effective whichever is sooner;
 Filed as a Temporary Amendment Eff. December 31, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);
 Eff. January 4, 1993;
 Amended Eff. April 1, 1995; April 1, 1994;
 Temporary Amendment Eff. January 1, 1996.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Rule-making Agency: *Social Services Commission*

Rule Citation: *10 NCAC 41F .0706 - .0707, .0812 - .0813*

Effective Date: *January 1, 1996*

Findings Reviewed by the Codifier of Rules: *Approved*

Statutory Authority for the rule-making: *G.S. 131D-10.5; 143B-153*

Reason for Proposed Action: *The Social Services Commission intends to permanently adopt rules regarding criminal history*

checks of foster parents and foster parent applicants.

Comment Procedures: Anyone wishing to comment should contact Sharnese Ransome, Special Assistant to the Director, NC Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603, (919) 733-3055.

CHAPTER 41 - CHILDREN'S SERVICES

SUBCHAPTER 41F - LICENSING OF FAMILY FOSTER HOMES

SECTION .0700 - STANDARDS FOR LICENSING

.0706 CRIMINAL CONVICTIONS

~~An applicant shall not be eligible for licensure as a foster parent if the applicant, or any member of the applicant's household thirteen (13) years or older, has been convicted or entered a plea of no contest to a crime, and there is a relationship between the nature of the crime and the ability of the prospective foster parent to assure the health, safety and well-being of foster children; provided a license shall be denied if the applicant or any member of the household thirteen (13) years or older has been convicted or entered a plea of no contest to a felony involving violent behavior, unlawful sexual conduct, minor children or controlled drugs.~~

History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. November 1, 1994;
Amended August 1, 1995;
Temporary Repealed Eff. January 1, 1996.

.0707 CRIMINAL HISTORIES

An applicant shall not be eligible for licensure if the applicant, or any member of the applicant's household 18 years of age or older, refuses to consent to any criminal history check required by G.S. 131D, Art. 1A or if the Division of Social Services determines that the applicant, or any member of the applicant's household 18 years of age or older is unfit, based on the criminal history, to have responsibility for the safety and well-being of children.

History Note: Authority G.S. 131D-10.5; 143B-153;
Temporary Adoption Eff. January 1, 1996.

SECTION .0800 - LICENSING REGULATIONS AND PROCEDURES

.0812 CRIMINAL BACKGROUND CHECKS

~~The supervising agency shall conduct a criminal background investigation through access of the Department of Corrections Inmate/Probation Inquiry System for all members of the foster family household thirteen (13) years and older at the time of initial application and annually thereafter. The results of the criminal background investigation shall be reported to the Division of Social Services on the application form.~~

History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. November 1, 1994;
Amended Eff. August 1, 1995;
Temporary Repealed Eff. January 1, 1996.

.0813 CRIMINAL HISTORY CHECKS

The supervising agency shall carry out the following for all foster parents applying for relicensure of a family foster home, new foster parent applicants and any member of the foster parents' or prospective foster parents' household 18 years of age or older:

- (1) furnish the written notice as required by G.S. 131D-10.3A(e);
- (2) obtain a signed consent form for a criminal history check and submit the signed consent form to the Division of Social Services;
- (3) obtain two sets of fingerprints on SBI identification cards and forward both sets of fingerprints to the Division of Social Services. Once an individual's fingerprints have been submitted to the Division of Social Services, additional fingerprints shall not be required; and
- (4) conduct a local criminal history check through accessing the Administrative Office of the Courts and the Department of Corrections Inmate/Probation Inquiry Systems and submit the results of the criminal history checks

to the Division of Social Services on the application form.

History Note: Authority G.S. 131D-10.5; 143B-153;
Temporary Adoption Eff. January 1, 1996.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Rule-making Agency: Social Services Commission

Rule Citation: 10 NCAC 42A .0701 - .0703

Effective Date: January 1, 1996

Findings Reviewed by the Codifier of Rules: Approved

Statutory Authority for the rule-making: G.S. 131D-4.3; 143B-153

Reason for Proposed Action: The North Carolina Social Services Commission proposes to permanently adopt new rules to implement the provisions of Ch. 449 of the 1995 Session Laws. These rules provide for case management services for residents of adult care homes.

Comment Procedures: Anyone wishing to comment on these proposed rules should contact Sharnese Ransome, Special Assistant to the Director, NC Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603, (919) 733-3055.

CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

SUBCHAPTER 42A - ADULT PLACEMENT SERVICES

SECTION .0700 - ADULT CARE HOME CASE MANAGEMENT

.0701 AVAILABILITY

Counties shall assure the availability of case management services to adult care home residents eligible for Medicaid funded Enhanced Adult Care Home Personal Care.

History Note: Authority G.S. 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.

.0702 CASE MANAGEMENT ACTIVITIES

Adult Care Home Case Management shall include the following activities:

- (1) verifying the need for Enhanced Adult Care Home Personal Care;
- (2) assuring the adult care home's care plan corresponds to the needs of the resident;
- (3) reviewing the adult care home's provision of care to assure changes in the residents conditions are being addressed;
- (4) determining the need for other community based services which might benefit the resident; and
- (5) assisting the resident and the adult care home to access other needed services.

History Note: Authority G.S. 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.

.0703 DESIGNATED AGENCIES

Adult Care Home Case Management can be provided by an Area Mental Health Agency, a County Department of Social Services, or other agencies designated by the Department.

History Note: Authority G.S. 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Rule-making Agency: *Social Services Commission*

Rule Citation: *10 NCAC 42B .1209 - .1211, .2402 - .2405; 42C .2010 - .2012, .3701 - .3704; 42D .1409 - .1411, .1827 - .1830*

Effective Date: *January 1, 1996*

Findings Reviewed by the Codifier of Rules: *Approved*

Statutory Authority for the rule-making: *G.S. 131D-2; 131D-4.3; 143B-153*

Reason for Proposed Action: *The North Carolina Social Services Commission proposes to permanently adopt new rules to implement the provisions of Chapter 449 of the 1995 Session Laws. The purpose of the rules is to ensure quality of care for residents in adult care homes.*

Comment Procedures: *Anyone wishing to comment on these proposed rules should contact Sharnese Ransome, Special Assistant to the Director, 325 North Salisbury Street, Raleigh, North Carolina 27603-5905, (919) 733-3055.*

CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

SUBCHAPTER 42B - LICENSING OF HOMES FOR DEVELOPMENTAL DISABLED ADULTS

SECTION .1200 - PERSONNEL

.1209 COMPETENCY OF STAFF PROVIDING PERSONAL CARE

~~(a) The facility shall ensure that staff who provide personal care to residents perform only those personal care tasks for which they have demonstrated competency to the facility administrator or a person designated by the administrator.~~

~~(b) The facility shall maintain documentation of the competency evaluation of staff who provide personal care that is kept current, filed in an orderly manner and made available for review by the Department of Human Resources.~~

*History Note: Filed as a Temporary Adoption effective October 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131D-2; 143B-153;
Temporary Repeal Eff. January 1, 1996.*

.1210 STAFF COMPETENCY AND TRAINING

10 NCAC 42D .1410 shall control for this Subchapter.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

.1211 TRAINING PROGRAM CONTENT AND APPROVAL

10 NCAC 42D .1411 shall control for this Subchapter.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

SECTION .2400 - MISCELLANEOUS RULES

.2402 RESIDENT ASSESSMENT

10 NCAC 42C .3701 shall control for this Subchapter.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

.2403 RESIDENT CARE PLAN

10 NCAC 42C .3702 shall control for this Subchapter.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

.2404 LICENSED HEALTH PROFESSIONAL SUPPORT

10 NCAC 42C .3703 shall control for this Subchapter.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

.2405 COOPERATION WITH CASE MANAGERS

10 NCAC 42C .3704 shall control for this Subchapter.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

SUBCHAPTER 42C - LICENSING OF FAMILY CARE HOMES

SECTION .2000 - PERSONNEL

.2010 COMPETENCY OF STAFF PROVIDING PERSONAL CARE

~~(a) The facility shall ensure that staff who provide personal care to residents perform only those personal care tasks for which they have demonstrated competency to the facility administrator or a person designated by the administrator, except when the administrator is also the personal care staff.~~

~~(b) The facility shall maintain documentation of the competency evaluation of staff who provide personal care that is kept current, filed in an orderly manner and made available for review by representatives of the Department of Human Resources.~~

*History Note: Filed as a Temporary Adoption effective October 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131D-2; 143B-153;
Temporary Repeal Eff. January 1, 1996.*

.2011 STAFF COMPETENCY AND TRAINING

(a) The facility shall assure that personal care staff and those who directly supervise them in facilities without heavy care residents successfully complete a 20-hour training program, including competency evaluation, approved by the Department. For the purposes of this Subchapter, heavy care residents are those for whom the facility is providing special health-related personal care tasks. Directly supervise means being on duty in the facility to oversee or direct the performance of staff duties.

(b) The facility shall assure that staff who perform or directly supervise staff who perform special health-related personal care tasks in facilities with heavy care residents successfully complete a 75-hour training program, including competency evaluation, approved by the Department and comparable to the State-approved Nurse Aide I training.

(c) The facility shall assure that training specified in Paragraphs (a) and (b) of this Rule is successfully completed within one of the following time frames:

- (1) six months after implementation of a statewide training program for staff hired before such implementation; or
- (2) six months after hiring for staff hired after implementation of a statewide training program established by the Department of Community Colleges.

(d) The Department shall have the authority to extend the six-month time frame specified in Paragraph (c) of this Rule up to six additional months for a maximum allowance of 12 months for completion of training upon submittal of documentation to the Department by the facility showing good cause for not meeting the six-month time frame.

(e) Exemptions from the training requirements of this Rule are as follows:

- (1) The Department shall exempt staff from the 20-hour training requirement upon successful completion of a competency evaluation approved by the Department if staff have been employed to perform or directly supervise basic personal care tasks in a comparable long-term care setting for a total of at least twelve months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.
- (2) The Department shall exempt staff from the 75-hour training requirement upon successful completion of a 15-

hour refresher training and competency evaluation program or a competency evaluation program approved by the Department if staff have been employed to perform or directly supervise special health-related personal care tasks in a comparable long-term care setting for a total of at least 12 months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.

- (3) The Department shall exempt staff from the 20 and 75-hour training and competency evaluation who are licensed health professionals or listed on the N.C. Nurse Aide Registry.

(f) The facility shall maintain documentation of the training and competency evaluations of staff required by the rules of this Subchapter. The documentation shall be filed in an orderly manner and made available for review by representatives of the Department.

(g) The facility shall assure that staff who perform or directly supervise staff who perform basic personal care tasks or special health-related personal care tasks receive on-the-job training and supervision as necessary for the performance of individual job assignments prior to meeting the training and competency requirements of this Rule.

(h) For the purposes of this Rule, basic personal care tasks include, but are not limited to the following:

- (1) assist residents with toileting and maintaining bowel and bladder continence;
- (2) assist residents with mobility and transferring;
- (3) provide care for normal, unbroken skin;
- (4) assist with personal hygiene to include mouth care, hair and scalp grooming, care of fingernails, and bathing in shower, tub, bed basin;
- (5) trim hair;
- (6) shave resident;
- (7) provide basic first aid;
- (8) assist residents with dressing;
- (9) assist with feeding residents with special conditions but no swallowing difficulties;
- (10) assist and encourage physical activity;
- (11) take and record temperature, pulse, respiration, routine height and weight;
- (12) trim toenails for residents without diabetes or peripheral vascular disease;
- (13) perineal care;
- (14) apply condom catheters;
- (15) turn and position;
- (16) collect urine or fecal specimens;
- (17) take and record blood pressure if a registered nurse has determined and documented staff to be competent to perform this task;
- (18) apply and remove or assist with applying and removing prosthetic devices for stable residents if a registered nurse, licensed physical therapist or licensed occupational therapist has determined and documented staff to be competent to perform the task; and
- (19) apply or assist with applying ace bandages, TED's and binders for stable residents if a registered nurse has determined and documented staff to be competent to perform the task.

(i) For the purposes of this Rule, special health-related personal care tasks are as follows:

- (1) assist with feeding residents with swallowing difficulty;
- (2) assist with gait training using assistive devices;
- (3) assist with or perform range of motion exercises;
- (4) empty and record drainage of catheter bag;
- (5) administer enemas;
- (6) bowel and bladder retraining to regain continence;
- (7) test urine or fecal specimens;
- (8) use of physical or mechanical devices attached to or adjacent to the resident which restrict movement or access to one's own body used to restrict movement or enable or enhance functional abilities;
- (9) non-sterile dressing procedures;
- (10) force and restrict fluids;
- (11) apply prescribed heat therapy;
- (12) care for non-infected pressure ulcers; and
- (13) vaginal douches.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

.2012 TRAINING PROGRAM CONTENT AND APPROVAL

(a) The 20-hour training specified in Rule .2011 of this Subchapter shall consist of at least 12 hours of classroom instruction, and the remaining hours shall be supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) personal care skills;
- (2) cognitive, behavioral and social care, including mental disabilities; and
- (3) residents' rights as established by G.S. 131D-21.

(b) The 75-hour training specified in Rule .2011 of this Subchapter shall consist of at least 30 hours of classroom instruction and at least 30 hours of supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) observation and documentation;
- (2) basic nursing skills, including special health-related tasks;
- (3) personal care skills;
- (4) cognitive, behavioral and social care, including mental disabilities;
- (5) basic restorative services; and
- (6) residents' rights as established by G.S. 131D-21.

(c) The curriculum, number of hours for each content area, instructor qualifications, sites for classroom instruction and supervised practical experience, and plans for competency evaluation and documentation for the 20-hour and 75-hour training programs shall be submitted to the Department for approval.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

SECTION .3700 - RESIDENT ASSESSMENT AND CARE

.3701 RESIDENT ASSESSMENT

(a) The facility shall assure that an assessment of each resident is completed within 30 calendar days from the date of admission and annually thereafter using an assessment instrument approved by the Department. For the purposes of this Subchapter, the assessment is a functional assessment to determine a resident's level of functioning to include routines, preferences, needs, mood and psychosocial well-being, cognitive status and physical functioning in activities of daily living. Activities of daily living are personal functions essential for the health and well-being of the resident which are bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting and eating.

(b) The facility shall assure a reassessment of a resident is completed within 10 days of a significant change in the resident's condition. For the purposes of this Subchapter, reassessment is any assessment as defined in Paragraph (a) of this Rule other than the initial and annual assessments.

(c) For the purposes of this Subchapter, significant change in the resident's condition is defined as follows:

- (1) Significant change is one or more of the following:
 - (A) deterioration in two or more activities of daily living;
 - (B) change in ability to walk or transfer;
 - (C) change in the ability to use one's hands to grasp small objects;
 - (D) deterioration in behavior or mood to the point where daily problems arise or relationships have become problematic;
 - (E) no response by the resident to the treatment for an identified problem;
 - (F) initial onset of unplanned weight loss or gain of 5 percent of body weight within a 30-day period or 10 percent weight loss or gain within a 6-month period;
 - (G) threat to life such as stroke, heart condition, or metastatic cancer;
 - (H) emergence of a pressure ulcer at Stage II or higher;
 - (I) a new diagnosis of a condition likely to affect the resident's physical, mental, or psychosocial well-being over a prolonged period of time such as initial diagnosis of Alzheimer's disease or diabetes;
 - (J) improved behavior, mood or functional health status to the extent that the established plan of care no longer matches what is needed;
 - (K) new onset of impaired decision-making;
 - (L) continence to incontinence or indwelling catheter; or
 - (M) the resident's condition indicates there may be a need to use a restraint and there is no current restraint order for the resident.
- (2) Significant change is not any of the following:
 - (A) changes that suggest slight upward or downward movement in the resident's status;
 - (B) short-term changes that resolve with or without intervention;

- (C) changes that arise from easily reversible causes;
- (D) a short-term acute illness or episodic event;
- (E) a well-established, predictive, cyclical pattern; or
- (F) steady improvement under the current course of care.

(d) If a resident experiences a significant change as defined in Paragraph (c) of this Rule, the facility shall refer the resident to the resident's physician or other appropriate licensed health professional such as a mental health professional, nurse practitioner, physician assistant or registered nurse in a timely manner consistent with the resident's condition but no longer than 10 days from the significant change, and document the referral in the resident's record.

(e) The assessment and reassessment shall be completed and signed by the administrator or a person designated by the administrator.

(f) The facility administrator or a person designated by the administrator to perform resident assessments and reassessments shall successfully complete Department- approved training on assessing residents by July 1, 1996. After this date, the administrator or person designated by the administrator to perform assessments and reassessments shall have successfully completed the assessment training before performing any assessments or reassessments of residents. Registered nurses are exempt from the assessment training.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

.3702 RESIDENT CARE PLAN

(a) The facility shall assure a care plan is developed for each resident in conjunction with the initial resident assessment and revised as needed based on annual assessments and any reassessments of the resident. For the purposes of this Subchapter, the care plan is an individualized, written program of personal care for each resident.

(b) The care plan shall include the following:

- (1) a statement of the care or service to be provided based on the assessment or reassessment; and
- (2) frequency of the service provision.

(c) The assessor shall sign the care plan upon its completion.

(d) The facility shall assure that a physician authorizes personal care services and certifies the following:

- (1) the resident is under the physician's care; and
- (2) the resident has a medical diagnosis with associated physical or mental limitations that justify the personal care services specified in the care plan.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

.3703 LICENSED HEALTH PROFESSIONAL SUPPORT

(a) The facility shall assure that a registered nurse, licensed under G.S. 90, Article 9A, participates in the on-site review and evaluation of the residents' health status and care plan within the first 45 days of admission and at least every 90 days thereafter for newly admitted residents who require one or more special health-related personal care tasks, including but not limited to the following, and at least every 90 days for current residents who require one or more special health-related personal care tasks including but not limited to the following:

- (1) applying and removing ace bandages, TED's and binders;
- (2) feeding techniques for residents with swallowing problems;
- (3) bowel or bladder retraining involving hands-on and invasive activities such as enemas, suppositories, and catheterizations;
- (4) urinary catheterizations;
- (5) chest physiotherapy or postural drainage;
- (6) clean or sterile dressing changes;
- (7) collecting or testing blood samples and taking action based on the results;
- (8) colostomy care;
- (9) decubitus care for stages I-IV wounds;
- (10) irrigations of wounds, catheters or access devices;
- (11) inhalation medication by machine;
- (12) maintaining accurate intake and output data;
- (13) medication administration through feeding tube;
- (14) medication administration through injection or vascular access;
- (15) administration of more than 10 medications;

- (16) oxygen administration and monitoring;
- (17) the monitoring of care for any residents who are restrained and the use of care practices as alternatives to restraints;
- (18) oral, pharyngeal, or tracheal suctioning;
- (19) testing urine samples and taking action based on the results;
- (20) tracheostomy care;
- (21) transferring semi-ambulatory or non-ambulatory residents;
- (22) administering and monitoring of tube feedings; or
- (23) adjusting medications as ordered based on vital signs.

(b) The facility shall assure that a registered nurse, occupational therapist licensed under G.S. 90, Article 18D or physical therapist licensed under G.S. 90-270.24, Article 18B, participates in the on-site review and evaluation of the residents' health status and care plan at least every 90 days for those residents who require one or more of the following tasks:

- (1) application of prescribed heat therapy;
- (2) application and removal of prosthetic devices;
- (3) gait training using assistive devices;
- (4) range of motion exercises; or
- (5) any other prescribed physical or occupational therapy.

(c) The facility shall assure that participation in the on-site review and evaluation of the residents' health status and care plan by a registered nurse, occupational therapist or physical therapist as specified in Paragraphs (a) and (b) of this Rule includes:

- (1) identifying the appropriate persons to provide care and perform the tasks consistent with 21 NCAC 36 .0400;
- (2) teaching or validating competencies of licensed practical nurses or non-licensed personnel who will provide care and perform the tasks;
- (3) evaluating the resident's response to care being provided;
- (4) reviewing and, if necessary, recommending changes in the care plan to meet the health-related needs of the resident; and
- (5) documenting the activities in Subparagraphs (1) through (4) of this Paragraph.

(d) The facility shall assure that any staff who perform special health-related personal care tasks listed in Paragraph (a) of this Rule are at least annually observed providing care to residents by a licensed registered nurse or other appropriate licensed health professional who is employed by the facility or under contract or agreement, individually or through an agency, with the facility.

History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.

.3704 COOPERATION WITH CASE MANAGERS

The administrator shall cooperate with and assure the cooperation of facility staff with case managers in their provision of case management services to the appropriate residents.

History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.

SUBCHAPTER 42D - LICENSING OF HOMES FOR THE AGED AND INFIRM

SECTION .1400 - PERSONNEL

.1409 COMPETENCY OF STAFF PROVIDING PERSONAL CARE

~~(a) The facility shall ensure that staff who provide personal care to residents perform only those personal care tasks for which they have demonstrated competency to the facility administrator or a person designated by the administrator.~~

~~(b) The facility shall maintain documentation of the competency evaluation of staff who provide personal care and their supervisors that is kept current, filed in an orderly manner and made available for review by representatives of the Department of Human Resources.~~

History Note: Filed as a Temporary Adoption effective October 1, 1995, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 131D-2; 143B-153;
Temporary Repeal Eff. January 1, 1996.

.1410 STAFF COMPETENCY AND TRAINING

(a) The facility shall assure that staff who perform or directly supervise staff who perform basic personal care tasks successfully complete a 40-hour training program, including competency evaluation, approved by the Department. Directly supervise means being on duty in the facility to oversee or direct the performance of staff duties.

(b) The facility shall assure that staff who perform or directly supervise staff who perform special health-related personal care tasks successfully complete a 75-hour training program, including competency evaluation, approved by the Department and comparable to the State-approved Nurse Aide I training.

(c) The facility shall assure that training specified in Paragraphs (a) and (b) of this Rule is successfully completed within one of the following time frames:

- (1) six months after implementation of a statewide training program for staff hired before such implementation; or
- (2) six months after hiring for staff hired after implementation of a statewide training program established by the Department of Community Colleges.

(d) The Department shall have the authority to extend the six-month time frame specified in Paragraph (c) of this Rule up to six additional months for a maximum allowance of 12 months for completion of training upon submittal of documentation to the Department by the facility showing good cause for not meeting the six-month time frame.

(e) Exemptions from the training requirements of this Rule are as follows:

- (1) The Department shall exempt staff from the 40-hour training requirement upon successful completion of a competency evaluation approved by the Department if staff have been employed to perform or directly supervise basic personal care tasks in a comparable long-term care setting for a total of at least twelve months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.
- (2) The Department shall exempt staff from the 75-hour training requirement upon successful completion of a 15-hour refresher training and competency evaluation program or a competency evaluation program approved by the Department if staff have been employed to perform or directly supervise special health-related personal care tasks in a comparable long-term care setting for a total of at least twelve months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.
- (3) The Department shall exempt staff from the 40 and 75-hour training and competency evaluation who are licensed health professionals or listed on the N.C. Nurse Aide Registry.

(f) The facility shall maintain documentation of the training and competency evaluations of staff required by the rules of this Subchapter. The documentation shall be filed in an orderly manner and made available for review by representatives of the Department.

(g) The facility shall assure that staff who perform or directly supervise staff who perform basic personal care tasks or special health-related personal care tasks receive on-the-job training and supervision as necessary for the performance of individual job assignments prior to meeting the training and competency requirements of this Rule.

(h) For the purposes of this Rule, basic personal care tasks include, but are not limited to the following:

- (1) assist residents with toileting and maintaining bowel and bladder continence;
- (2) assist residents with mobility and transferring;
- (3) provide care for normal, unbroken skin;
- (4) assist with personal hygiene to include mouth care, hair and scalp grooming, care of fingernails, and bathing in shower, tub, bed basin;
- (5) trim hair;
- (6) shave resident;
- (7) provide basic first aid;
- (8) assist residents with dressing;
- (9) assist with feeding residents with special conditions but no swallowing difficulties;
- (10) assist and encourage physical activity;
- (11) take and record temperature, pulse, respiration, routine height and weight;
- (12) trim toenails for residents without diabetes or peripheral vascular disease;
- (13) perineal care;
- (14) apply condom catheters;
- (15) turn and position;
- (16) collect urine or fecal specimens;
- (17) take and record blood pressure if a registered nurse has determined and documented staff to be competent to perform this task;
- (18) apply and remove or assist with applying and removing prosthetic devices for stable residents if a registered nurse, licensed physical therapist or licensed occupational therapist has determined and documented staff to be competent to perform the task; and

- (19) apply or assist with applying ace bandages, TED's and binders for stable residents if a registered nurse has determined and documented staff to be competent to perform the task.
- (i) For the purposes of this Rule, special health-related personal care tasks are as follows:
- (1) assist with feeding residents with swallowing difficulty;
 - (2) assist with gait training using assistive devices;
 - (3) assist with or perform range of motion exercises;
 - (4) empty and record drainage of catheter bag;
 - (5) administer enemas;
 - (6) bowel and bladder retraining to regain continence;
 - (7) test urine or fecal specimens;
 - (8) use of physical or mechanical devices attached to or adjacent to the resident which restrict movement or access to one's own body used to restrict movement or enable or enhance functional abilities;
 - (9) non-sterile dressing procedures;
 - (10) force and restrict fluids;
 - (11) apply prescribed heat therapy;
 - (12) care for non-infected pressure ulcers; and
 - (13) vaginal douches.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

.1411 TRAINING PROGRAM CONTENT AND APPROVAL

(a) The 40-hour training specified in Rule .1410 of this Subchapter shall consist of at least 20 hours of classroom instruction, and the remaining hours shall be supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) basic nursing skills;
- (2) personal care skills;
- (3) cognitive, behavioral and social care, including mental disabilities;
- (4) basic restorative services; and
- (5) residents' rights as established by G.S. 131D-21.

(b) The 75-hour training specified in Rule .1410 of this Subchapter shall consist of at least 30 hours of classroom instruction and at least 30 hours of supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) observation and documentation;
- (2) basic nursing skills, including special health-related tasks;
- (3) personal care skills;
- (4) cognitive, behavioral and social care, including mental disabilities;
- (5) basic restorative services; and
- (6) residents' rights as established by G.S. 131D-21.

(c) The curriculum, number of hours for each content area, instructor qualifications, sites for classroom instruction and supervised practical experience, and plans for competency evaluation and documentation for the 40-hour and 75-hour training programs shall be submitted to the Department for approval.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

SECTION .1800 - REMAINING POLICIES AND REGULATIONS

.1827 RESIDENT ASSESSMENT

10 NCAC 42C .3701 shall control for this Subchapter.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.*

.1828 RESIDENT CARE PLAN

10 NCAC 42C .3702 shall control for this Subchapter.

History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.

.1829 LICENSED HEALTH PROFESSIONAL SUPPORT
10 NCAC 42C .3703 shall control for this Subchapter.

History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.

.1830 COOPERATION WITH CASE MANAGERS
10 NCAC 42C .3704 shall control for this Subchapter.

History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996.

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

NOTE: This Temporary Rule was notice in the Register (10:15 NCR 1551) prior to December 1, 1995. This temporary rule follows the rulemaking process in effect at the time of the initial notice which did not require a notice of rulemaking proceedings.

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the NC Marine Fisheries Commission intends to adopt rule cited as 15A NCAC 3I .0019.

Proposed Effective Date for the Permanent Rule: June 1, 1996

Effective Date of the Temporary Rule: February 1, 1996

Findings Reviewed by the Codifier of Rules: Approved

A Public Hearing will be conducted at 7:00 p.m. on February 20, 1996 at the Craven County Superior Courtroom, Corner of Board & Craven Streets, New Bern, NC

Reason for Proposed Action: Adoption of this rule will establish procedures for closing waters when necessary because of dangers or risks to public health or safety.

Comment Procedures: Comments and statements, both written and oral, may be presented at the hearing. Written comments are encouraged and may be submitted to the Marine Fisheries Commission, P.O. Box 769, Morehead City, NC 28557. These written and oral comments must be received no later than 10:30 a.m. March 18, 1996. Oral presentation lengths may be limited, depending on the number of people that wish to speak at the public hearing.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds.

CHAPTER 3 - MARINE FISHERIES

SUBCHAPTER 3I - GENERAL RULES

.0019 PROHIBITED FISHING ACTIVITY
DUE TO PUBLIC HEALTH OR SAFETY

(a) It is unlawful to possess, sell, or take fish by any method or use any fishing equipment in areas of coastal waters that are closed to fishing by the Marine Fisheries Commission because the areas are determined to pose a public health or safety risk by the State Health Director.

(b) After prior consent of the Marine Fisheries Commission the Fisheries Director may, by proclamation, prohibit or restrict the taking of fish by any method and the use of any fishing equipment in areas of coastal waters that are the subject of warnings or advisories by the State Health Director concerned with dangers or risks to public health or safety. Criteria to be considered for deciding when closures are necessary and when to reopen areas are as follows:

- (1) Pfiesteria piscicida outbreaks:
 - (A) Closing fisheries:
 - (i) Kills: Active fish kills observed for six continuous days.
 - (ii) Disease: Disease event observed, with fish showing bleeding ulcerations for six continuous days.
 - (iii) Pfiesteria piscicida: Toxic flagellated and amoeboid stages at concentrations of greater than 300 cells per mL in kill areas while fish are dying (if laboratory capability is available). [Note: Basis -more than 100 confirming bioassays of Pfiesteria toxicity, together with supporting field data].
 - (B) Opening Fisheries:
 - (i) Kills: No active fish kills observed and no documented schools of fish in apparent distress for six continuous days.
 - (ii) Disease: No disease event of fish showing bleeding ulcerations of six continuous days.
 - (iii) Pfiesteria piscicida: Toxic flagellated and amoeboid stages at concentrations of less than 200 cells per mL following a kill/disease event [if laboratory capability is available]. [Note: Basis - more than 100 confirming bioassays of Pfiesteria toxicity, together with supporting field data].
 - (iv) Biological sampling indicating that the kill or disease event has passed, interpreted through the following information:
 - (I) Sampling of affecting area and/or established monitoring sites, using appropriate sampling gear.
 - (II) Observations of catch by fishing gear that may be set or used in the area.
 - (III) Species diversity and abundance that has returned to normal levels for the area and season when compared to historic data, if available.
- (2) Other Environmental Events:
 - (A) Closing fisheries:
State Health Director determines there is a public health or safety risk.
 - (B) Opening fisheries:
State Health Director determines a public health or safety risk no longer exists.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Temporary Adoption Eff. February 1, 1996.*

TITLE 18 - SECRETARY OF STATE

Rule-making Agency: *NC Boxing Commission*

Rule Citation: *18 NCAC 9 .0109*

Effective Date: *January 1, 1996*

Findings Reviewed by the Codifier of Rules: *Approved*

Statutory Authority for the rule-making: *G.S. 143-652*

Reason for Proposed Action: *The North Carolina State Boxing Commission becomes effective on January 1, 1996. The Commission members have already been appointed by Governor Hunt, President Pro Tempore Basnight of the Senate, and House Speaker Brubaker. In order for regulated boxing to begin in North Carolina on January 1, 1996 according to House Bill 555 ratified in the last session of the General Assembly, rules and guidelines must be in place in order to go by. Permanent rules will not be in effect until April 1, 1996.*

Comment Procedures: *The Division will accept written comments up until 5:00 p.m. on March 4, 1996 at the Secretary of State's Office, 300 N. Salisbury Street, Raleigh, NC 27603-5909.*

CHAPTER 9 - NC BOXING COMMISSION

SECTION .0100 - PURPOSE

.0109 TOUGHMAN MATCH

(a) For the purposes of this Section, "toughman match" means a match in which the contestants lack training in boxing skills. Such contestants engage in the use of boxing techniques (using fists only) specifically authorized by G.S. 143, Article 68 and where the object is to win by decision, knockout (KO), or technical knockout (TKO).

(b) Contestants and officials shall comply with the rules as described under Rule .0104 of this Section, except for the following exceptions and/or additional rules:

- (1) Each contest is limited to three one-minute rounds.
- (2) There shall be four weight classifications: lightweight (up to 145 lbs.); middleweight (145 lbs. to 165 lbs.); light heavyweight (165 lbs. to 185 lbs.); and heavyweight (185 lbs. and over).
- (3) Boxing gloves weighing a minimum of 16 ounces shall be worn by all contestants.
- (4) Headgear, provided by the promoter, must be worn by all contestants.
- (5) The seconds must use clean towels and mouth pieces for each match.
- (6) All equipment must pass the inspection of the referee and/or the Commission representative.
- (7) A contestant shall not participate in more than four matches in the same calendar day. The ringside physician shall check and record a contestant's blood pressure prior to each match.
- (8) A contestant shall not be allowed to compete in a toughman match if he has:
 - (A) been a competitor in professional boxing or kickboxing, including trainers and sparring partners.
 - (B) been a competitor in more than five amateur boxing, kickboxing, or toughman matches, or more than five of any combination of amateur boxing, kickboxing, or toughman matches.
- (9) Competing for, or winning a prize in a toughman contest does not, in itself, make the contestant a professional within the scope of these Rules.
- (10) The Commission realizes and agrees that some contestants will be late entrants, and that such contestant information and license applications will not be available before the weigh-in. The time and place of the weigh-in will be determined by the Commission representative.

*History Note: Authority G.S. 143-652;
Temporary Adoption Eff. January 1, 1996.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 63 - NC CERTIFICATION BOARD SOCIAL WORK

Rule-making Agency: *NC Certification Board Social Work*

Rule Citation: *21 NCAC 63 .0306*

Effective Date: *January 1, 1996*

Findings Reviewed by the Codifier of Rules: *Approved*

Statutory Authority for the rule-making: *G.S. 90B-6(f); S.L. 1995, c. 344*

Reason for Proposed Action: *Amends rule to comply with S.L. 1995, c. 344; G.S. 90B-(f) as amended.*

Comment Procedures: *Written comments will be accepted at NCCSBW, PO Box 1043, Asheboro, NC 27204, Attn: W. F. Morrison, until April 1, 1996.*

SECTION .0300 - EXAMINATIONS

.0306 EXAMINATION FEES

(a) An examination fee of ~~one hundred dollars (\$100.00)~~ fifteen dollars (\$15.00) plus the cost of the examination to the Board will be assessed for administration and processing of any written examination.

(b) An applicant who fails to appear for an examination shall be assessed a fee of ~~one hundred dollars (\$100.00)~~ fifteen dollars (\$15.00) plus the cost of the examination to the Board in order to take the examination at a later date.

*History Note: Authority G.S. 90B-6;
Eff. August 1, 1987;*

TEMPORARY RULES

Amended Eff. September 1, 1993;

Temporary Amendment Eff. January 1, 1996.

This Section contains a listing of the rules to be reviewed by the Rules Review Commission (RRC) at the next meeting date as noted, and rules that RRC has objected to in accordance with G.S. 150B-21.9(a). State agencies are required to respond to RRC objections as provided in G.S. 150B-21.12(a).

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
 Marvea D. Francis
 Teresa L. Smallwood
 Charles H. Henry
 Philip O. Redwine - Vice Chairman

Appointed by House
 Vernice B. Howard
 Jennie J. Hayman - Chairman
 Bill Graham
 Ed Shelton

LOG OF FILINGS
MEETING DATE: FEBRUARY 15, 1996

RULES SUBMITTED: DECEMBER 20, 1995 THROUGH JANUARY 20, 1996

AGENCY/DIVISION	RULE NAME	RULE CITATION	ACTION
DHR/DIVISION OF FACILITY SERVICES			
	Definitions	10 NCAC 3R .2002	Amend
	Capacity	10 NCAC 3R .2004	Repeal
	Scope of Services	10 NCAC 3R .2005	Repeal
	Projected Utilization	10 NCAC 3R .2006	Repeal
	Site	10 NCAC 3R .2007	Repeal
	Staffing	10 NCAC 3R .2008	Repeal
	Information Required	10 NCAC 3R .2012	Adopt
	Performance Standards	10 NCAC 3R .2013	Adopt
	Staffing	10 NCAC 3R .2014	Adopt
DEPARTMENT OF INSURANCE			
	General Information	11 NCAC 6A .0201	Amend
	NC Notice of Cancellation	11 NCAC 6A .0217	Amend
	Appointment of N.C. Agent	11 NCAC 6A .0225	Amend
	Termination	11 NCAC 6A .0226	Amend
	Corporate Surplus Lines	11 NCAC 6A .0235	Amend
	Application	11 NCAC 6A .0236	Amend
	Responsibility of Applicant	11 NCAC 6A .0304	Amend
	General Requirements	11 NCAC 6A .0701	Amend
	Prelicensing Education	11 NCAC 6A .0702	Amend
	Program Directors	11 NCAC 6A .0703	Amend
	Courses	11 NCAC 6A .0704	Amend
	Instructors	11 NCAC 6A .0705	Amend
	Use of Master Trust	11 NCAC 11B .0141	Amend
	Administration	11 NCAC 11B .0602	Amend
	Group Assessments	11 NCAC 11B .0617	Adopt
	Custodial And Fiscal Agency	11 NCAC 11C .0112	Amend
	Ten-Day Notice	11 NCAC 13 .0317	Amend
	Filing and Payment	11 NCAC 14 .0705	Amend
DEHNR/MARINE FISHERIES COMMISSION			
	Leaving Devices Unattended	15A NCAC 3I .0005	Amend
	Disposal of Evidence	15A NCAC 3I .0018	Adopt
	Gill Nets	15A NCAC 3J .0103	Amend

Pound Nets	15A NCAC 3J .0107	Amend
Atlantic Ocean	15A NCAC 3J .0202	Amend
Crab, Eel, Fish and Shrimp Pots	15A NCAC 3J .0301	Amend
Fishing Gear Restrictions	15A NCAC 3J .0402	Adopt
Permits for Planting	15A NCAC 3K .0104	Amend
Non-Commercial Harvest	15A NCAC 3K .0105	Amend
Open Season	15A NCAC 3K .0201	Amend
Size Limit	15A NCAC 3K .0202	Amend
American Lobster	15A NCAC 3L .0301	Amend
Spiny Lobster	15A NCAC 3L .0302	Amend
Season, Size and Harvest Limit	15A NCAC 3M .0202	Amend
Season, Size and Harvest Limit	15A NCAC 3M .0204	Amend
Harvest Limit	15A NCAC 3M .0301	Amend
Red Drum	15A NCAC 3M .0501	Amend
Flounder	15A NCAC 3M .0503	Amend
Trout	15A NCAC 3M .0504	Amend
Snapper/Grouper	15A NCAC 3M .0506	Amend
Recreational Fishing Restrictions	15A NCAC 3M .0507	Amend
Bluefish	15A NCAC 3M .0511	Amend
Compliance with Fishery	15A NCAC 3M .0512	Adopt
Primary Nursery Areas	15A NCAC 3R .0003	Amend
Permanent Secondary Nursery Areas	15A NCAC 3R .0004	Amend
Special Secondary Nursery Areas	15A NCAC 3R .0005	Amend
Designated Pot Areas	15A NCAC 3R .0007	Amend

DEHNR/WILDLIFE RESOURCES COMMISSION

Shining Lights in Deer Areas	15A NCAC 10B .0115	Amend
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SECRETARY OF STATE

Administration	18 NCAC 4 .0102	Amend
Tender of Fees	18 NCAC 4 .0201	Amend
Invoices	18 NCAC 4 .0203	Amend
Overpayment	18 NCAC 4 .0205	Amend
Documents not Specifically Provided	18 NCAC 4 .0206	Amend
Execution	18 NCAC 4 .0302	Amend
Rejection	18 NCAC 4 .0303	Amend
Identification	18 NCAC 4 .0304	Amend
Corrective Filings	18 NCAC 4 .0305	Amend
Incorporation by Reference	18 NCAC 4 .0306	Amend
Application	18 NCAC 4 .0307	Amend
Registered Office	18 NCAC 4 .0308	Amend
Articles of Merger	18 NCAC 4 .0311	Amend
Application for Certificate	18 NCAC 4 .0312	Repeal
Filing Merger	18 NCAC 4 .0313	Repeal
Filing Evidence	18 NCAC 4 .0314	Repeal
Form for Annual Report	18 NCAC 4 .0316	Amend
Authorization	18 NCAC 4 .0317	Adopt
Authorization	18 NCAC 4 .0318	Adopt
Documents	18 NCAC 4 .0401	Amend
Documents	18 NCAC 4 .0402	Amend
General	18 NCAC 4 .0501	Amend
Words Prohibited	18 NCAC 4 .0502	Amend
Deceptively Similar Names	18 NCAC 4 .0503	Amend
Filing Fictitious Name	18 NCAC 4 .0504	Amend
Location and Hours	18 NCAC 5 .0101	Amend
Forms	18 NCAC 5 .0203	Amend
Fees	18 NCAC 5 .0204	Amend

Continuations	18 NCAC 5 .0205	Amend
Termination	18 NCAC 5 .0206	Amend
Filing by Mail	18 NCAC 5 .0207	Amend
Over the Counter Filings	18 NCAC 5 .0208	Amend
Refunds	18 NCAC 5 .0209	Amend
Over the Counter Searches	18 NCAC 5 .0304	Repeal
Fees	18 NCAC 5 .0305	Amend
Telephone Request	18 NCAC 5 .0404	Repeal
Application	18 NCAC 6 .1402	Amend
Purpose	18 NCAC 6 .1601	Amend
Procedure for Application	18 NCAC 6 .1602	Amend
Obtaining Certificates	18 NCAC 6 .1604	Amend
Reporting Requirement	18 NCAC 6 .1605	Repeal
Forms	18 NCAC 6 .1607	Amend
Instructors	18 NCAC 7 .0302	Amend

NC BOARD OF DIETETICS/NUTRITION

Definitions	21 NCAC 17 .0101	Amend
Requirement for License	21 NCAC 17 .0102	Amend
Applications	21 NCAC 17 .0104	Amend
Provisional License	21 NCAC 17 .0107	Amend
Fees	21 NCAC 17 .0113	Amend
Code of Ethics	21 NCAC 17 .0114	Amend
Definitions	21 NCAC 17 .0301	Adopt
Requirements	21 NCAC 17 .0302	Adopt
Supervision	21 NCAC 17 .0303	Adopt
Records and Reports	21 NCAC 17 .0304	Adopt
Individuals Aiding Practice	21 NCAC 17 .0401	Adopt
Individuals Providing Nutrition	21 NCAC 17 .0402	Adopt

NC MARRIAGE AND FAMILY THERAPY LICENSURE BOARD

Address	21 NCAC 31 .0102	Amend
Fees	21 NCAC 31 .0104	Amend
Credentials	21 NCAC 31 .0201	Amend
Review Procedure	21 NCAC 31 .0202	Amend
Issuance of License	21 NCAC 31 .0203	Amend
Written Exam	21 NCAC 31 .0301	Amend
Reporting of Scores	21 NCAC 31 .0302	Amend
First Reexam	21 NCAC 31 .0303	Amend
Subsequent Reexam	21 NCAC 31 .0304	Adopt
Licensure Renewal Form	21 NCAC 31 .0401	Amend
Second Notice	21 NCAC 31 .0402	Repeal
Reinstatement	21 NCAC 31 .0403	Adopt
Return	21 NCAC 31 .0404	Adopt
Appropriate Course	21 NCAC 31 .0501	Amend
Approved Supervision	21 NCAC 31 .0502	Amend
Equivalency	21 NCAC 31 .0503	Amend
Alternative to Clinical Practicum	21 NCAC 31 .0504	Amend
Non-Degree	21 NCAC 31 .0505	Amend
Supervised Clinical Practicum	21 NCAC 31 .0506	Adopt
Responsibility	21 NCAC 31 .0601	Repeal
Competence	21 NCAC 31 .0602	Repeal
Integrity	21 NCAC 31 .0603	Repeal
Confidentiality	21 NCAC 31 .0604	Repeal
Professional Responsibility	21 NCAC 31 .0605	Repeal
Professional Development	21 NCAC 31 .0606	Repeal
Research Responsibility	21 NCAC 31 .0607	Repeal

RULES REVIEW COMMISSION

Social Responsibility	21 NCAC 31 .0608	Repeal
Ethical Principles	21 NCAC 31 .0609	Adopt
Requirements	21 NCAC 31 .0701	Adopt
Marriage and Family Therapy	21 NCAC 31 .0801	Adopt
Reciprocal License	21 NCAC 31 .0901	Adopt

NC STATE BOARD OF EXAMINERS OF FEE-BASED PRACTICING PASTORAL COUNSELORS

Address	21 NCAC 45 .0101	Adopt
Information Required	21 NCAC 45 .0201	Adopt
Review Procedure	21 NCAC 45 .0202	Adopt
Issuance of Certificate	21 NCAC 45 .0203	Adopt
Types	21 NCAC 45 .0301	Adopt
Reporting of Scores	21 NCAC 45 .0302	Adopt
Re-Examination	21 NCAC 45 .0303	Adopt
Certification Renewal Form	21 NCAC 45 .0401	Adopt
Second Notice	21 NCAC 45 .0402	Adopt
Continuing Education	21 NCAC 45 .0501	Adopt
Equivalency	21 NCAC 45 .0601	Adopt
Issuance of Temporary Cert.	21 NCAC 45 .0701	Adopt
Types of Supervision	21 NCAC 45 .0802	Adopt
Requirements	21 NCAC 45 .0901	Adopt
Code of Ethics	21 NCAC 45 .1001	Adopt

NC REAL ESTATE COMMISSION

Equivalent Credit	21 NCAC 58A .1708	Amend
Continuing Education	21 NCAC 58A .1711	Amend
Application	21 NCAC 58E .0303	Amend

STATE PERSONNEL COMMISSION

Content and Procedure	25 NCAC 1B .0201	Amend
Additional Information	25 NCAC 1B .0203	Amend
Presentations	25 NCAC 1B .0204	Amend
Oral Presentations	25 NCAC 1B .0205	Amend
Acknowledgement	25 NCAC 1B .0206	Amend
Written Submissions	25 NCAC 1B .0207	Amend
Requests	25 NCAC 1B .0213	Amend
Situations	25 NCAC 1B .0414	Amend
Causes for Reinstatement	25 NCAC 1B .0431	Amend
Appeal	25 NCAC 1B .0437	Amend
Establishment	25 NCAC 1B .0438	Adopt
Continuances	25 NCAC 1B .0439	Adopt
Personnel Changes	25 NCAC 1C .0412	Amend
Appointment Ended	25 NCAC 1D .0520	Adopt
Policy	25 NCAC 1D .2301	Repeal
Eligibility	25 NCAC 1D .2302	Repeal
Eligibility	25 NCAC 1D .2303	Repeal
Administration	25 NCAC 1D .2304	Repeal
Documentation	25 NCAC 1D .2305	Repeal

RULES REVIEW OBJECTIONS**COMMUNITY COLLEGES****Community Colleges***23 NCAC 2C .0301 - Admission to Colleges**RRC Objection**12/21/95*

Agency Revised Rule

Obj. Removed

12/21/95

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Adult Health

15A NCAC 16A .1002 - Covered Medications

Agency Revised Rule

RRC Objection

12/21/95

Obj. Removed

12/21/95

15A NCAC 16A .1005 - Application Process

Agency Revised Rule

RRC Objection

12/21/95

Obj. Removed

12/21/95

Coastal Management

15A NCAC 7B .0101 - Purpose

Agency Revised Rule

RRC Objection

12/21/95

Rule Returned to Agency

Obj. Cont'd

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0201 - Contents of the Land Use Plan

Agency Revised Rule

RRC Objection

12/21/95

Rule Returned to Agency

Obj. Cont'd

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0204 - Goals and Objectives

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0206 - Data Collection and Analysis

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0207 - Present Conditions

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0210 - Constraints

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0211 - Estimated Demands

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0212 - Policy Statements

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0213 - Land Classification

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0215 - Public Participation

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0401 - Land Use Plan Amendment

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0402 - Public Hearing Required

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

15A NCAC 7B .0501 - Update Required

Rule Returned to Agency

RRC Objection

12/21/95

Agency Filed Rule for Codification Over RRC Objection

Eff. 02/01/96

Environmental Health

15A NCAC 18A .1809 - Lavatories and Baths	RRC Objection	12/21/95
Agency Revised Rule	Obj. Removed	12/21/95
15A NCAC 18A .1811 - Drinking Water Facilities	RRC Objection	12/21/95
Agency Revised Rule	Obj. Removed	12/21/95
15A NCAC 18A .1814 - Disposal of Garbage and Trash: Premises	RRC Objection	12/21/95
Agency Revised Rule	Obj. Removed	12/21/95
15A NCAC 18A .1818 - Food Service	RRC Objection	12/21/95
Agency Revised Rule	Obj. Removed	12/21/95

HUMAN RESOURCES

Services for the Blind

10 NCAC 19G .0501 - Benefits	RRC Objection	12/21/95
Agency Revised Rule	Obj. Removed	12/21/95
10 NCAC 19G .0502 - Economic Needs Policies	RRC Objection	12/21/95
Agency Revised Rule	Obj. Removed	12/21/95

Facility Services

10 NCAC 3C .3001 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .3108 - Suspension of Admissions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3205 - Discharge of Minor or Incompetent	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3302 - Minimum Provisions of Patient's Bill of Rights	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .3502 - Bylaws	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3602 - Responsibilities	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3603 - Personnel Policies and Practices	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3607 - Personnel Health Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3608 - Insurance	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3704 - Status	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3902 - Manager	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .3904 - Patient Access	RRC Objection	07/13/95

No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4003 - Policies and Procedures	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4102 - Classification of Optional Emergency Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4104 - Medical Director	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4203 - Nursing Staff	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4303 - Nursing Services Maternal Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4307 - Nursing Staff of Neonatal Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4401 - Organization	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4502 - Pharmacist	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4508 - Space		
RRC Rescinded its July Approval		10/18/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .4512 - Medications Dispensed	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4702 - Organization	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4703 - Sanitation and Safety	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4704 - Distribution of Food	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4705 - Nutritional Support	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4801 - Organization	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96

10 NCAC 3C .4905 - Tissue Removal and Disposal	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .5002 - Delivery of Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .5201 - Psychiatric/Substance Abuse Svcs.: Applicability of Rules	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .5202 - Definitions Applicable/Psychiatric/Substance Abuse Svcs.	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .5205 - Seclusion	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .5302 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5309 - Nursing/Health Care Administration and Supervision	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5315 - Dental Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5318 - Activities and Recreation	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5319 - Social Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5322 - Brain Injury Extended Care Physician Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5323 - Brain Injury Extended Care Program Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5324 - Special Nursing Req. Brain Injury Long Term Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5325 - Ventilator Dependence	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5326 - Physician Services for Ventilator Dependent Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5403 - HIV Designated Unit Policies and Procedures	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5405 - Physician Services in a HIV Designated Unit	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5407 - Use of Investigational Drugs on the HIV Designated Unit	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5501 - Definitions	RRC Objection	07/13/95

No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5502 - Physician Reg. for Inpatient Rehab. Facilities or Units	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5507 - Comprehensive Rehabilitation Personnel Administration	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5508 - Comprehensive Inpatient Rehab. Program Staffing Req.	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5512 - Additional Req. for Traumatic Brain Injury Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5513 - Additional Req. for Spinal Cord Injury Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .6102 - List of Referenced Codes and Standards	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .6208 - Obstetrical Department Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3H .2001 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .2201 - Administrator	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .2202 - Admissions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .2203 - Patients Not to be Admitted	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .2206 - Medical Director	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .2209 - Infection Control	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3H .2212 - Quality Assurance Committee	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .2301 - Patient Assessment and Care Planning	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .2302 - Nursing Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95

Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2308 - Domiciliary Home Personnel Requirements	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2401 - Maintenance of Medical Records	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2501 - Availability of Physician's Services	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2505 - Brain Injury Long-Term Care Physician Services	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2506 - Physician Services for Ventilator Dependent Patients	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2601 - Availability of Pharmaceutical Services	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Agency Revised Rule	Obj. Cont'd		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2604 - Drug Procurement	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Agency Revised Rule	Obj. Removed		10/18/95
10 NCAC 3H .2605 - Drug Storage and Disposition	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2606 - Pharmaceutical Records	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2607 - Emergency Drugs	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2701 - Provision of Nutrition and Dietetic Services	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Agency Revised Rule	Obj. Cont'd		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2801 - Activity Services	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .2802 - Social Services	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .3002 - Quality of Specialized Rehabilitation Services	RRC Objection		07/13/95
No Response from Agency	Obj. Cont'd		09/21/95
Rule Returned to Agency			10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff.	01/01/96
10 NCAC 3H .3003 - Ventilator Dependence	RRC Objection		07/13/95

No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3004 - Brain Injury Long-Term Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3005 - Special Nursing Req. for Brain Injury Long-Term Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3011 - HIV Designated Unit Policies and Procedures	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3012 - Physician Services in an HIV Designated Unit	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3013 - Special Nursing Requirements for an HIV Designated Unit	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3015 - Use of Investigational Drugs for HIV Designated Units	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3016 - Additional Social Work Req. for HIV Designated Units	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3021- Physician Req. for Inpatient Rehab. Facilities or Units	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3027 - Comprehensive Inpatient Rehab. Program Staffing Req.	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3031 - Additional Req. for Spinal Cord Injury Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3103 - Site	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3H .3201 - Required Spaces	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3H .3401 - Heating and Air Conditioning	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3H .3404 - Other	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95

RRC has Objected on 07/13/95 to the Following Repeals in 10 NCAC 3C and 10 NCAC 3H:

10 NCAC 3C .0101 - .0102, .0104 - .0110, .0201 - .0203, .0301 - .0307, .0401 - .0407, .0501 - .0505, .0601 - .0604, .0701 - .0708, .0801 - .0805, .0807, .0901 - .0917, .1001 - .1006, .1101 - .1102, .1201 - .1204, .1301 - .1303, .1401 - .1405, .1501 - .1508, .1510, .1601 - .1606, .1701 - .1717, .1801 - .1805, .2101 - .2105.		
No Response from Agency	Obj. Cont'd	09/21/95
	Obj. Removed	10/18/95
10 NCAC 3C .1901 - .1912, .1915 - .1932, .2001 - .2008, .2020 - .2033	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rules Returned to Agency		10/18/95
10 NCAC 3H .0108 - .0109, .0206 - .0220, .0306 - .0318, .0407 - .0409, .0505 - .0507, .0510 - .0517, .0605 - .0609, .0705 - .0712, .0810 - .0812, .0903 - .0911, .1003 - .1008, .1105 - .1109, .1130 - .1136, .1150 - .1163, .1204 - .1208, .1210, .1306 - .1308, .1405 - .1406, .1408 - .1410, .1501 - .1503, .1612 - .1613, .1703 - .1704, .1804 - .1807.		
No Response from Agency	Obj. Cont'd	09/21/95
	Obj. Removed	10/18/95
	RRC Objection	11/16/95
10 NCAC 3L .0901 - Definitions	Obj. Cont'd	12/21/95
Rule Returned to Agency		
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1004 - Evaluation	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1102 - Nursing Services and Duties	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1103 - Physical Therapy Services	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1105 - Occupational Therapy Services	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1106 - Medical Social Work Services	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1108 - Infusion Nursing Services	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1109 - Clinical Respiratory Svcs, Including Pulmonary, or Ventilation Svcs	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1110 - Supvn/Competency/In-Home Aides/Other In-Home Care Providers	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1202 - Case Review and Plan of Care	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
10 NCAC 3L .1402 - Content of Record	RRC Objection	11/16/95
Medical Assistance		
10 NCAC 26I .0101 - Purpose and Scope	RRC Objection	10/18/95
Rule Returned to Agency	Obj. Cont'd	11/16/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	12/11/95
10 NCAC 26I .0102 - Requests for Formal and Informal Appeals	RRC Objection	10/18/95
Rule Returned to Agency	Obj. Cont'd	11/16/95
10 NCAC 26I .0103 - Time Limits on Requests for Recipient/Applicant Informal Appeals	RRC Objection	10/18/95
Rule Returned to Agency	Obj. Cont'd	11/16/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	12/11/95
10 NCAC 26I .0106 - Payment Pending Appeals	RRC Objection	10/18/95
Rule Returned to Agency	Obj. Cont'd	11/16/95

<i>10 NCAC 261 .0107 - Dismissal of Appeal</i>	<i>RRC Objection</i>	<i>10/18/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/18/95</i>

JUSTICE

N.C. Sheriffs' Education and Training Standards Commission

<i>12 NCAC 10B .0102 - Purpose</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Repealed Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>12 NCAC 10B .0503 - Time Req/Completion/Basic Law Enforcement Training Course</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>12 NCAC 10B .0602 - Time Req/Completion//Jailer Cert Training Course</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>12 NCAC 10B .0605 - Completion of Jailer Certification Course</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>12 NCAC 10B .0704 - Responsibilities: School Directors</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>

LICENSING BOARDS AND COMMISSIONS

Acupuncture Licensing Board

<i>21 NCAC 1 .0501 - Qualifications for Establishing a School for Acupuncture in N.C.</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>

Board of Architecture

<i>21 NCAC 2 .0302 - Written Examination</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>

Board of Dietetics/Nutrition

<i>21 NCAC 17 .0201 - Definitions</i>	<i>RRC Objection</i>	<i>12/21/95</i>
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Board of Medical Examiners

<i>21 NCAC 32M .0006 - Prescribing Privileges</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>21 NCAC 32N .0002 - Continuances</i>	<i>RRC Objection</i>	<i>08/10/95</i>
<i>Agency Responded - Agency Will Not Revise Rule</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>

Board of Nursing

<i>21 NCAC 36 .0109 - Selection and Qualifications of Nurse Members</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/21/95</i>
<i>21 NCAC 36 .0211 - Examination</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/21/95</i>
<i>21 NCAC 36 .0217 - Revocation, Suspension, or Denial of License</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/21/95</i>
<i>21 NCAC 36 .0218 - Licensure Without Examination (By Endorsement)</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/21/95</i>
<i>21 NCAC 36 .0225 - Components of Nursing Practice for the Licensed Practical Nurse</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/21/95</i>
<i>21 NCAC 36 .0227 - Approval and Practice Parameters for Nurse Practitioners</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/21/95</i>
<i>21 NCAC 36 .0403 - Qualifications</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>

21 NCAC 36 .0404 - Registration	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
21 NCAC 36 .0405 - Approval of Nurse Aide Education Programs	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95

Board of Practicing Psychologists

21 NCAC 54 .2704 - HSP-P Requirements On and After June 30, 1994	RRC Objection	05/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 06/21/95	
The Commission Removed Its Previous Objection	Obj. Removed	12/21/95
21 NCAC 54 .2705 - HSP-PP Requirements	RRC Objection	05/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 06/21/95	
The Commission Removed Its Previous Objection	Obj. Removed	12/21/95
21 NCAC 54 .2706 - HSP-PA Requirements On and After June 30, 1994	RRC Objection	05/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 06/21/95	
The Commission Removed Its Previous Objection	Obj. Removed	12/21/95

STATE PERSONNEL

Office of State Personnel

25 NCAC 1J .0505 - Leave to Prepare Grievance	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1J .0509 - Agency Grievance Reports	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1J .0802 - Awards Committee	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1K .0318 - Tax Status	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1K .0705 - Program Participation	RRC Objection	11/16/95
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25 NCAC 1L .0104 - Program Implementation: Department and University Level	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	11/16/95
25 NCAC 1L .0106 - Compliance Information	RRC Objection	11/16/95
Agency Repealed Rule	Obj. Removed	11/16/95

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

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Robert Johnson v. Alcoholic Beverage Control Commission	94 ABC 1661	West	05/01/95	
Stinking Mercury, Inc. v. Alcoholic Beverage Control Commission	94 ABC 1682	Chess	05/03/95	
Alcoholic Beverage Control Comm. v. Depot Stop N Go, Inc.	94 ABC 1694	Mann	03/29/95	
John H. Robinson v. Alcoholic Beverage Control Commission	94 ABC 1727	Morrison	05/18/95	
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Goldston Grocery, Larry Mis v. EHNR, Div. of Maternal & Child Health	95 EHR 0869	Becton	09/13/95	
Barbara R. Amer d/b/a 311 Grocery Store v. EHNR	95 EHR 0874*13	Reilly	10/23/95	
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Lana S. Grant, Little Ranchers Daycare v. DHR, Div. of Child Dev.	95 DHR 1009	Reilly	12/14/95	
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The Carrolton of Fayetteville, Inc. and Highland House of Fayetteville, Inc. and Richard Allen, Sr. v. DHR, Division of Facility Services, Certificate of Need Section and Pine Manor Rest Home, Inc., d/b/a Pine Manor Health Care	94 DHR 0198*2	Reilly	04/05/95	
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Duke William Dupre v. Department of Human Resources	94 CSE 1432	Nesnow	03/24/95	
Audrey Jennings v. Department of Human Resources	94 CSE 1433	Nesnow	03/24/95	
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Martin J. Miller v. Department of Human Resources	94 CSE 1436	Becton	03/06/95	
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Lori Davis Humphrey v. Department of Human Resources	94 CSE 1459	Becton	03/06/95	
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Michael Shannon v. Department of Human Resources	94 CSE 1466	Chess	06/09/95	
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Donald Lee Barecliff v. Department of Human Resources	94 CSE 1482	Reilly	04/10/95	
James W. Nunnery v. Department of Human Resources	94 CSE 1484	Nesnow	04/17/95	
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Ricky S. Blake v. Department of Human Resources	94 CSE 1495	Chess	06/22/95	
Rick E. Atkins v. Department of Human Resources	94 CSE 1496	Chess	06/28/95	
Timothy James Burnett v. Department of Human Resources	94 CSE 1498	Chess	07/20/95	
Charles L. Robinson v. Department of Human Resources	94 CSE 1499	Mann	03/31/95	
Eddie O. Toro v. Department of Human Resources	94 CSE 1500	Mann	03/31/95	
Timothy Mark Johnson v. Department of Human Resources	94 CSE 1502	Mann	05/02/95	
Alan W. Karsner v. Department of Human Resources	94 CSE 1503	Mann	05/02/95	
Walter J. Sturdivant v. Department of Human Resources	94 CSE 1504	Gray	06/26/95	
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Joseph R. & Linda M. Grooms v. Department of Human Resources	94 CSE 1539	Reilly	03/07/95	
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Troy Cage v. Department of Human Resources	95 CSE 0207	Phipps	07/26/95	
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Eddie Harris Jr. v. Department of Human Resources	95 CSE 0814	Becton	09/28/95	
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Kennedy C. Uzomba v. Department of Human Resources	95 CSE 1279	Becton	12/18/95	
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Dexter A. Owens v. Department of Human Resources	95 CSE 1378	Chess	12/14/95	
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Lisa J. Hill v. DHR, Div. of Social Svcs., Child Support Enf. Section	95 DCS 0239	Phipps	05/02/95
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Mr. and Mrs. William Jefferson v. Hoke Cty Soc Svcs, Linda Cromartie	95 DHR 0857	Gray	08/17/95
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INSURANCE

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Grace F. Watkins v. Teachers' & St. Emp. Comp. Major Med. Plan	94 INS 1639	Chess	05/24/95	
Billy Gene Campbell v. Department of Insurance	95 INS 0143	Reilly	04/20/95	
Karen Wingert Bunch v. Teachers' & St. Emp. Comp. Major Med. Plan	95 INS 0243	Morrison	07/21/95	
Gladys M. Dillard v. Teachers' & St. Emp. Comp. Major Med. Plan	95 INS 0619	Chess	12/05/95	
JUSTICE				
<i>Alarm Systems Licensing Board</i>				
Patrick P. Sassman v. Alarm Systems Licensing Board	94 DOJ 1825	Reilly	03/09/95	
Chad R. Fuller v. Alarm Systems Licensing Board	95 DOJ 0716	West	08/18/95	
Malcolm K. Teague v. Alarm Systems Licensing Board	95 DOJ 0765	Nesnow	10/19/95	
<i>Education and Training Standards Division</i>				
Richard Terry Locklear v. Criminal Justice Ed. & Training Stds. Comm. and Sheriffs' Education and Training Standards Commission	94 DOJ 1006*14	West	10/30/95	10:17 NCR 2255
Ricky Dale McDevitt v. Sheriff's Ed. & Training Stds. Comm.	94 DOJ 1710	Nesnow	05/04/95	10:05 NCR 324
Reginald Keith Goffington v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0028	Becton	06/08/95	
Nervin Joseph DeDeaux v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0029	Reilly	05/16/95	
Tony Lamont Blackmon v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0043	Reilly	06/02/95	
Constance F. Lawrence v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0076	Morrison	04/06/95	
Alexander Douglas Jones v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0101	Morrison	06/13/95	10:07 NCR 627
Kathy O. Boyes v. Sheriff's Education & Training Standards Comm.	95 DOJ 0134	West	01/11/96	
Marilyn Jean Britt v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0172	Gray	08/03/95	
Antonio Tremont Davis v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0298	Phipps	08/08/95	
Amy Rebecca Batcheler v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0364	West	08/16/95	
Richard Terry Locklear v. Criminal Justice Ed. & Training Stds. Comm. and Sheriffs' Education and Training Standards Commission	95 DOJ 0365*14	West	10/30/95	10:17 NCR 2255
Richard Dan Wuchte v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0401	Nesnow	06/07/95	
Henry Roger Judd v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0431	Nesnow	08/02/95	
Daryl Tyrone Beard v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0566	Gray	10/11/95	
Leslie Earl Jones v. Sheriff's Ed. & Training Standards Commission	95 DOJ 0726	Becton	12/22/95	10:20 NCR 2646
Jewel T. Braswell v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0730	Phipps	09/11/95	
George H. Powell Jr. v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0784	Phipps	09/08/95	
Mark Jason Smith v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0795	Gray	08/14/95	
Bryan Keith Bradley v. Sheriff's Ed. & Training Standards Commission	95 DOJ 0796	Reilly	11/28/95	
Joyce Williams Andrews v. Sheriff's Ed. & Training Stds. Comm.	95 DOJ 0881	Morrison	01/11/96	
Ernie Lowery v. Criminal Justice Ed. & Training Standards Commission	95 DOJ 0898	Nesnow	11/17/95	
Jeffrey Andre Jenkins v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1408	Phipps	07/31/95	
<i>Private Protective Services Board</i>				
Lewis Austin Saintsing v. Private Protective Services Board	94 DOJ 1000	Chess	03/03/95	
Marcus T. Williams v. Private Protective Services Board	94 DOJ 1064	Chess	02/24/95	
Melvin Ray Cooper v. Private Protective Services Board	94 DOJ 1635	Reilly	03/09/95	
Donnell E. Morrow, Jr. v. Private Protective Services Board	94 DOJ 1823	Reilly	03/09/95	
Private Protective Services Board v. James C. Purvis	95 DOJ 0018	Chess	05/15/95	
Private Protective Services Board v. Samuel O. Smith	95 DOJ 0133	Chess	05/09/95	
Jann Mitchell Stanley v. Private Protective Services Board	95 DOJ 0420	Morrison	05/24/95	
Donald Wayne Clark v. Private Protective Services Board	95 DOJ 0444	Phipps	07/14/95	10:09 NCR 805
Richard Frank v. Private Protective Services Board	95 DOJ 0610	Phipps	08/10/95	
Marvin E. Shackelford v. Private Protective Services Board	95 DOJ 0611	Phipps	07/18/95	
Julius T. Fairley v. Private Protective Services Board	95 DOJ 0612	Phipps	07/20/95	
James L. McLeary, Jr. v. Private Protective Services Board	95 DOJ 0613	Phipps	07/18/95	
Bobby E. Smithy v. Private Protective Services Board	95 DOJ 0717	West	08/23/95	10:12 NCR 1039
Frederick B. Moore, Jr. v. Private Protective Services Board	95 DOJ 0766	Morrison	09/01/95	
Daniel C. Ingless v. Private Protective Services Board	95 DOJ 0767	Morrison	08/30/95	
Walter Lee Watson v. Private Protective Services Board	95 DOJ 0768	West	10/09/95	
Charles Ray Gable v. Private Protective Services Board	95 DOJ 0975	Gray	10/17/95	
Richard Dulin, Jr. v. Private Protective Services Board	95 DOJ 0976	Gray	12/29/95	
Robert Baxter McGuire, Sr. v. Private Protective Services Board	95 DOJ 0977	Gray	10/17/95	
Robert Conrad Martin v. Private Protective Services Board	95 DOJ 1122	Chess	12/22/95	
Larry C. Tant v. Private Protective Services Board	95 DOJ 1124	Chess	12/19/95	
Robert E. Brown v. Private Protective Services Board	95 DOJ 1134	Chess	12/28/95	
Raymond Douglas Boggs v. Private Protective Services Board	95 DOJ 1138	Reilly	11/30/95	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
LABOR				
<i>Occupational Safety & Health Division</i>				
Lenoir County Public Schools v. Department of Labor, OSHA	95 DOL 0218	Nesnow	05/01/95	
<i>Private Personnel Service Division</i>				
Employment Consultants, Inc. v. Private Personnel Service Division	95 DOL 0209	Morrison	07/07/95	
<i>Wage and Hour Division</i>				
R.J. Scott, Pres. Pirate Enterprises, Inc. v. Labor, Wage & Hour Div.	94 DOL 1524	West	03/23/95	
McDonald's Corporation v. Department of Labor, Wage & Hour Division	95 DOL 1170	West	01/11/96	
PRACTICING PSYCHOLOGISTS				
John E. Miller v. Psychology Board	95 BPP 0629	Nesnow	09/12/95	
PUBLIC INSTRUCTION				
Glenn II, on behalf of Glenn II, and Glenn II, Individually v. Charlotte-Mecklenburg County Schools	93 EDC 0549	Chess	03/16/95	
Donna Marie Snyder v. Department of Public Instruction	93 EDC 0731	Chess	10/11/95	
S.M. on Behalf of J.A.M., and S.M., Individually, and J.M. v. Davie County Board of Education	93 EDC 0742	Phipps	05/30/95	
William Hewett v. State Board of Education	94 EDC 0533	Gray	03/31/95	10:02 NCR 179
James Midgett v. State Board of Education	94 EDC 1401	Reilly	05/02/95	
Linda Howard v. Lenoir County Public Schools	94 EDC 1788	Mann	01/11/96	
Deborah R. Crouse v. State Board of Education	95 EDC 0003	Chess	04/10/95	
Haydn Stewart Hasty v. State Board of Education	95 EDC 0027	Reilly	10/09/95	10:15 NCR 1632
Bobby G. Little v. Department of Public Instruction	95 EDC 0168	Phipps	03/20/95	
Tonya Marie Snipes and Robert Leon Snipes v. Orange County Schools	95 EDC 0225	Mann	05/15/95	
Vance County Schools v. Haywood Yarbrough	95 EDC 0235	Mann	08/04/95	
Laverne K. Suggs v. Department of Public Instruction	95 EDC 0384	Nesnow	07/12/95	
Lavern K. Suggs v. Guilford County Schools	95 EDC 0385	Nesnow	06/02/95	
Kenneth G.H. Leftwich v. State Board of Education	95 EDC 0405	Nesnow	05/25/95	
Madeline J. Taylor v. Department of Public Instruction	95 EDC 0525	Phipps	10/25/95	
William Andrew McCullough v. Public Instruction, Licensure Section	95 EDC 0915	Gray	10/30/95	
Bobby Jean L. Chavis v. Department of Public Instruction	95 EDC 0940	Gray	12/18/95	
Nancy L. Bauman v. Chapel Hill/Carrboro City School System	95 EDC 1088	Mann	12/21/95	
STATE BAR				
Phillip S. Banks, III v. North Carolina State Bar	95 BAR 0861	Morrison	08/18/95	
STATE PERSONNEL				
<i>Department of Administration</i>				
Bessie R. Hubbard v. State Construction Office, Dept. of Administration	94 OSP 1684	Becton	01/11/96	10:21 NCR 2773
<i>Appalachian State University</i>				
Theresa Louise Whittington v. Appalachian State University	95 OSP 0698	Phipps	12/08/95	
<i>Caswell County Health Department</i>				
Della Brown v. Caswell County Health Department	94 OSP 0834	Nesnow	06/12/95	
Julie R. Johnson v. Caswell County Health Department	94 OSP 0865	Reilly	03/15/95	
<i>N.C. Central University</i>				
Peter A. Fore v. N.C. Central University	93 OSP 0189	Nesnow	06/13/95	
<i>Department of Commerce</i>				
T. Sherwood Jernigan v. Dept. of Commerce, Savings Institution Div.	94 OSP 0775	West	05/25/95	

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<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Department of Community Colleges</i>				
Sheila M. Thompson v. Department of Community Colleges	94 OSP 1530	Chess	11/01/95	10:17 NCR 2272
<i>Department of Correction</i>				
Nancy Gilchrist v. Department of Correction	94 OSP 0121	West	03/09/95	
Howard Gray Sadler v. Correction, Div. of Adult Probation/Parole	94 OSP 0332	West	05/15/95	
Thomas Wayne Smathers v. Department of Correction	94 OSP 0590	West	03/23/95	
George J. McCleese, Jr. v. Department of Correction	94 OSP 0644	Gray	04/19/95	
Gaius Wells v. Department of Correction	94 OSP 0684	West	10/12/95	10:15 NCR 1610
Nancy C. Walker v. Department of Correction	94 OSP 1206	Gray	08/18/95	
Jeffrey Leonard Jenkins v. Dept of Correction/Piedmont Correctional Inst	94 OSP 1802	West	11/29/95	
Ruth Kearney v. Department of Correction	94 OSP 1807	Becton	03/13/95	
Ann R. Fletcher v. Department of Correction	95 OSP 0123	Chess	08/21/95	
Odell Davis v. Department of Correction	95 OSP 0244	Gray	09/21/95	
James W. Hughes v. Department of Correction, Blue Ridge Unit Avery	95 OSP 0334	Becton	07/25/95	
Dennis Harrell v. Department of Correction	95 OSP 0440	Phipps	09/05/95	10:13 NCR 1209
William E. Norwood, Jr. v. Department of Correction	95 OSP 0500	Gray	08/16/95	
Brent Macemore v. Department of Correction	95 OSP 0501	Chess	12/12/95	
Shelby Gorham-Teel v. Department of Correction	95 OSP 0536	Reilly	10/23/95	
Larry Riddle v. Department of Correction	95 OSP 0570	West	10/18/95	
William D. Bryant Jr. v. Department of Correction	95 OSP 0645	West	12/15/95	
Eric Little v. Department of Correction, Morrison Youth Institution	95 OSP 0658	Phipps	10/18/95	
John R. Yates v. Department of Correction	95 OSP 0688	Becton	12/19/95	
Dana K. Nance v. Department of Correction	95 OSP 0722	Gray	01/18/96	
Cynthia R. Steven v. N.C. Women's Prison	95 OSP 0829	Chess	10/24/95	
Mark R. Murphy v. Department of Correction	95 OSP 1047	Nesnow	10/26/95	
Haydee C. Craver v. Department of Correction	95 OSP 1357	Nesnow	01/03/96	
<i>Department of Crime Control and Public Safety</i>				
Betty Sue Whitley v. National Guard Dept. Crime Control & Public Safety	94 OSP 1399	Chess	06/13/95	
Robert W. Beasley v. Crime Control & Public Safety, St. Highway Patrol	94 OSP 1821	Morrison	08/10/95	10:11 NCR 965
Robert L. Whitesell v. Crime Control & Public Safety, St. Highway Patrol	95 OSP 0738	Reilly	12/20/95	
Gene Wells v. Crime Control & Public Safety, Div. State Highway Patrol	95 OSP 0835* ¹⁵	Nesnow	12/05/95	
Gene Wells v. Crime Control & Public Safety, Div. State Highway Patrol	95 OSP 0936* ¹⁵	Nesnow	12/05/95	
<i>Office of the District Attorney</i>				
Shannon Caudill v. Office of the District Attorney for Judicial District 17-B, and Administrative Office of the Courts	95 OSP 0188	Nesnow	03/20/95	
<i>Dorothea Dix Hospital</i>				
Paul E. Hunter v. Dorothea Dix Hospital	95 OSP 0504	Gray	07/12/95	
Paul E. Hunter v. Dorothea Dix Hospital	95 OSP 0801	Chess	12/12/95	
<i>Durham County Health Department</i>				
Laurie A. Gerhard v. Durham County Health Department	95 OSP 0220	Phipps	08/17/95	10:12 NCR 1043
<i>East Carolina University</i>				
Helen E. Wolfe v. East Carolina University, Dept. of Biology	94 OSP 1558	Reilly	09/07/95	
Lillie Mercer Atkinson v. ECU, Dept. of Comparative Medicine, et al.	95 OSP 0038* ⁷	Becton	06/08/95	
Lillie Mercer Atkinson v. ECU, Dept. of Comparative Medicine, et al.	95 OSP 0057* ⁷	Becton	06/08/95	
Lillie Mercer Atkinson v. ECU, Dept. of Comparative Medicine, et al.	95 OSP 0587	Chess	01/10/96	
<i>Edgecombe County Health Department</i>				
Ronald E. Wooten v. Edgecombe County Health Department	94 OSP 1209	Gray	07/10/95	
<i>Department of Environment, Health, and Natural Resources</i>				
Babette K. McKemie v. EHNHR, Div. of Environmental Management	94 OSP 0358	Chess	05/31/95	
James M. Kelly v. Dept of Environment, Health, & Natural Resources	95 OSP 0777	Becton	11/27/95	10:18 NCR 2449

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Fayetteville State University</i>				
George Benstead v. Fayetteville State University	94 OSP 1597	Nesnow	04/04/95	
Lt. Bobby McEachern v. FSU Police Department	95 OSP 0042*9	Reilly	07/05/95	
Officer Gregor A. Miles v. FSU Police Department	95 OSP 0058*9	Reilly	07/05/95	
<i>Forsyth Stokes Mental Health Center</i>				
Michael Howell v. Forsyth Stokes Mental Health Center	94 OSP 0499	Chess	03/24/95	
<i>Guilford County Mental Health</i>				
Darrell Edwin Fricke v. Guilford County Mental Health (Thomas S. Div.)	95 OSP 0942	West	09/22/95	
<i>Department of Human Resources</i>				
April Benfield v. Department of Human Resources and Western Carolina Center	94 OSP 1758	Nesnow	06/07/95	
Geraldine Blackston v. DHR, NC Special Care Center	94 OSP 1773	Becton	11/17/95	10:18 NCR 2433
Eugene Hightower, Jr. v. Department of Human Resources, EEO	94 OSP 1811	West	05/04/95	
Rebecca Johnson v. Human Resources, Special Care Center	95 OSP 0138	West	03/31/95	
Edward E. Williams v. NC Special Care Center, Def./Emp, DHR	95 OSP 0483	Reilly	10/03/95	
<i>Black Mountain ADATC</i>				
Julie Y. Newton v. ADATC Black Mtn & St. of North Carolina	95 OSP 0850	Nesnow	12/05/95	
<i>Black Mountain Center</i>				
James Harrison v. Black Mountain Center, Dept. of Human Resources	94 OSP 0994*11	Gray	07/31/95	
James Harrison v. Black Mountain Center, Dept. of Human Resources	95 OSP 0190*11	Gray	07/31/95	
<i>Caswell Center</i>				
David A. Kilpatrick v. DHR, Caswell Center	95 OSP 0267	Nesnow	10/25/95	
<i>Cherry Hospital</i>				
William H. Cooke v. DHR, Cherry Hospital	93 OSP 1547	Gray	03/16/95	
Sandra Chase Butts v. Department of Human Resources, Cherry Hospital	95 OSP 0047	West	11/29/95	10:18 NCR 2442
Deloris L. Johnson v. Cherry Hospital, DHR	95 OSP 0409	Gray	08/25/95	
<i>Cumberland County Department of Social Services</i>				
Gloria Daniels v. Cumberland County Department of Social Services	95 OSP 0714	Nesnow	12/04/95	
<i>Durham County Department of Social Services</i>				
Delores H. Jeffers v. Durham County Department of Social Services	94 OSP 0939	Morrison	06/12/95	
Jacquenetta Blackwell v. Durham County Department of Social Services	95 OSP 0692	Reilly	11/28/95	
<i>Gaston County Department of Social Services</i>				
Bobbie J. Gilliam v. Gaston County Department of Social Services	94 OSP 0770	West	05/24/95	
<i>Halifax County Department of Social Services</i>				
Robert E. Sykes v. Halifax County Department of Social Services	94 OSP 0826	Gray	11/15/95	
<i>Iredell County Department of Social Services</i>				
Vernon E. Grosse v. Iredell County Department of Social Services	94 OSP 0282	Becton	03/09/95	
Bonnie N. Bellamy v. Iredell County Department of Social Services	94 OSP 0739	Chess	03/01/95	10:01 NCR 48
<i>Division of Medical Assistance</i>				
George F. Knight v. Division of Medical Assistance, DHR	95 OSP 0700	Reilly	11/28/95	

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<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>New Hanover County Department of Social Services</i>				
Kathleen M. Gallagher v. Dept. of Social Services New Hanover, NC	95 OSP 0823*17	West	12/20/95	
Kathleen M. Gallagher v. Dept. of Social Services New Hanover, NC	95 OSP 0824*17	West	12/20/95	
Kathleen M. Gallagher v. Dept. of Social Services New Hanover, NC	95 OSP 0825*17	West	12/20/95	
<i>Richmond County Department of Social Services</i>				
Emma Jane Bradley v. Richmond County Dept. of Social Services	95 OSP 0055	Reilly	07/18/95	10:09 NCR 809
<i>Wake County Department of Health</i>				
Regina K. Crowder v. Wake County/Health Dept., Caroline E. Lee, Dir.	94 OSP 1032*8	Nesnow	06/12/95	
Sabrina R. Crowder v. Wake County/Health Dept., Richard Stevens	94 OSP 1072*8	Nesnow	06/12/95	
Thomasine D. Avery v. Wake County/Health Department	94 OSP 1074*8	Nesnow	06/12/95	
<i>Wake County Department of Social Services</i>				
Olivia L. Jordan v. Wake County/Department of Social Services	94 OSP 1179*8	Nesnow	06/12/95	
<i>Department of Labor</i>				
Michael Robert Smith v. Department of Labor	94 OSP 0610	Nesnow	06/09/95	
<i>Lee-Harnett Area Mental Health, Developmental Disabilities, and Substance Abuse Authority</i>				
Julie Dyer v. Lee-Harnett Area MH/DD/SA Authority	94 OSP 0750	Gray	03/20/95	
<i>North Carolina Special Care Center</i>				
Lynn Banasiak Bass v. North Carolina Special Care Center	95 OSP 0419	Phipps	08/01/95	
<i>North Carolina State University</i>				
Artelia S. Clark v. N.C. State University	89 OSP 0612	Nesnow	07/07/95	
Wesley Brown v. N.C. State University	94 OSP 1173	Reilly	06/30/95*	10:08 NCR 700
David L. Bauer v. North Carolina State University	95 OSP 0044	Morrison	04/25/95	
Billy Ray Kelly v. NCSU Physical Plant	95 OSP 0130	West	03/22/95	
Heather Ann Waskiewicz v. NCSU, Dept. of Public Safety	95 OSP 0213	Phipps	07/06/95	
Antoinette Chavis-Scott v. N.C.S.U. Accounts Payable	95 OSP 0800	Chess	10/31/95	
<i>Orange-Person-Chatham Mental Health</i>				
Patricia A. Harris v. Orange-Person-Chatham Mental Health	95 OSP 0162	West	04/11/95	
<i>Department of Revenue</i>				
Wayne Davenport v. Department of Revenue, Motor Fuels Tax Division	95 OSP 0902	Becton	11/03/95	
<i>Richmond Community College</i>				
Willie J. Breeden v. Richmond Community College	95 OSP 0846	Gray	09/13/95	
<i>Department of Transportation</i>				
Michael E. Kornegay v. Department of Transportation	93 OSP 1700	Gray	03/24/95	
Robert F. Goins v. Department of Transportation	94 OSP 0281	Chess	05/30/95	
Esther Doe Murphy v. Department of Transportation	95 OSP 0114	Gray	07/10/95	
Debra R. Embden v. DOT, Division of Motor Vehicles	95 OSP 0411	Morrison	11/01/95	10:17 NCR 2286
Mary Matthews Finnerty v. Department of Transportation	95 OSP 0412	Nesnow	11/02/95	
Lonnie Joseph Cole v. NC DOT (TTI's Boone NC) Div. of Hwys	95 OSP 0606	West	10/24/95	
Judy H. Arnold v. Department of Transportation, Div. of Motor Vehicles	95 OSP 1075	Becton	07/31/95	
<i>Union County Schools</i>				
Carolyn H. Elkins v. Union County Schools	95 OSP 0948	Reilly	11/03/95	
<i>University of North Carolina</i>				

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Beth Ann Miller v. UNC Student Health	94 OSP 0800	Nesnow	05/25/95	10:17 NCR 2276
Roberta Jones v. University of North Carolina-Chapel Hill	94 OSP 1718	Chess	10/31/95	
Phyllis A. Mack v. Rachelle Cole, Ellen Stanford, Anesthesiology UNC-CH	95 OSP 1283	Phipps	01/17/96	
<i>UNC Hospitals</i>				
David Patrick Malone v. Univ. of NC Hospital at Chapel Hill	94 OSP 0771	Becton	03/14/95	10:04 NCR 287
Lillian C. Daniels v. UNC Hospital	95 OSP 0056	Morrison	05/11/95	
<i>Wake County</i>				
Mark Morgan v. Wake County	94 OSP 0937	Nesnow	04/28/95	
STATE TREASURER				
John W. Parris v. Bd. of Trustees//NC Local Gov. Emp. Retirement Sys.	91 DST 1093	Nesnow	05/04/95	10:10 NCR 872
Channie S. Chapman v. Bd./Trustees//NC Local Gov. Emp. Ret Sys.	94 DST 0443	Morrison	05/15/95	
Bryan L. Basden v. Retirement Systems Division	95 OSP 0171	Chess	06/21/95	
Wayne La Broad v. Bd./Trustees//Teachers/St. Emp. Retirement Sys.	95 DST 0219	Morrison	07/14/95	
Tammy Evonne Ashcroft Brown v. Bd./Tr./NC Local Gov. Emp. Ret Sys.	95 DST 0404	Phipps	07/27/95	
DEPARTMENT OF TRANSPORTATION				
Maupin Travel, Inc., Anthony W. Maupin v. Dept of Transportation	95 DOT 0818	Chess	12/05/95	
UNIVERSITY OF NORTH CAROLINA				
Jerry B. Potter, Sr. v. UNC Hospitals at Chapel Hill	95 UNC 0502	Gray	09/12/95	
Judy Blacknell v. University of NC Hospitals at Chapel Hill	95 UNC 0865	Chess	12/08/95	

v.

**STATE CONSTRUCTION OFFICE, DEPARTMENT OF
ADMINISTRATION,
Respondent.**

RECOMMENDED DECISION

APPEARANCES

For Respondent: D. David Steinbock, Assistant Attorney General, N.C. Department of Justice, Raleigh, North Carolina.

ISSUES

1. Has the Respondent discriminated against the Petitioner with regard to sex in violation of the rights and procedures established by Chapter 126 of the North Carolina General Statutes , 25 NCAC 1L .0102 & .0103, and the previous decisions of the State Personnel Commission?
2. Has the Respondent denied the Petitioner the right to priority consideration as a State employee, in violation of the rights and procedure established by Chapter 126 of the North Carolina General Statutes and the previous decisions of the State Personnel Commission?

STATUTES AND RULES INVOLVED

N.C. Gen. Stat. §126-7.1
N.C. Gen. Stat. §126-16
N.C. Gen. Stat. §126-36
N.C. Gen. Stat. §126-36.1
N.C. Gen. Stat. §126-36.2
25 NCAC 1 L .0101 -.0104

EXHIBITS

The following exhibits offered by the Petitioner were received in evidence:

- P1. 1994 Affirmative Action Plan for Department of Administration.
- P2. Application of Bessie Hubbard, Petitioner.
- P3. Application of Steven Weitnauer, Successful Applicant.
- P4. Application of Fasih Shaikh, Unsuccessful Applicant.
- P5. Application of Robert Lamb, Unsuccessful Applicant.
- P6. Application of Robert Lane, Unsuccessful Applicant.
- P7. David Bullock's Interview Notes for Steven Weitnauer.
- P8. David Bullock's Interview Notes for Fasih Shaikh.
- P9. Personnel Requisition Form for Building Systems Engineer III Position #6065.
- P10. Job Announcement for Building Systems Engineer III Position #6065.

P11. Respondent's Responses to Petitioner's First Set of Interrogatories.

The following exhibits offered by the Respondent were received in evidence:

- R1. N.C. Gen. Stat. §126-7.1.
- R2. N.C. Gen. Stat. §126-16 *et seq.*
- R3. N.C. Gen. Stat. §126-36 *et seq.*
- R4. 25 NCAC 1L .0101, .0102.
- R5. State Personnel Manual - "Recruitment."
- R6. Department of Administration Internal Operating Procedures.
- R7. N.C. Department of Administration Internal Operating Procedures.
- R8. David Bullock's Interview Notes for Position #6065.
- R11. Engineers hired or promoted by Speros J. Fleggas. (This Exhibit was admitted subject to revision.)

Based upon the official documents in the file, sworn testimony of the witnesses, and other competent and admissible evidence, the undersigned makes the following:

FINDINGS OF FACT

Stipulated Facts

- 1. The Petitioner has been continuously employed by North Carolina State University (NCSU) since 1985.
- 2. The Petitioner is currently employed in NCSU's physical plant as a Building Systems Engineer II (Facility Mechanical Engineer II) and her annual salary is \$46,779.
- 3. At the time she applied for the position that is the subject of this grievance, she was temporarily serving as interim Assistant Director and her salary was \$48,636.
- 4. The Petitioner applied for the position of Building Systems Engineer III, Position #6065, on July 1, 1994.
- 5. The Petitioner was not interviewed or hired for the position of Building Systems Engineer III, Position #6065, which is a Pay Grade 80.
- 6. The position of Building Systems Engineer, Position #6065 was filled by Steven Weitnauer who had a starting salary of \$48,197.

Adjudicated Facts

- 7. On June 15, 1994, the Division of State Construction Office sent the Department of Administration's Personnel Office a personnel requisition for Building Systems Engineer III position. The requisition requested that the posting for the position be "IN-HOUSE."
- 8. On June 21, 1994, the Department of Administration advertised Position #6065, Building Systems Engineer III. The position was advertised for "State Government Employees Only." The closing date for applications for the position was July 5, 1994. (See P1.)
- 9. The Petitioner had been told that the position was coming vacant and that its advertisement would be limited to internal applications. She went to the Administration Building and saw the advertisement posted on the Departmental bulletin board.
- 10. In January, 1994, the Secretary of the Department of Administration changed the Department's advertisement policy so that an "internal hire" was advertised to all State employees instead of just DOA employees.
- 11. Four people submitted applications for Position #6065.
- 12. Once the deadline for submitting applications for Position #6065 had passed, the DOA Personnel office sent the applications to the Division of State Construction. The packet of applications the Division of State Construction

received included the Petitioner's application.

13. No one in the DOA Personnel department made a determination that the Petitioner was not a State employee and not entitled to internal hiring consideration.
14. When Alice Sharpe in the Division of State Construction received the packet of applications, she asked why the Petitioner's application was included. Judy Smalls reminded Ms. Sharpe of the then current Secretary's policy regarding "internal hires."
15. After interviewing two of the applicants, the Division of State Construction sent a "hiring Package" consisting of copies of employment applications for the applicants who were interviewed back to DOA's Personnel Department. DOA's Personnel Department then reviewed the applications to determine whether the individuals interviewed met the minimum qualifications for the position.
16. Of the four applicants for the position, DOA's Personnel Department determined that only three met the minimum qualifications for the position.
17. The Petitioner was the only qualified applicant who was not interviewed.
18. Mr. Weitnauer, the successful applicant, received an initial annual salary of \$48,187.
19. The Respondent adopted an Affirmative Action Plan for the year 1994, the year the Petitioner applied for the position in question.
20. The Respondent's Plan included a Utilization Analysis for architects, professionals, and engineers.
21. An Utilization Analysis is a comparison by Standard Occupational Classification of the state's labor force with the expected openings in each of the Divisions of the Department.
22. The Utilization Analysis is used to establish EEO placement goals for targeted groups in the positions in which vacancies are expected in the coming year.
23. In the Department of Administration Affirmative Action Plan for 1994, the Utilization Analysis indicated an under-representation of white female engineers. In particular, if the departmental labor force were to meet parity in the state's labor force, the Department should have employed 3 more white female engineers than it currently did in 1993.
24. The Petitioner applied for one of the positions targeted for an EEO Placement Goal in the Affirmative Action Plan, but a white male was hired instead.
25. A white female was promoted within the Division during the year 1994, but Ricky Roberson, the Affirmative Action Officer, conceded that her promotion did not result in a net gain.
26. The DOA Personnel Department, including the Departmental Affirmative Action Officer, does not conduct interviews. All the interviewing for positions is left to the discretion of the Division Director.
27. Speros Fleggas, the Director of the Division of State Construction, made the decision to advertise Position #6065 as an in-house hire. He thought that "in-house" meant only DOA employees could be considered, thereby providing employees within the State Construction Office the first opportunity at a promotion.
28. Mr. Fleggas was also responsible for determining who would be interviewed for Position #6065.
29. Mr. Fleggas was aware that the Petitioner had applied for Position #6065 and was puzzled as to why her application had been included in the packet of applications sent to the Division by DOA's Personnel Department.
30. Mr. Fleggas testified that the only reason that the Petitioner was not interviewed was because she was not an in-house Department of Administration employee.

31. The Petitioner met the minimum qualifications for Position #6065.
32. Mr. Fleggas testified that in his opinion that the Petitioner's qualifications and those of the successful applicant were "somewhat equal."
33. The Petitioner had in fact performed the types of work specifically called for in the vacancy announcement.
34. In addition to being a registered professional engineer, the Petitioner was also licensed as a contractor, as a plumbing contractor, and an HVAC contractor. In her present position at NCSU, she supervises architects, engineers, and the work of outside consultants.
35. The Departmental Affirmative Action Officer, Mr. Roberson, reviewed the hiring package and the recommendation for hiring Mr. Weitnauer and concluded that Mr. Weitnauer's hiring met the Department's Affirmative Action goals.
36. 25 NCAC 1L .0104(c) states in relevant parts that:

each department's and university's affirmative action plan shall meet all requirements of the Administrative EEO/AA Planning and Resources Guide and shall include but not be limited to the following elements:

- (4) an interviewing program that includes, for each vacancy, the interviewing of at least three applicants representative of the ethnic, sex and handicapped composition of available applicants[.]

37. Section VIII of the DOA Affirmative Action Plan, Paragraph A states in the second paragraph:

At least three applicants representative of the ethnic, sex and disability composition of the available applicants must be interviewed for each position unless there are fewer than three who meet the minimum educational and experience requirements for the position. The Department has developed a structured interview process. A structured interview is required before any applicant may be hired.

38. Mr. Roberson was unaware that the rules promulgated by the State Personnel Commission required that each Department's interviewing program must include at least 3 applicants who are representative of the ethnic, sex, and handicap composition of the applicants. Nor was he aware that this requirement had been included in the Department's 1994 Affirmative Action Plan.
39. The Respondent did not follow the requirements of its interview policy with respect to the interviewing for Position #6065.
40. Of the four applicants for the position, only two were interviewed. The two persons interviewed were in-house applicants and were males.
41. The Petitioner was the only female applicant.
42. In all of the recommendations for hiring submitted from the Division of State Construction, the DOA Personnel Department had never changed a hiring recommendation for Affirmative Action reasons.
43. At the time Position # 6065 was advertised, the Division of State Construction had not met its affirmative action goal of hiring one female engineer in 1994.
44. For the period from 1990 until Position # 6065 was filled, Speros Fleggas had not hired or promoted any female engineers in a Building Systems Engineer III position.
45. For the period from 1990 until Position # 6065 was filled, Speros Fleggas had hired two female engineers in Building Systems Engineer II positions.

Based on the foregoing Findings of Fact, the undersigned Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. North Carolina General Statutes section 126-16 establishes the right of applicants for State employment to be given "equal opportunity for employment . . . without regard to . . . sex" The State Personnel Commission has implemented this statute by the adoption of 25 NCAC 1L .0102 to establish non-discrimination against applicants for employment as the "official policy of the State of North Carolina."
2. Employment discrimination suits have generally evolved under two theories--disparate treatment and disparate impact. Under a "disparate treatment" theory, the focus is on the employer's impermissible motive. The employee must prove a prima facie case of discrimination by the employer. Then the burden of production shifts to the employer to articulate some legitimate nondiscriminatory reason for its actions. Once the employer articulates a reason, the burden of proof and production merges on the employee to show, by a preponderance of the evidence, that the reason proffered by the employer is merely a pretext. Under a "disparate impact" theory, the employee must show a discriminatory result but need not prove discriminatory intent by the employer. The employee must still make out a prima facie case of discrimination against the employer. The burden of proof then shifts to the employer to show business necessity for its actions. If the employer establishes that the policy or practice causing the disparate impact is a business necessity, the burden reverts back to the employee to show either that an alternative practice would have been as effective, with less discriminatory impact, or that the practice was being used by the employer as a pretext for discrimination .
3. The Petitioner has established a prima facie case of discrimination by showing that (1) the alleged discrimination involves a protected category: gender, (2) a job vacancy existed for which she applied and she was not hired or even interviewed, (3) she was qualified for the position, and (4) the position was filled by a male.

DISPARATE TREATMENT

4. From the standpoint of "disparate treatment" analysis, the Respondent's evidence points to several nondiscriminatory reasons for rejecting the Petitioner's application for the Buildings System Engineer III position such as:
 - (1) A desire to promote people from within their own Division, if possible;
 - (2) People within the Division who were qualified and "ideally" suited for the position;
 - (3) A belief that Steven Weitnauer was an outstanding choice for the position based upon his letters of commendation and his work appraisals.
5. The Petitioner's evidence that the Respondent violated its own Affirmative Action Plan and state regulations when it refused to even interview her, can be considered as evidence of the pretextual nature of the Respondent's non-discriminatory reasons. However, the fact pattern of this case seems to lend itself more logically to a "disparate impact" analysis.

DISPARATE IMPACT

6. Under a "disparate impact" analysis, the Respondent's facially neutral business practice is that of utilizing "in-house hires" for promotional opportunities as a means of maintaining staff morale.
7. The Respondent's 1994 Affirmative Action Plan establishes that female engineers were underutilized in the Department. Thus any promotional practice that limited the applicant pool to only DOA employees would necessarily impact adversely upon employment opportunities for female engineers. The Respondent's policy of considering only internal DOA employees for promotional opportunities had a disparate impact upon female engineers.
8. In order to meet the test of business necessity, an employment practice which has a disparate impact upon a protected class must be "necessary to the safe and efficient operation of the employer's business or to safe and efficient job performance." Robinson v. Lorillard Corp., 444 F.2d 791, 798 (4th Cir. 1971), cert. dismissed, 404 U.S. 1006 (1971).

9. Laudable though the desire to promote morale may be, the Respondent has offered no evidence that would establish its policy as a business necessity.
10. The Petitioner was discriminated against on the basis of her gender when the Respondent excluded her from the applicants who were considered for Position #6065.

THE AFFIRMATIVE ACTION PLAN

11. Pursuant to the requirements of N.C. Gen. Stat. §126-16 and 25 NCAC 1L .0102 - .0104, the Department of Administration developed a Departmental Affirmative Action Plan for each year, including the year 1994. The 1994 Departmental Affirmative Action Plan required that the Respondent interview at least three applicants representative of the ethnic, sex and disability composition of the available applicants "unless there are fewer than three who meet the minimum educational and experience requirements for the position." 1994 DOA Affirmative Action Plan, pg. 13.
12. Contrary to the requirements of its Affirmative Action Plan, the Division choose not to interview the Petitioner. The Respondent's failure to interview the Petitioner as required by the Affirmative Action Plan resulted in her being discriminated against on account of her gender.

* * * * *

13. The Respondent has discriminated against the Petitioner with regard to sex in violation of the procedures established by Chapter 126 of the North Carolina General Statutes, 25 NCAC 1L .0102 & .0103, and State Personnel Commission decisions. Such discrimination is an unlawful employment practice based upon:
 - a. The Respondent's failure to give the Petitioner equal opportunity for employment by not interviewing her for Position # 6065, in violation of N.C. Gen. Stat. §126-16 and 25 NCAC 1L .0103;
 - b. The Respondent's failure to comply with the Departmental Affirmative Action Plan's goal of hiring a female engineer in this Division, constitutes *prima facie* evidence of sex discrimination, which was un rebutted by the Respondent's evidence.
14. The Respondent failed to give the Petitioner equal opportunity for employment by not complying with its Affirmative Action Plan, and therefore committed an act of sex discrimination in violation of N.C. Gen. Stat. §§126-36, -36.1, -36.2.
15. The Respondent failed to give the Petitioner equal opportunity for employment by not interviewing her as a state employee for Position # 6065, in violation of N.C. Gen. Stat. §§126-7.1, -36, -36.1, -36.2.

RECOMMENDED DECISION

IT IS RECOMMENDED THAT the Respondent:

1. Hire the Petitioner into a Pay Grade 80 position comparable to the one fore which she applied;
2. Pay the Petitioner all back pay and lost benefits to which she is entitled from July 1, 1994, the date on which she applied, forward;
3. Pay the Petitioner front pay from the date of this Order until she is placed into such a position;
4. Pay the Petitioner all reasonable court costs and attorney fees.

ORDER

It is hereby ordered that the agency serve a copy of the Final Decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statutes section 150B-36(b).

NOTICE

Before the agency makes the FINAL DECISION, it is required by North Carolina General Statutes section 150B-36(a) to give each party an opportunity to file exceptions to this RECOMMENDED DECISION, and to present written arguments to those in the agency who will make the final decision.

The agency is required by North Carolina General Statutes section 150B-36(b) to serve a copy of the Final Decision on all parties and to furnish a copy to the Parties' attorney of record.

This the 11th day of January, 1996.

Brenda B. Becton
Administrative Law Judge

STATE OF NORTH CAROLINA
COUNTY OF UNION

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
95 DHR 0949

MATTIE M. HELMS

Petitioner,

v.

NORTH CAROLINA DEPARTMENT OF HUMAN
RESOURCES,

Respondent.

RECOMMENDED DECISION

This case was heard before Administrative Law Judge Robert Roosevelt Reilly, Jr. on December 6, 1995, in Charlotte, North Carolina.

APPEARANCES

Petitioner: Mattie Helms, appearing *pro se*.

Respondent: Jane Thompson, Assistant Attorney General, representing North Carolina Department of Human Resources

ISSUE

Whether the Respondent properly deny Petitioner's application for a family foster home license.

FINDINGS OF FACT

From official documents in the file, sworn testimony of the witnesses and other competent and admissible evidence, it is found as a fact that:

1. The parties received notice of this hearing by certified mail more than (15) days prior to the hearing.
2. Petitioner was a foster parent for the Union County Department of Social Services (DSS) from 1984 until 1994.
3. In December 1991 Sean Bishop, age 18, was placed in Petitioner's home on a voluntary placement agreement. Sean Bishop had been in the custody of the Union County Department of Social Services since he was 11 or 12 years old. The voluntary placement agreement, under which Petitioner received foster care payments for Sean, terminated when he reached 21 years old in May 1994. Sean continued to reside with the Petitioner after May 1994 on a mutual consent basis without any DSS involvement.
4. On August 11, 1994, Union County DSS became aware of an August 8, 1994, incident involving Sean Bishop and Petitioner's 14 year old daughter Angela. Union County DSS spoke with Petitioner, Sean Bishop and Angela Helms on August 12 and 13, 1994, and they described an incident where Sean and Angela fought over chores and he grabbed her by her arms and threw her on the bed leaving bruises on her arms. Angela had gone to stay with her father, from whom the Petitioner was divorced.
5. Union County DSS referred the case for investigation on August 12, 1994, to Mecklenburg County DSS because it involved a Union County DSS foster parent. John Crowe, child protective services worker, was assigned to conduct the investigation. During the course of the investigation, Petitioner's family foster home license, which must be renewed each year, expired.
6. In conducting his investigation, Mr. Crowe followed the required protocol for such investigations, obtaining

initial information from Union County DSS, interviewing the Petitioner in her home, interviewing Sean Bishop, as well as all other residents of Petitioner's home and making necessary collateral contacts.

7. Mr. Crowe made a home visit to Petitioner's home on August 17, 1994. Her household consisted of her daughters, Angela (age 14) and Jennifer (age 17); a voluntary foster child, Marie Helms (age 19); Sean Bishop, and a foreign exchange student.

8. In her interview with Mr. Crowe on August 17, 1994, Petitioner discussed past incidents of violence by Sean Bishop. In November 1993 Sean struck her and almost broke her wrist. A sheriff's deputy was called to the home and Sean, who had been emotionally upset over a series of events in his life, was committed to the psychiatric unit of Presbyterian Hospital. He seemed to improve following his release. However, in May 1994 Sean knocked Petitioner to the floor when he became angry with her. She did not pursue an arrest warrant but did have a policeman she knew talk with Sean.

9. Around August 5, 1994, Sean was angry at Angela and pushed Petitioner out of the way, knocking her over a chair. She was not hurt except for a bruise on her arm where she hit a table. At that time there was increasing tension between Sean and Angela.

10. On August 8, 1994, Angela was at home with some of her friends. Sean became angry with her over undone household chores. Angela ran upstairs, Sean followed her, grabbed her by her arms and pushed her on the bed. Angela had bruises on her arms as a result of this incident. Petitioner was standing behind Sean and did not intervene nor did she feel Sean was a threat to her children.

11. John Crowe also interviewed Angela Helms, who stated that Sean became angry with her for not doing the dishes and embarrassed her in front of her friends. She also stated that he grabbed her by her arms and threw her on the bed, leaving bruises that lasted one and a half weeks. She presently lives with her father.

12. Mr. Crowe also interviewed Jennifer and Marie Helms, Sean Bishop and the foreign exchange student living with the Petitioner.

13. Mr. Crowe staffed the case with his supervisor and decided to substantiate neglect as defined in N.C.G.S. 7A-517(21) on the part of Petitioner due to Petitioner's inability to protect herself or her children from Sean Bishop when he became angry. This decision was communicated by letter to Union County DSS and was the basis of Respondent's Notice of Administrative Action dated July 7, 1995.

14. Petitioner testified at the hearing about the previous incidents between herself and Sean Bishop in November 1993, May 1994 and August 1994. She downplayed all three, especially the last one. She stated her daughter Angela had been running with a bad crowd, was a behavior problem and was not at this hearing because she did not trust what she would say. Petitioner's description of the incident on August 8, 1994, between Sean Bishop and Angela varied significantly from her statements to Mr. Crowe during the investigation. In both descriptions, however, the Petitioner did not see a need to intervene when Sean grabbed Angela.

15. Jennifer Helms, age 18, testified that Sean had gotten along with Angela until Angela's behavior changed for the worse.

16. The undersigned Judge finds that Mr. Crowe's testimony concerning the August 8, 1994, incident between Angela Helms and Sean Bishop to be more credible than the testimony of the Petitioner. It is further found that Sean Bishop's disposition, past history and behavior would suggest to a reasonable parent that more intervention was required when Sean, a 21 year old adult, grabbed and pushed Angela, her 14 year old child, down on the bed.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the undersigned Administrative Law Judge makes the following conclusions of law:

1. The parties are properly before the Office of Administrative Hearings.

2. The Respondent has shown by a preponderance of the evidence that the Mecklenburg County Department of Social Services properly found Petitioner to have neglected her daughter, Angela Helms.

3. The decision of the Respondent to deny Petitioner's application for a family foster home license was proper.

RECOMMENDED DECISION

The North Carolina Department of Human Resources will make the Final Decision in this contested case. It is recommended that the agency adopt the Findings of Fact and Conclusions of Law set forth above and affirm its decision to deny the Petitioner's application for a family foster home license.

ORDER

It is hereby ordered that the agency serve a copy of the Final Decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, NC.27611-7447, in accordance with the North Carolina General Statutes Section 150B-36(b).

NOTICE

Before the agency makes the FINAL DECISION, it is required by North Carolina General Statutes Section 150B-36(a) to give each party an opportunity to file exceptions to this RECOMMENDED DECISION and to present written arguments to those in the agency who will make the final decision.

The agency is required by North Carolina General Statutes Section 150B-36(b) to serve a copy of the FINAL DECISION on all parties and to furnish a copy to the parties' attorney of record.

This the 11th day of January, 1996.

Robert Roosevelt Reilly, Jr.
Administrative Law Judge

to be performed require the use of an automobile for any purpose relative to the contract - including transportation - by the Contractor, Sub-Contractors, or any employees or agents of either. Coverages shall extend to any auto, owned or non-owned, operated in conjunction with the terms of this contract. The limits of such insurance shall, as a minimum, be \$1,000,000 combined single limit per aggregate per occurrence.

6. The RFP does not specify that the contractor or any subcontractors, employees or agents use a vehicle for transportation to and from the job site.

7. A pre-proposal conference was held on January 27, 1994 at the Power Plant. The Petitioner attended the pre-proposal conference.

8. The proposal responses were opened at 2:00 p.m. on February 15, 1994. Petitioner submitted a timely response. Petitioner submitted the lowest priced response.

9. On or about February 16, 1994, Anthony Dark (hereinafter "Dark") faxed a memo to Petitioner requesting information on Petitioner's financial status, references and staffing information.

10. On or about February 18, 1994, Petitioner responded to Dark's letter.

11. On or about February 25, 1994, Dark forwarded the proposals received to Barbara Stone-Newton (hereinafter "Stone-Newton") at the Department of Administration (hereinafter "DOA") Division of Purchase and Contract (hereinafter "P&C").

12. On or about March 28, 1995, Dark recommended to Stone-Newton that the contract be awarded to Petitioner.

13. On or about March 29, 1994, Stone-Newton wrote Dark and approved award of the contract to the Petitioner.

14. On or about March 29, 1994, Dark contacted Fred Jackson (hereinafter "Jackson") owner of Petitioner and told Jackson to send in insurance certificates as required by the RFP.

15. On or about March 31, 1995, Dark received an insurance certificate from Petitioner which did not provide coverage at a minimum of \$1,000,000.00 combined single limit per aggregate per occurrence.

16. Some time between April 1, 1994 and April 12, 1994, Jackson told Dark that he would not be using an automobile to perform any services under the contract.

17. On or about April 8, 1994, Petitioner's insurance agent faxed an insurance certificate to Dark which did not provide coverage at a minimum of \$1,000,000.00 per combined single limit per aggregate per occurrence.

18. On or about April 12, 1994, Dark wrote Jackson and advised that the certificate of insurance was not sufficient and set a deadline of 4:30 p.m. on April 21, 1994, for Petitioner to provide the required insurance certificate.

19. On or about April 20, 1994, Dark received a copy of an insurance certificate which did not provide coverage at a minimum of \$1,000,000.00 combined single limit per aggregate per occurrence.

20. On or about April 21, 1994, Dark provided to Stone-Newton a proposed draft letter to Petitioner. The letter never was sent to Petitioner.

21. On or about April 22, 1994, Dark contacted Stone-Newton and asked permission to award the contract to the second low bidder.

22. On or about April 27, 1994, J. Arthur Leaston, the State Purchasing Officer, approved award of the contract to the second low bidder.

23. On or about September 20, 1994, Petitioner, through counsel, wrote Dark regarding this matter.

24. On or about December 30, 1994, Petitioner again wrote Dark regarding this matter.

25. On or about January 3, 1995, Stone-Newton sent Petitioner a copy of P&C's records on this matter.

26. On or about March 24, 1995, Stan Johnson, (hereinafter "Johnson") Assistant Purchasing Director, UNC, forwarded to Stone-Newton a letter, dated March 3, 1995, from Petitioner to Dark.

27. On or about April 25, 1995, an informal protest hearing was held before the State Purchasing Officer, J. Arthur Leaston.

28. On or about May 19, 1995, Leaston issued his opinion affirming the award to the second low bidder.

29. On or about July 14, 1995, Petitioner filed its petition for a contested case hearing.

30. It is stipulated and agreed that each of the exhibits is genuine and, if relevant and material, may be received in evidence without further identification or proof.

ADJUDICATED FACTS

31. Two of Respondent's principal witnesses, Judy Lewis, Director of Insurance and Risk Management for UNC-Chapel Hill, and Stanley Johnson, Assistant Purchasing Director for UNC-Chapel Hill, interpret the specifications accompanying RFP No. 149853 to require the successful contractor to obtain the specified automobile insurance only if the contractor or an employee of his enters onto UNC property with a vehicle owned or under the control of the contractor or employee.

32. Page 5 of the Specifications for RFP No. 149853 contains the following paragraph:

[t]he offeror, in compliance with your Request for Proposal to provide building interior cleaning services for the Power Plant of The University of North Carolina at Chapel Hill, having examined the specifications and being familiar with all conditions in connection with the proposed project **HEREBY PROPOSES TO FURNISH ALL LABOR, AND ALL PERSONAL SAFETY EQUIPMENT.** (emphasis added).

33. On page 17 of the Specifications, is contained the following paragraph:

[t]he Power Plant shall provide **ALL CLEANING EQUIPMENT AND SUPPLIES** to comply with environmental regulations. The Contractor shall provide OSHA approved **PERSONAL SAFETY EQUIPMENT.** (emphasis added).

34. Page 15 of the Specifications contains the following paragraph:

17. [t]he employees used under this contract must be trained and able to work from ladders, scaffolds and portable catwalks as well as work on open steel structural members while using safety harness and lifeline or safety belt with lanyard to tie off to structural steel to prevent falls. All OSHA, State, and University Safety regulations shall be followed by all personnel at all times.

35. In formulating his bid, Petitioner interpreted the cited paragraph from Page 5 of the Specifications as requiring the contractor to furnish the harnesses, lanyards, and lifelines addressed in Paragraph 17 of Page 15 plus safety shoes, protective clothing, goggles, or other similar safety equipment required by OSHA or other regulations. Petitioner interpreted the cited paragraph on Page 17 of the Specifications as requiring the Power Plant to provide the catwalks, ladders and similar equipment addressed in Paragraph 17 of Page 15 plus any other equipment of a similar nature required by OSHA or other regulations.

36. Respondent and UNC interpret the cited paragraphs of the Specifications as requiring the contractor to provide all of the specified equipment including lanyards, safety belts, harnesses, catwalks, and ladders.

37. Respondent did not find as reasonable Petitioner's assertions that he would not drive onto UNC property with a private vehicle because it did not believe that he reasonably could transport the 300 pound catwalks required, as well

as ladders, without driving onto UNC property.

Additionally, Respondent and UNC did not accept as reasonable that Petitioner could provide 24 hour coverage to the Plant for unexpected occurrences requiring immediate cleanup such as oil spills without driving onto the UNC property at some point. Petitioner asserted to Respondent and UNC officials that he intended for his employees to reside in rental housing and walk or ride public transportation to the UNC Power Plant.

38. Prior contractors operating under similar contracts for interior cleaning of the UNC Power Plant have furnished the lanyards, safety belts, ladders, catwalks, and other equipment enumerated in the RFP Specifications at Page 15, Paragraph 17, and on Page 17. There is no evidence in this contested case that the subject was raised at the preproposal conference held at UNC and attended by Petitioner. Petitioner did not raise the automobile insurance question because he did not want to tip off competitors on his strategy.

39. In addition to tipping off competitors, Petitioner did not obtain the requested limits of automobile liability insurance because of his bad personal driving record and reduction of anticipated profit margin in the contract.

40. Although internally Respondent decided that Petitioner's offer was the best offer and that he should be awarded the contract, contingent upon his furnishing the required insurance certificates, Respondent never gave Petitioner written notice of acceptance of his offer which, under the terms of the RFP, then would have required Petitioner to furnish a satisfactory certificate of automobile liability insurance within ten (10) days. Respondent believed that Petitioner was unable or unwilling to furnish the requested automobile liability insurance certificate when he failed to do so after the third certificate was submitted on April 20, 1994 and regarded his bid as unresponsive thereafter.

41. Petitioner achieved a more competitive position in the bidding competition by avoiding the cost of furnishing automobile liability insurance in the amounts requested in the RFP.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, I make the following Conclusions of Law.

1. The parties are properly before the Office of Administrative Hearings.
2. Petitioner's offer was unresponsive to the RFP because it contained a material variance from the specifications which gave Petitioner an advantage not enjoyed by other bidders.
3. Respondent's treatment of Petitioner's offer as unresponsive to the automobile liability insurance specifications of RFP No. 149853 on and after April 21, 1994 is reasonable under the facts of this case and is supported by substantial evidence. Based on its knowledge of the requirements of, and experience with, prior contracts for interior cleaning of the UNC Power Plant, it is not unreasonable for Respondent to insist that Petitioner obtain the RFP-specified automobile liability insurance limits.

RECOMMENDED DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby recommended that Respondent's decision to treat Petitioner's offer under RFP No. 149853 as unresponsive because he failed to furnish an automobile liability insurance policy at limits specified in the RFP be AFFIRMED as supported by substantial evidence.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

CONTESTED CASE DECISIONS

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the Department of Administration.

This the 4th day of January, 1996.

Beecher R. Gray
Administrative Law Judge

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.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE DEPARTMENT LICENSING BOARDS CHAPTER

1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Martial and Family Therapy	31
19A	Transportation	Medical Examiners	32
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Note: Title 21 contains the chapters of the various occupational licensing boards.

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21 NCAC 01 .0101	10:02 NCR 150	07/01/95			08/01/95	
.0201	10:07 NCR 585	10/01/95			12/01/95	
.0401 - .0402	10:02 NCR 150	07/01/95			08/01/95	
.0501	10:07 NCR 585	10/01/95			12/01/95	
.0701	10:07 NCR 585	10/01/95			12/01/95	
.0702 - .0704	10:16 NCR 2027	02/01/96				
.0705	10:17 NCR 2228					Rule-Making Proceeding
.0706 - .0707	10:16 NCR 2027	02/01/96				
.0709	10:17 NCR 2228					Rule-Making Proceeding
.0710 - .0711	10:16 NCR 2027	02/01/96				
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1 NCAC 05A .0001 - .0002	10:16 NCR 1651	02/01/96				
.0004	10:16 NCR 1651	02/01/96				
.0009 - .0010	10:16 NCR 1651	02/01/96				
.0012	10:16 NCR 1651	02/01/96				
05B .0101 - .0103	10:16 NCR 1651	02/01/96				
.0201	10:16 NCR 1651	02/01/96				
.0203 - .0204	10:16 NCR 1651	02/01/96				
.0206 - .0210	10:16 NCR 1651	02/01/96				
.0301 - .0314	10:16 NCR 1651	02/01/96				
.0401 - .0404	10:16 NCR 1651	02/01/96				
.0501 - .0503	10:16 NCR 1651	02/01/96				
.0601 - .0602	10:16 NCR 1651	02/01/96				
.0701 - .0702	10:16 NCR 1651	02/01/96				
.0801 - .0808	10:16 NCR 1651	02/01/96				
.0810	10:16 NCR 1651	02/01/96				
.0901 - .0902	10:16 NCR 1651	02/01/96				
.0904 - .0906	10:16 NCR 1651	02/01/96				
.1001 - .1003	10:16 NCR 1651	02/01/96				
.1101	10:16 NCR 1651	02/01/96				
.1103 - .1104	10:16 NCR 1651	02/01/96				
.1106	10:16 NCR 1651	02/01/96				
.1108	10:16 NCR 1651	02/01/96				
.1201 - .1202	10:16 NCR 1651	02/01/96				
.1301 - .1302	10:16 NCR 1651	02/01/96				
.1401 - .1403	10:16 NCR 1651	02/01/96				
.1501 - .1513	10:16 NCR 1651	02/01/96				
.1516 - .1521	10:16 NCR 1651	02/01/96				
.1601 - .1603	10:16 NCR 1651	02/01/96				
.1701 - .1703	10:16 NCR 1651	02/01/96				
.1801 - .1804	10:16 NCR 1651	02/01/96				
.1901	10:16 NCR 1651	02/01/96				
.1903	10:16 NCR 1651	02/01/96				
.1906 - .1907	10:16 NCR 1651	02/01/96				
.1909	10:16 NCR 1651	02/01/96				
05C .0601 - .0602	10:16 NCR 1651	02/01/96				
.0701 - .0704	10:16 NCR 1651	02/01/96				
.0708	10:16 NCR 1651	02/01/96				
.0711	10:16 NCR 1651	02/01/96				
.0717 - .0718	10:16 NCR 1651	02/01/96				
.0720	10:16 NCR 1651	02/01/96				
.0722	10:16 NCR 1651	02/01/96				
.0803 - .0804	10:16 NCR 1651	02/01/96				
.0903	10:16 NCR 1651	02/01/96				
.1008 - .1009	10:16 NCR 1651	02/01/96				
05D .0101 - .0102	10:16 NCR 1651	02/01/96				
.0201 - .0206	10:16 NCR 1651	02/01/96				
.0208 - .0210	10:16 NCR 1651	02/01/96				
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.0101	10:16 NCR 1672	02/01/96				
.0201	10:16 NCR 1672	02/01/96				
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26 NCAC 02A .0101 - .0102	10:16 NCR 2160	02/01/96				
.0201 - .0212	10:16 NCR 2160	02/01/96				
.0301	10:16 NCR 2160	02/01/96				
.0303	10:16 NCR 2160	02/01/96				
.0401 - .0406	10:16 NCR 2160	02/01/96				
.0501 - .0507	10:16 NCR 2160	02/01/96				
02B .0101	10:16 NCR 2160	02/01/96				
.0103 - .0104	10:16 NCR 2160	02/01/96				
.0201 - .0204	10:16 NCR 2160	02/01/96				
.0301 - .0304	10:16 NCR 2160	02/01/96				
.0401	10:16 NCR 2160	02/01/96				
02C .0101 - .0109	10:16 NCR 2160	02/01/96				
.0201 - .0206	10:16 NCR 2160	02/01/96				
.0301 - .0305	10:16 NCR 2160	02/01/96				
.0401 - .0409	10:16 NCR 2160	02/01/96				
.0501 - .0503	10:16 NCR 2160	02/01/96				
AGRICULTURE						
2 NCAC 09L .1806	10:16 NCR 1674	03/01/96				
34 .0904	10:04 NCR 228	08/01/95			N/A	Renoticed in 10:7
.0904	10:07 NCR 430	11/01/95			11/01/95	
48A .1702	10:15 NCR 1432	02/01/96				
48C .0029	10:15 NCR 1432	02/01/96				
52B .0207	10:15 NCR 1432	02/01/96				
.0212	10:15 NCR 1432	02/01/96				
.0302	10:15 NCR 1432	02/01/96				
52C .0105	10:15 NCR 1432	02/01/96				
ARCHITECTURE						
21 NCAC 02 .0208	10:12 NCR 985	12/01/95			12/01/95	
02 .0301 - .0302	10:10 NCR 829	07/01/96			07/01/96	
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21 NCAC 04B .0103	10:16 NCR 2028	03/01/96				
.0201 - .0202	10:16 NCR 2028	03/01/96				
.0403	10:16 NCR 2028	03/01/96				
.0505	10:16 NCR 2028	03/01/96				
.0601 - .0602	10:16 NCR 2028	03/01/96				
BARBER EXAMINERS						
21 NCAC 06H .0002	10:16 NCR 2033	02/01/96				
06J .0002	10:16 NCR 2033	02/01/96				
06K .0003	10:16 NCR 2033	02/01/96				
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS						
21 NCAC 08A .0301	10:16 NCR 2033	02/01/96				
08F .0103	10:16 NCR 2033	02/01/96				
.0105	10:04 NCR 255	08/01/95			08/01/95	
.0113	10:04 NCR 255	08/01/95			08/01/95	
08G .0401	10:04 NCR 255	08/01/95			08/01/95	
.0404	10:16 NCR 2033	02/01/96				
.0409	10:16 NCR 2033	02/01/96				
08I .0004	10:16 NCR 2033	02/01/96				
08J .0001	10:16 NCR 2033	02/01/96				
.0005	10:04 NCR 255	08/01/95			08/01/95	
.0006	10:16 NCR 2033	02/01/96				
.0008	10:04 NCR 255	08/01/95			08/01/95	
08M .0102	10:04 NCR 255	08/01/95			N/A	RRC Obj./Rule Withdrawn

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	.0104	10:04 NCR 255	08/01/95		08/01/95	
	.0206 - .0207	10:16 NCR 2033	02/01/96			
	.0304	10:16 NCR 2033	02/01/96			
	.0306	10:04 NCR 255	08/01/95		08/01/95	
	.0401	10:04 NCR 255	08/01/95		08/01/95	
	.0401 - .0402	10:16 NCR 2033	02/01/96			
08N	.0203	10:04 NCR 255	08/01/95		08/01/95	
	.0302	10:04 NCR 255	08/01/95		08/01/95	
	.0306	10:16 NCR 2033	02/01/96			
	.0307	10:04 NCR 255	08/01/95		08/01/95	
CHIROPRACTIC EXAMINERS						
21 NCAC 10	.0203	10:04 NCR 261	08/01/95		08/01/95	
COMMERCE						
4 NCAC 02R	.0303	10:16 NCR 1675	06/01/96			
	.0305	10:16 NCR 1675	06/01/96			
	.1708	10:16 NCR 1675	06/01/96			
	.1710	10:16 NCR 1675	06/01/96			
	.1801 - .1802	10:16 NCR 1675	06/01/96			
02S	.0102 - .0103	10:16 NCR 1675	06/01/96			
	.0105 - .0106	10:16 NCR 1675	06/01/96			
	.0109	10:16 NCR 1675	06/01/96			
	.0209	10:16 NCR 1675	06/01/96			
	.0228	10:16 NCR 1675	06/01/96			
	.0234 - .0235	10:16 NCR 1675	06/01/96			
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	.0519	10:16 NCR 1675	06/01/96			
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	.0614	10:16 NCR 1675	06/01/96			
	.0708	10:16 NCR 1675	06/01/96			
	.0901 - .0904	10:16 NCR 1675	06/01/96			
	.1005	10:16 NCR 1675	06/01/96			
	.1008	10:16 NCR 1675	06/01/96			
	.1011	10:16 NCR 1675	06/01/96			
	.1021	10:16 NCR 1675	06/01/96			
02T	.0101 - .0102	10:16 NCR 1675	06/01/96			
	.0201 - .0202	10:16 NCR 1675	06/01/96			
	.0206	10:16 NCR 1675	06/01/96			
	.0301 - .0305	10:16 NCR 1675	06/01/96			
	.0308 - .0309	10:16 NCR 1675	06/01/96			
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	.0604	10:16 NCR 1675	06/01/96			
	.0606	10:16 NCR 1675	06/01/96			
	.0707 - .0709	10:16 NCR 1675	06/01/96			
	.0711	10:16 NCR 1675	06/01/96			
	.1104 - .1108	10:16 NCR 1675	06/01/96			
06C	.0203	10:05 NCR 300	09/01/95			
	.0205	10:18 NCR 2398				Rule-Making Proceeding
	.0407	10:18 NCR 2398				Rule-Making Proceeding
	.0409	10:18 NCR 2398				Rule-Making Proceeding
10		10:15 NCR 1428				Public Notice
19L	.0401	10:16 NCR 1698	02/01/96			
	.0403	10:16 NCR 1698	02/01/96			
	.0407	10:16 NCR 1698	02/01/96			
	.0501 - .0502	10:16 NCR 1698	02/01/96			
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.0906 - .0907	10:16 NCR 1698	02/01/96				
.0911	10:16 NCR 1698	02/01/96				
.1002	10:16 NCR 1698	02/01/96				
.1004	10:16 NCR 1698	02/01/96				
.1009	10:16 NCR 1698	02/01/96				
.1301 - .1303	10:16 NCR 1698	02/01/96				
.1701 - .1703	10:16 NCR 1698	02/01/96				
.1801 - .1803	10:16 NCR 1698	02/01/96				
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23 NCAC 02C .0108	10:03 NCR 208	09/01/95			12/01/95	
.0210	10:07 NCR 587	01/01/96			01/01/96	
.0211	10:03 NCR 208	09/01/95			12/01/95	
.0301	10:07 NCR 587	01/01/96			01/01/96	
.0306	10:03 NCR 208	09/01/95			12/01/95	
02E .0403	10:07 NCR 587	01/01/96			01/01/96	
CORRECTION						
5 NCAC 05 .0001	10:01 NCR 12	07/01/95			07/01/95	
COSMETIC ART EXAMINERS						
21 NCAC 14B .0604	10:12 NCR 985	12/01/95				
14J .0502	10:14 NCR 1380	01/01/96			01/01/96	
14L .0301 - .0302	10:14 NCR 1380	01/01/96			01/01/96	
14N .0106 - .0108	10:14 NCR 1380	01/01/96			01/01/96	
.0112	10:14 NCR 1380	01/01/96			01/01/96	
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7 NCAC 02F .0002	10:01 NCR 12	07/01/95			08/01/95	
05 .0200	10:18 NCR 2398					Rule-Making Proceeding
DIETETICS/NUTRITION						
21 NCAC 17 .0101 - .0102	10:16 NCR 2046	02/01/96				
.0104	10:16 NCR 2046	02/01/96				
.0107	10:16 NCR 2046	02/01/96				
.0113 - .0114	10:16 NCR 2046	02/01/96				
.0301 - .0304	10:16 NCR 2046	02/01/96				
.0401 - .0402	10:16 NCR 2046	02/01/96				
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21 NCAC 16	10:16 NCR 2043	05/01/96				Notice on Subject Matter
21 NCAC 16H .0104	10:16 NCR 2043	05/01/96				
.0202 - .0203	10:16 NCR 2043	05/01/96				
16T .0001 - .0002	10:16 NCR 2043	05/01/96				
16U .0101 - .0102	10:16 NCR 2043	05/01/96				
.0201 - .0204	10:16 NCR 2043	05/01/96				
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21 NCAC 18B .0103	10:15 NCR 1579	02/01/96				
.0207	10:15 NCR 1579	02/01/96				
.0303	10:15 NCR 1579	02/01/96				
.0402	10:15 NCR 1579	02/01/96				
.0601	10:15 NCR 1579	02/01/96				
.0902 - .0903	10:15 NCR 1579	02/01/96				
.0905	10:15 NCR 1579	02/01/96				
ELECTROLYSIS EXAMINERS						
21 NCAC 19 .0104	10:11 NCR 907	12/01/95			12/01/95	
.0204	10:11 NCR 907	12/01/95			12/01/95	
.0616	10:11 NCR 907	12/01/95			12/01/95	

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15A NCAC 01	10:18 NCR 2317					Rule-Making Agenda
01C .0101	10:16 NCR 1828	02/01/96				
.0503 - .0504	10:16 NCR 1828	02/01/96				
01K	10:19 NCR 2506					Rule-Making Proceeding
02	10:18 NCR 2316					Public Notice/303(d) list
02	10:18 NCR 2317					Rule-Making Agenda
02B .0101	10:01 NCR 13					Correction to Notice
.0104	10:01 NCR 13					Correction to Notice
.0202	10:01 NCR 13					Correction to Notice
.0211	10:01 NCR 13					Correction to Notice
.0216	10:16 NCR 1838	02/01/96				
.0224 - .0225	10:16 NCR 1838	02/01/96				
.0224	10:18 NCR 2400					Rule-Making Proceeding
.0227	10:18 NCR 2400					Rule-Making Proceeding
.0301	10:01 NCR 13					Correction to Notice
.0303	10:08 NCR 661	11/01/95				
.0303	10:18 NCR 2400					Rule-Making Proceeding
.0304	10:04 NCR 246	01/01/96			01/01/96	
.0304	10:05 NCR 301	11/01/95			11/01/95	
.0304	10:15 NCR 1515	04/01/96		x		
.0304	10:16 NCR 1846	05/01/96		x		
.0304	10:21 NCR 2688					Change to Notice
.0308 - .0310	10:08 NCR 661	11/01/95				
.0308	10:08 NCR 661	02/01/96				
.0313	10:11 NCR 901	02/01/96				
.0315 - .0316	10:08 NCR 661	11/01/95				
.0315	10:08 NCR 661	02/01/96				
.0315	10:16 NCR 1835	05/01/96				
.0316	10:04 NCR 246	01/01/96			01/01/96	
02C .0201 - .0216	10:16 NCR 1848	05/01/96				
02D .0101	10:16 NCR 1867	05/01/96				
.0501	10:16 NCR 1867	05/01/96				
.0516	10:16 NCR 1867	05/01/96				
.0518 - .0519	10:16 NCR 1867	05/01/96				
.0520	10:01 NCR 13	07/01/95	x	x		
.0520	10:16 NCR 1867	05/01/96				
.0521	10:16 NCR 1867	05/01/96				
.0524 - .0525	10:16 NCR 1867	05/01/96				
.0531	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0531	10:15 NCR 1520	04/01/96				
.0533	10:16 NCR 1867	05/01/96				
.0535	10:16 NCR 1867	05/01/96				
.0537	10:16 NCR 1867	05/01/96				
.0539	10:16 NCR 1867	05/01/96				
.0601	10:16 NCR 1867	05/01/96				
.0604	10:16 NCR 1867	05/01/96				
.0608	10:16 NCR 1867	05/01/96				
.0804 - .0805	10:15 NCR 1520	04/01/96		x		
.0901	10:15 NCR 1520	04/01/96				
.0902	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0902	10:16 NCR 1867	05/01/96				
.0909	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0917 - .0924	10:15 NCR 1520	04/01/96				
.0926 - .0928	10:15 NCR 1520	04/01/96				
.0929	10:16 NCR 1867	05/01/96				
.0934 - .0935	10:15 NCR 1520	04/01/96				
.0937	10:15 NCR 1520	04/01/96				
.0951	10:15 NCR 1520	04/01/96				
.0952	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0953 - .0954	10:15 NCR 1520	04/01/96				
.1109 - .1111	10:16 NCR 1867	05/01/96				
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.1304	10:15 NCR 1520	04/01/96				
.1402	10:01 NCR 13	07/01/95	x	x	07/01/95	
.1406	10:01 NCR 13	07/01/95	x	x		
.1409	10:01 NCR 13	07/01/95	x	x		
.1701 - .1702	10:01 NCR 13	07/01/95	x	x		
.1801 - .1803	10:01 NCR 13	07/01/95	x	x		
.1901 - .1906	10:16 NCR 1867	05/01/96		x		
02H .0219	10:14 NCR 1325	05/01/96				
.0610	10:16 NCR 1867	05/01/96				
02L .0106	10:19 NCR 2508				01/02/96	Temporary Amendment
.0202	10:20 NCR 2591					Rule-Making Proceeding
02P .0402	10:19 NCR 2512				01/02/96	Temporary Amendment
02Q .0102	10:16 NCR 1867	05/01/96				
.0103	10:16 NCR 1867	05/01/96	x	x		
.0109	10:16 NCR 1867	05/01/96				
.0201 - .0204	10:16 NCR 1867	05/01/96				
.0207	10:16 NCR 1867	05/01/96				
.0302	10:16 NCR 1867	05/01/96				
.0311	10:16 NCR 1867	05/01/96				
.0401 - .0418	10:15 NCR 1520	04/01/96				
.0501 - .0503	10:16 NCR 1867	05/01/96				
.0507 - .0508	10:16 NCR 1867	05/01/96				
.0526	10:16 NCR 1867	05/01/96				
03	10:15 NCR 1515	03/01/96				Notice on Subject Matter
03	10:18 NCR 2317					Rule-Making Agenda
031 .0001	10:14 NCR 1336	03/01/96				
.0005	10:14 NCR 1336	03/01/96				
.0018	10:14 NCR 1336	03/01/96				
.0019	10:21 NCR 2737				02/01/96	Temporary Adoption
.0019	10:21 NCR 2737	06/01/96				
03J .0103 - .0104	10:14 NCR 1336	03/01/96				
.0107	10:14 NCR 1336	03/01/96	x			
.0202	10:14 NCR 1336	03/01/96				
.0301	10:14 NCR 1336	03/01/96				
.0401	10:14 NCR 1336	03/01/96				
.0401	10:21 NCR 2688	06/01/96				
.0402	10:14 NCR 1336	03/01/96				
.0403	10:15 NCR 1515	03/01/96				
03K .0104 - .0105	10:14 NCR 1336	03/01/96				
.0201 - .0202	10:14 NCR 1336	03/01/96				
03L .0301 - .0302	10:14 NCR 1336	03/01/96				
03M .0202	10:14 NCR 1336	03/01/96				
.0204	10:14 NCR 1336	03/01/96				
.0301	10:14 NCR 1336	03/01/96				
.0501	10:14 NCR 1336	03/01/96				
.0503 - .0504	10:14 NCR 1336	03/01/96				
.0506 - .0507	10:14 NCR 1336	03/01/96				
.0510 - .0511	10:14 NCR 1336	03/01/96				
.0512	10:14 NCR 1336	03/01/96				
03R .0003 - .0005	10:14 NCR 1336	03/01/96				
.0007	10:14 NCR 1336	03/01/96				
.0011	10:14 NCR 1336	03/01/96				
NPDES Permit	10:02 NCR 56					
04A .0001	10:07 NCR 579	10/01/95			10/01/95	
.0005	10:07 NCR 579	10/01/95			10/01/95	
04B .0016	10:07 NCR 579	10/01/95			10/01/95	
.0020	10:07 NCR 579	10/01/95			10/01/95	
.0028	10:02 NCR 149	07/01/95			08/01/95	
.0029 - .0030	10:07 NCR 579	10/01/95			10/01/95	
04C .0007 - .0008	10:07 NCR 579	10/01/95			10/01/95	
.0010	10:07 NCR 579	10/01/95			10/01/95	

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04D .0002 - .0003	10:07 NCR 579	10/01/95			10/01/95	
07	10:18 NCR 2317					Rule-Making Agenda
07B .0101	10:09 NCR 751	12/01/95	x	x		
.0201	10:09 NCR 751	12/01/95	x	x		
.0202 - .0203	10:09 NCR 751	12/01/95	x	x	01/01/96	
.0204	10:09 NCR 751	12/01/95	x	x		
.0205	10:09 NCR 751	12/01/95	x	x	01/01/96	
.0206 - .0207	10:09 NCR 751	12/01/95	x	x		
.0208 - .0209	10:09 NCR 751	12/01/95	x	x	01/01/96	
.0210 - .0213	10:09 NCR 751	12/01/95	x	x		
.0214	10:09 NCR 751	12/01/95	x	x	01/01/96	
.0215	10:09 NCR 751	12/01/95	x	x		
.0216	10:09 NCR 751	12/01/95	x	x	01/01/96	
.0401 - .0402	10:09 NCR 751	12/01/95	x	x		
.0403 - .0406	10:09 NCR 751	12/01/95	x	x	01/01/96	
.0501	10:09 NCR 751	12/01/95	x	x		
.0502 - .0507	10:09 NCR 751	12/01/95	x	x	01/01/96	
07H .0106	10:16 NCR 1921	04/01/96				Notice on Subject Matter
.0208	10:03 NCR 197	12/01/95				
.0208	10:15 NCR 1552	03/01/96				
.0305	10:15 NCR 1552	03/01/96				
.0308	10:09 NCR 751	12/01/95				
.0308	10:15 NCR 1921	03/01/96				
.0309 - .0310	10:09 NCR 751	02/01/96				
.1705	10:09 NCR 751	12/01/95				
.2201 - .2202	10:03 NCR 204	12/01/95				
.2203	10:03 NCR 204	12/01/95	x			
.2204 - .2205	10:03 NCR 204	12/01/95				
.2301 - .2305	10:15 NCR 1552	03/01/96				
07K .0103	10:09 NCR 751	12/01/95				
07L	10:16 NCR 1921	04/01/96				Notice of Subject Matter
07M .0300	10:16 NCR 1921	04/01/96				Notice of Subject Matter
.0300	10:19 NCR 2480					Change in Location of Hearings
.0400	10:16 NCR 1921	02/01/97				Notice of Subject Matter
10B .0115	10:06 NCR 338	10/01/95			11/01/95	
.0115 - .0116	10:16 NCR 1922	07/01/96				
.0201 - .0203	10:16 NCR 1923	07/01/96				
.0202 - .0203	10:01 NCR 26	07/01/95			07/01/95	
.0202	10:04 NCR 249	08/01/95			09/01/95	
.0208 - .0209	10:16 NCR 1923	07/01/96				
.0214	10:01 NCR 26	07/01/95			07/01/95	
.0214	10:16 NCR 1923	07/01/96				
.0220	10:16 NCR 1923	07/01/96				
.0302 - .0303	10:16 NCR 1923	07/01/96				
10C .0205	10:16 NCR 1923	07/01/96				
.0301 - .0302	10:16 NCR 1923	07/01/96				
.0305	10:16 NCR 1923	07/01/96				
.0401	10:16 NCR 1923	07/01/96				
.0404	10:06 NCR 338	12/01/95			12/01/95	
.0404	10:16 NCR 1923	07/01/96				
.0407	10:06 NCR 338	12/01/95			12/01/95	
.0407	10:16 NCR 1923	07/01/96				
10D .0002 - .0003	10:01 NCR 26	07/01/95			07/01/95	
.0002 - .0004	10:16 NCR 1923	07/01/96				
.0003	10:04 NCR 250	08/01/95			09/01/95	
.0003	10:06 NCR 338	09/01/95				
10F .0100	10:19 NCR 2506					Rule-Making Proceeding
.0313	10:06 NCR 338	10/01/95			10/01/95	
.0317	10:01 NCR 26	07/01/95			07/01/95	
.0323 - .0324	10:11 NCR 904	12/01/95			12/01/95	
.0339	10:13 NCR 1159	02/01/96				
.0339	10:15 NCR 1565	02/01/96				
.0360	10:13 NCR 1159	02/01/96				

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Wildlife Proclamation/Striped Bass	10:02 NCR 57	04/10/95				
	10:03 NCR 195	04/15/95				
11	10:18 NCR 2317					Rule-Making Agenda
.0349	10:16 NCR 1958	05/01/96				
12	10:18 NCR 2317					Rule-Making Agenda
13	10:18 NCR 2317					Rule-Making Agenda
13A .0006	10:13 NCR 1160	01/01/96			01/01/96	
.0019	10:13 NCR 1160	01/01/96			01/01/96	
13B .0101	10:06 NCR 350	10/01/95			10/01/95	
.0103	10:06 NCR 350	10/01/95			10/01/95	
.0503	10:06 NCR 350	10/01/95			10/01/95	
.0802 - .0829	10:06 NCR 350	10/01/95			10/01/95	
.0901 - .0905	10:16 NCR 1959	04/01/96				
.1401 - .1409	10:16 NCR 1959	04/01/96				
.1627	10:06 NCR 350	10/01/95			N/A	Agency Did Not Adopt
16	10:18 NCR 2317					Rule-Making Agenda
16A .1001 - .1005	10:07 NCR 582	01/01/96	x		01/01/96	
.1006	10:07 NCR 582	01/01/96				
18	10:18 NCR 2317					Rule-Making Agenda
18A .1720	10:16 NCR 1977	04/01/96				
.1722 - .1723	10:16 NCR 1977	04/01/96				
.1725 - .1727	10:16 NCR 1977	04/01/96				
.1801 - .1814	10:13 NCR 1160	01/01/96			01/01/96	
.1818	10:13 NCR 1160	01/01/96			01/01/96	
.2508	10:06 NCR 350	01/01/96			01/01/96	
.2509	10:06 NCR 350	01/01/96				RRC Obj/Rule Withdrawn
.2510 - .2511	10:06 NCR 350	01/01/96			01/01/96	
.2516 - .2519	10:06 NCR 350	01/01/96			01/01/96	
.2521 - .2524	10:06 NCR 350	01/01/96			01/01/96	
.2526	10:06 NCR 350	01/01/96			01/01/96	
.2528 - .2535	10:06 NCR 350	01/01/96			01/01/96	
.2537	10:06 NCR 350	01/01/96			01/01/96	
.2540 - .2542	10:06 NCR 350	01/01/96			01/01/96	
.2543	10:06 NCR 350	01/01/96			N/A	Agency Did Not Adopt
.2601 - .2602	10:13 NCR 1160	01/01/96			01/01/96	
.2618	10:13 NCR 1160	01/01/96			01/01/96	
.2624	10:13 NCR 1160	01/01/96			01/01/96	
.2632	10:13 NCR 1160	01/01/96			01/01/96	
.2635 - .2636	10:13 NCR 1160	01/01/96			01/01/96	
.2702	10:16 NCR 1977	04/01/96				
.3101 - .3106	10:16 NCR 1977	04/01/96				
19	10:18 NCR 2317					Rule-Making Agenda
19A .0401	10:06 NCR 350	10/01/95			10/01/95	
.0406	10:06 NCR 350	10/01/95			10/01/95	
.0502	10:06 NCR 350	10/01/95			10/01/95	
19C .0206	10:05 NCR 305	10/01/95	x			
.0601 - .0603	10:16 NCR 1977	04/01/96				
.0605 - .0609	10:16 NCR 1977	04/01/96				
.0611	10:16 NCR 1977	04/01/96				
19H .0702	10:07 NCR 582	10/01/95	x		N/A	Withdrawn by Agency
20	10:18 NCR 2317					Rule-Making Agenda
20D .0233 - .0234	10:13 NCR 1160	01/01/96			01/01/96	
.0236	10:13 NCR 1160	01/01/96			01/01/96	
.0241 - .0243	10:13 NCR 1160	01/01/96			01/01/96	
.0247 - .0252	10:13 NCR 1160	01/01/96			01/01/96	
21	10:18 NCR 2317					Rule-Making Agenda
21F .0801 - .0802	10:13 NCR 1160	01/01/96				
.0804	10:13 NCR 1160	01/01/96				
.1101 - .1103	10:13 NCR 1160	01/01/96			01/01/96	
.1105	10:13 NCR 1160	01/01/96			01/01/96	
23	10:18 NCR 2317					Rule-Making Agenda
24	10:18 NCR 2317					Rule-Making Agenda

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.0202 - .0203	10:13 NCR 1160	01/01/96			01/01/96	
.0204	10:13 NCR 1160	01/01/96				
.0301	10:13 NCR 1160	01/01/95			01/01/96	
.0404	10:06 NCR 350	10/01/95	x		10/01/95	
25	10:18 NCR 2317					Rule-Making Agenda
.0213	10:16 NCR 1996	04/01/96				

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	10:03 NCR 194			
	10:05 NCR 298			
	10:10 NCR 825			
	10:11 NCR 889			
	10:13 NCR 1084			
	10:15 NCR 1429			
	10:17 NCR 2227			
	10:19 NCR 2478			
	10:21 NCR 2684			

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21 NCAC 12 .0302	10:11 NCR 906	12/01/95		12/01/95
.0410	10:11 NCR 906	12/01/95		12/01/95

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Number 74	10:02 NCR 54			03/27/95
Number 75	10:03 NCR 191			03/30/95
Number 76	10:03 NCR 191			04/03/95
Number 77	10:05 NCR 297			05/02/95
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Number 83	10:10 NCR 823			08/03/95
Number 84	10:12 NCR 981			08/24/95
Number 85	10:13 NCR 1061			09/12/95
Number 86	10:13 NCR 1061			09/12/95
Number 87	10:17 NCR 2222			10/27/95
Number 88	10:17 NCR 2222			10/27/95
Number 89	10:17 NCR 2222			10/31/95
Number 90	10:20 NCR 2587			12/05/95
Number 91	10:20 NCR 2587			12/13/95
Number 92	10:20 NCR 2587			12/13/95
Number 93	10:21 NCR 2683			12/21/95

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21 NCAC 22A .0203	10:16 NCR 2053	02/01/96	
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22F .0003 - .0004	10:16 NCR 2053	02/01/96	
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.0013 - .0014	10:16 NCR 2053	02/01/96	
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22I .0008 - .0009	10:16 NCR 2053	02/01/96	
22K .0004 - .0005	10:16 NCR 2053	02/01/96	

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.0009 - .0011	10:16 NCR 2053	02/01/96				
.0013 - .0015	10:16 NCR 2053	02/01/96				
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10 NCAC 03	10:18 NCR 2399					Rule-Making Proceeding
03C .5301	10:14 NCR 1232	03/01/96				
.5401 - .5414	10:14 NCR 1232	03/01/96				
03D .0808	10:14 NCR 1238	02/01/96				
.1301 - .1302	10:14 NCR 1238	02/01/96				
.1401	10:08 NCR 641	11/01/95			11/01/95	
.1401 - .1403	10:14 NCR 1238	02/01/96				
.1501 - .1503	10:14 NCR 1238	02/01/96				
03H .0108 - .0109	10:02 NCR 58	09/01/95			01/01/96	
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.0306 - .0318	10:02 NCR 58	09/01/95			01/01/96	
.0407 - .0409	10:02 NCR 58	09/01/95			01/01/96	
.0505 - .0507	10:02 NCR 58	09/01/95			01/01/96	
.0510 - .0517	10:02 NCR 58	09/01/95			01/01/96	
.0605 - .0609	10:02 NCR 58	09/01/95			01/01/96	
.0705 - .0712	10:02 NCR 58	09/01/95			01/01/96	
.0810 - .0812	10:02 NCR 58	09/01/95			01/01/96	
.0903 - .0911	10:02 NCR 58	09/01/95			01/01/96	
.1003 - .1008	10:02 NCR 58	09/01/95			01/01/96	
.1105 - .1109	10:02 NCR 58	09/01/95			01/01/96	
.1130 - .1136	10:02 NCR 58	09/01/95			01/01/96	
.1150 - .1163	10:02 NCR 58	09/01/95			01/01/96	
.1204 - .1208	10:02 NCR 58	09/01/95			01/01/96	
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.1405 - .1406	10:02 NCR 58	09/01/95			01/01/96	
.1408 - .1410	10:02 NCR 58	09/01/95			01/01/96	
.1501 - .1503	10:02 NCR 58	09/01/95			01/01/96	
.1612 - .1613	10:02 NCR 58	09/01/95			01/01/96	
.1703 - .1704	10:02 NCR 58	09/01/95			01/01/96	
.1804 - .1807	10:02 NCR 58	09/01/95			01/01/96	
.2001	10:02 NCR 58	09/01/95			01/01/96	
.2101 - .2110	10:02 NCR 58	09/01/95			01/01/96	
.2201 - .2203	10:02 NCR 58	09/01/95			01/01/96	
.2204 - .2206	10:02 NCR 58	09/01/95			01/01/96	
.2207 - .2212	10:02 NCR 58	09/01/95			01/01/96	
.2301 - .2302	10:02 NCR 58	09/01/95			01/01/96	
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.2401 - .2402	10:02 NCR 58	09/01/95			01/01/96	
.2501 - .2506	10:02 NCR 58	09/01/95			01/01/96	
.2601 - .2607	10:02 NCR 58	09/01/95			01/01/96	
.2701	10:02 NCR 58	09/01/95			01/01/96	
.2801 - .2802	10:02 NCR 58	09/01/95			01/01/96	
.2901 - .2902	10:02 NCR 58	09/01/95			01/01/96	
.3001 - .3005	10:02 NCR 58	09/01/95			01/01/96	
.3011 - .3016	10:02 NCR 58	09/01/95			01/01/96	
.3021 - .3032	10:02 NCR 58	09/01/95			01/01/96	
.3101 - .3103	10:02 NCR 58	09/01/95			01/01/96	
.3104	10:02 NCR 58	09/01/95			01/01/96	
.3201 - .3202	10:02 NCR 58	09/01/95			01/01/96	
.3301 - .3302	10:02 NCR 58	09/01/95			01/01/96	
.3401 - .3404	10:02 NCR 58	09/01/95			01/01/96	
03L .0901	10:08 NCR 641	02/01/96			02/01/96	Filed over RRC Objection
.0902 - .0907	10:08 NCR 641	02/01/96			02/01/96	
.1001 - .1003	10:08 NCR 641	02/01/96			02/01/96	
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.1102 - .1103	10:08 NCR 641	02/01/96			02/01/96	Filed over RRC Objection
.1104	10:08 NCR 641	02/01/96			02/01/96	
.1105 - .1106	10:08 NCR 641	02/01/96			02/01/96	Filed over RRC Objection
.1107	10:08 NCR 641	02/01/96			02/01/96	
.1108 - .1110	10:08 NCR 641	02/01/96			02/01/96	Filed over RRC Objection
.1111 - .1112	10:08 NCR 641	02/01/96			02/01/96	
.1201	10:08 NCR 641	02/01/96			02/01/96	
.1202	10:08 NCR 641	02/01/96			02/01/96	Filed over RRC Objection
.1301 - .1303	10:08 NCR 641	02/01/96			02/01/96	
.1401	10:08 NCR 641	02/01/96			02/01/96	
.1402	10:08 NCR 641	02/01/96			02/01/96	
03M .0202 - .0205	10:08 NCR 641	11/01/95			11/01/95	
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.0213 - .0215	10:14 NCR 1243	01/01/96				
.0303 - .0305	10:14 NCR 1243	01/01/96				
.0317	10:14 NCR 1243	01/01/96				
.0904	10:14 NCR 1243	01/01/96				
.1003	10:14 NCR 1243	01/01/96				
.1113	10:14 NCR 1243	01/01/96				
.1115 - .1120	10:14 NCR 1243	01/01/95				
.1124 - .1127	10:14 NCR 1243	01/01/96				
.1214	10:14 NCR 1243	01/01/96				
.1216	10:14 NCR 1243	01/01/96				
.1218 - .1219	10:14 NCR 1243	01/01/96				
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.1304 - .1309	10:14 NCR 1243	01/01/96				
.1413 - .1414	10:14 NCR 1243	01/01/96				
.1418 - .1419	10:14 NCR 1243	01/01/96				
.1613 - .1615	10:14 NCR 1243	01/01/96				
.1618 - .1619	10:14 NCR 1243	01/01/96				
.1713 - .1714	10:14 NCR 1243	01/01/96				
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.2117	10:14 NCR 1243	01/01/96				
.2120	10:14 NCR 1243	01/01/96				
.2319 - .2320	10:14 NCR 1243	01/01/96				
.2402	10:14 NCR 1243	01/01/96				
.2404 - .2412	10:14 NCR 1243	01/01/96				
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.2718 - .2719	10:14 NCR 1243	01/01/96				
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.3030	10:21 NCR 2699				01/01/96	Temporary Amendment
.3032	10:21 NCR 2699				01/01/96	Temporary Amendment
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.3107 - .3108	10:14 NCR 1243	01/01/96				
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.3206 - .3207	10:14 NCR 1243	01/01/96				
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.3606 - .3507	10:14 NCR 1243	01/01/96				
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.4102 - .4107	10:14 NCR 1243	01/01/96				
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.4206 - .4207	10:14 NCR 1243	01/01/96				
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.0401 - .0403	10:14 NCR 1297	02/01/96				
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.0701 - .0703	10:14 NCR 1297	02/01/96				
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.1202	10:14 NCR 1297	02/01/96				
.1204	10:14 NCR 1297	02/01/96				
.1212	10:14 NCR 1297	02/01/96				
03U .0102	10:20 NCR 2593				01/01/96	Temporary Amendment
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.0708	10:19 NCR 2506					Rule-Making Proceeding
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.0505 - .0509	10:07 NCR 430	05/01/96				
14C .1001 - .1006	10:15 NCR 1435	02/01/96				
.1008	10:15 NCR 1435	02/01/96				
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.1110 - .1111	10:15 NCR 1435	02/01/96				
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.1123	10:15 NCR 1435	02/01/96				
.1125 - .1131	10:15 NCR 1435	02/01/96				
.1133 - .1160	10:15 NCR 1435	02/01/96				
14D .0006	10:15 NCR 1435	02/01/96				
14K .0101 - .0103	10:07 NCR 430	05/01/96				
.0201 - .0219	10:07 NCR 430	05/01/96				
.0301 - .0310	10:07 NCR 430	05/01/96				
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.0317 - .0324	10:07 NCR 430	05/01/96				
.0326 - .0329	10:07 NCR 430	05/01/96				
.0333 - .0348	10:07 NCR 430	05/01/96				
.0350 - .0365	10:07 NCR 430	05/01/96				
.0401 - .0408	10:07 NCR 430	05/01/96				
14L .0101 - .0106	10:07 NCR 430	05/01/96				
.0201 - .0203	10:07 NCR 430	05/01/96				
.0301 - .0308	10:07 NCR 430	05/01/96				
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	.0611 - .0615	10:07 NCR 430	05/01/96			
	.0701 - .0709	10:07 NCR 430	05/01/96			
	.0711 - .0712	10:07 NCR 430	05/01/96			
14M	.0101 - .0113	10:07 NCR 430	05/01/96			
	.0501 - .0511	10:07 NCR 430	05/01/96			
	.0601 - .0602	10:07 NCR 430	05/01/96			
	.0604	10:07 NCR 430	05/01/96			
	.0606	10:07 NCR 430	05/01/96			
	.0608 - .0612	10:07 NCR 430	05/01/96			
	.0614 - .0615	10:07 NCR 430	05/01/96			
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	.0701 - .0716	10:07 NCR 430	05/01/96			
14N	.0101 - .0107	10:07 NCR 430	05/01/96			
	.0201 - .0207	10:07 NCR 430	05/01/96			
	.0301 - .0307	10:07 NCR 430	05/01/96			
	.0401 - .0406	10:07 NCR 430	05/01/96			
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	.0701	10:07 NCR 430	05/01/96			
	.0703 - .0705	10:07 NCR 430	05/01/96			
	.0801 - .0811	10:07 NCR 430	05/01/96			
	.0901 - .0905	10:08 NCR 656	05/01/96			
14O	.0301 - .0314	10:07 NCR 430	05/01/96			
	.0401 - .0409	10:07 NCR 430	05/01/96			
	.0411 - .0416	10:07 NCR 430	05/01/96			
	.0501 - .0505	10:07 NCR 430	05/01/96			
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	.0611 - .0615	10:07 NCR 430	05/01/96			
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14V		10:15 NCR 1479	05/01/96			Notice on Subject Matter
14V	.0101 - .0104	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.0101 - .0104	10:13 NCR 1085	05/01/96			
	.0201 - .0208	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.0201 - .0208	10:13 NCR 1085	05/01/96			
	.0301 - .0304	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.0301 - .0304	10:13 NCR 1085	05/01/96			
	.0401 - .0405	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.0401 - .0405	10:13 NCR 1085	05/01/96			
	.0501 - .0505	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.0501 - .0505	10:13 NCR 1085	05/01/96			
	.0601 - .0604	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.0601 - .0607	10:13 NCR 1085	05/01/96			
	.0701 - .0712	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.0701 - .0713	10:13 NCR 1085	05/01/96			
	.0801 - .0805	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.0801 - .0805	10:13 NCR 1085	05/01/96			
	.1101 - .1103	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.1101 - .1103	10:13 NCR 1085	05/01/96			
	.1201 - .1203	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.1201 - .1203	10:13 NCR 1085	05/01/96			
	.1301 - .1303	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.1301 - .1304	10:13 NCR 1085	05/01/96			
	.1401 - .1403	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.1401 - .1403	10:13 NCR 1085	05/01/96			
	.1501 - .1504	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.1501 - .1504	10:13 NCR 1085	05/01/96			
	.2101 - .2104	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.2101 - .2104	10:13 NCR 1085	05/01/96			
	.2201 - .2204	10:07 NCR 430	05/01/96			Agency Did Not Adopt
	.2201 - .2204	10:13 NCR 1085	05/01/96			
	.2301 - .2306	10:07 NCR 430	05/01/96			Agency Did Not Adopt

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.2401 - .2404	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2401 - .2404	10:13 NCR 1085	05/01/96				
.2501 - .2505	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2501 - .2505	10:13 NCR 1085	05/01/96				
.3101 - .3103	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3101 - .3103	10:13 NCR 1085	05/01/96				
.3201 - .3203	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3201 - .3203	10:13 NCR 1085	05/01/96				
.3301 - .3303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3301 - .3303	10:13 NCR 1085	05/01/96				
.3401 - .3403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3401 - .3403	10:13 NCR 1085	05/01/96				
.3501 - .3503	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3501 - .3503	10:13 NCR 1085	05/01/96				
.3601 - .3604	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3601 - .3604	10:13 NCR 1085	05/01/96				
.3701 - .3703	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3701 - .3703	10:13 NCR 1085	05/01/96				
.3801 - .3803	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3801 - .3803	10:13 NCR 1085	05/01/96				
.3901 - .3903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3901 - .3903	10:13 NCR 1085	05/01/96				
.4001 - .4003	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.4001 - .4003	10:13 NCR 1085	05/01/96				
.4101 - .4104	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.4101 - .4104	10:13 NCR 1085	05/01/96				
.4201 - .4203	10:13 NCR 1085	05/01/96				
.5001 - .5002	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5001 - .5003	10:13 NCR 1085	05/01/96				
.5101 - .5104	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5101 - .5104	10:13 NCR 1085	05/01/96				
.5201 - .5204	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5201 - .5204	10:13 NCR 1085	05/01/96				
.5301 - .5303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5301 - .5303	10:13 NCR 1085	05/01/96				
.5401 - .5403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5401 - .5403	10:13 NCR 1085	05/01/96				
.5501 - .5503	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5501 - .5503	10:13 NCR 1085	05/01/96				
.5601 - .5603	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5601 - .5603	10:13 NCR 1085	05/01/96				
.5701 - .5703	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5701 - .5703	10:13 NCR 1085	05/01/96				
.5801 - .5804	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5801 - .5804	10:13 NCR 1085	05/01/96				
.5901 - .5903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5901 - .5903	10:13 NCR 1085	05/01/96				
.6001 - .6003	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6001 - .6003	10:13 NCR 1085	05/01/96				
.6101 - .6103	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6101 - .6103	10:13 NCR 1085	05/01/96				
.6201 - .6202	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6201 - .6202	10:13 NCR 1085	05/01/96				
.6301 - .6303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6301 - .6303	10:13 NCR 1085	05/01/96				
.6401 - .6403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6401 - .6403	10:13 NCR 1085	05/01/96				
.6501 - .6503	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6501 - .6503	10:13 NCR 1085	05/01/96				
.6601 - .6603	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6601 - .6603	10:13 NCR 1085	05/01/96				
.6701 - .6702	10:07 NCR 430	05/01/96				Agency Did Not Adopt

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	.6901 - .6903	10:07 NCR 430				Agency Did Not Adopt
	.6901 - .6903	10:13 NCR 1085				
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	.0205 - .0228	10:13 NCR 1085		x		
18A	.0124 - .0128	10:07 NCR 430				
	.0130	10:07 NCR 430				
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18D	.0209	10:14 NCR 1311			01/01/96	
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	.0507 - .0511	10:08 NCR 656				
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	.0701 - .0715	10:07 NCR 430				
	.0801 - .0805	10:07 NCR 430				
	.0803	10:02 NCR 118			07/01/95	
18K	.0109 - .0116	10:07 NCR 430				
	.0262 - .0263	10:08 NCR 656				
18L	.0107 - .0108	10:07 NCR 430				
	.0223 - .0224	10:07 NCR 430				
	.0331 - .0336	10:07 NCR 430				
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	.0428 - .0434	10:07 NCR 430				
	.0504	10:07 NCR 430				
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	.0513	10:07 NCR 430				
	.0601 - .0607	10:08 NCR 656				
	.0701 - .0705	10:07 NCR 430				
	.0707	10:07 NCR 430				
	.0801	10:07 NCR 430				
	.0803 - .0809	10:07 NCR 430				
	.0901 - .0904	10:07 NCR 430				
	.1001 - .1006	10:07 NCR 430				
	.1101 - .1103	10:07 NCR 430				
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	.1301 - .1309	10:07 NCR 430				
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	.0901 - .0908	10:07 NCR 430				
	.1001 - .1009	10:07 NCR 430				
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.0204 - .0212	10:07 NCR 430	05/01/96				
.0305 - .0306	10:07 NCR 430	05/01/96				
.0601 - .0605	10:08 NCR 656	05/01/96				
.0701 - .0709	10:08 NCR 656	05/01/96				
18O .0517 - .0524	10:08 NCR 656	05/01/96				
18P .0901 - .0903	10:07 NCR 430	05/01/96				
.1001 - .1004	10:07 NCR 430	05/01/96				
18Q .0284	10:07 NCR 430	05/01/96				
.0286 - .0287	10:07 NCR 430	05/01/96				
.0520 - .0521	10:07 NCR 430	05/01/96				
.0538 - .0552	10:07 NCR 430	05/01/96				
19C .0209	10:16 NCR 1708	02/01/96				
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.0509 - .0512	10:16 NCR 1708	02/01/96				
.0602	10:16 NCR 1708	02/01/96				
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.0702 - .0703	10:16 NCR 1708	02/01/96				
19G .0501 - .0502	10:14 NCR 1312	01/01/96			01/01/96	
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.0606 - .0612	10:14 NCR 1312	01/01/96			01/01/96	
.0803	10:14 NCR 1312	01/01/96			01/01/96	
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20B .0204 - .0206	10:16 NCR 1716	02/01/96				
.0208 - .0210	10:16 NCR 1716	02/01/96				
.0218	10:16 NCR 1716	02/01/96				
.0222	10:16 NCR 1716	02/01/96				
.0224	10:16 NCR 1716	02/01/96				
.0226 - .0227	10:16 NCR 1716	02/01/96				
20C .0205	10:16 NCR 1716	02/01/96	x			
.0316	10:16 NCR 1716	02/01/96	x			
26B .0105	10:18 NCR 2398					Rule-Making Proceeding
.0110	10:08 NCR 660	10/01/95			10/01/95	
.0112	10:16 NCR 1721	02/01/96				
.0113	10:16 NCR 1721	02/01/96				
.0124	10:02 NCR 118	07/01/95	x		07/01/95	
26G .0703 - .0705	10:12 NCR 982	12/01/95			12/01/95	
26H .0212 - .0213	10:13 NCR 1153	01/01/96	x		01/01/96	
.0213	10:02 NCR 118	07/01/95			07/01/95	
.0213	10:14 NCR 1317	01/01/96	x		01/01/96	
.0302	10:04 NCR 228	08/01/95	x		08/01/95	
.0304 - .0305	10:04 NCR 228	08/01/95	x		08/01/95	
.0308 - .0309	10:04 NCR 228	08/01/95	x		08/01/95	
.0506	10:21 NCR 2686					Rule-Making Proceedings
.0508	10:12 NCR 982	12/01/95			12/01/95	
26I .0101	10:10 NCR 826	11/01/95			12/11/95	Filed over RRC Objection
.0102	10:10 NCR 826	11/01/95			12/01/95	
.0103	10:10 NCR 826	11/01/95			12/11/95	Filed over RRC Objection
.0104 - .0107	10:10 NCR 826	11/01/95			12/01/95	
26K .0006	10:15 NCR 1479	02/01/96				
39D .0302 - .0303	10:09 NCR 722	11/01/95			11/01/95	
.0304	10:15 NCR 1483	02/01/96	x			
41F .0706	10:03 NCR 196	08/01/95			08/01/95	
.0706	10:21 NCR 2726				01/01/96	Temporary Repeal
.0707	10:21 NCR 2726				01/01/96	Temporary Adoption
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	.0102	10:21 NCR 2687	07/01/96			
42A	.0701 - .0703	10:21 NCR 2728			01/01/96	Temporary Adoption
42B	.1209	10:13 NCR 1158	01/01/96			
	.1209	10:21 NCR 2729			01/01/96	Temporary Repeal
	.1210 - .1211	10:21 NCR 2729			01/01/96	Temporary Adoption
	.2402 - .2405	10:21 NCR 2729			01/01/96	Temporary Adoption
42C	.2010	10:13 NCR 1158	01/01/96			
	.2010	10:21 NCR 2729			01/01/96	Temporary Repeal
	.2011 - .2012	10:21 NCR 2729			01/01/96	Temporary Adoption
	.3701 - .3704	10:21 NCR 2729			01/01/96	Temporary Adoption
42D	.1409	10:13 NCR 1158	01/01/96			
	.1409	10:21 NCR 2729			01/01/96	Temporary Repeal
	.1410 - .1411	10:21 NCR 2729			01/01/96	Temporary Adoption
	.1827 - .1830	10:21 NCR 2729			01/01/96	Temporary Adoption
42H	.0911	10:09 NCR 722	12/01/95		12/01/95	
42V	.0201	10:20 NCR 2597			12/12/95	Temporary Amendment
	.0802 - .0803	10:20 NCR 2597			12/12/95	Temporary Amendment
42W	.0001 - .0002	10:10 NCR 828	11/01/95		11/01/95	
46A	.0001	10:16 NCR 1724	02/01/96			
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46C	.0107	10:16 NCR 1724	02/01/96			
46D	.0101	10:16 NCR 1724	02/01/96			
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46E	.0108 - .0109	10:16 NCR 1724	02/01/96			
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46F	.0107 - .0108	10:16 NCR 1724	02/01/96			
	.0110	10:16 NCR 1724	02/01/96			
46G	.0110	10:16 NCR 1724	02/01/96			
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	.0214	10:16 NCR 1724	02/01/96			
46H	.0101	10:16 NCR 1724	02/01/96			
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47B	.0404 - .0405	10:15 NCR 1483	02/01/96			
49B	.0102	10:15 NCR 1483	02/01/96			
49C	.0107	10:16 NCR 1731	02/01/96	x		
50B	.0313	10:14 NCR 1321	01/01/96		01/01/96	
50D	.0101 - .0103	10:15 NCR 1479	02/01/96			
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11 NCAC 04	.0120 - .0124	10:15 NCR 1489	02/01/96			
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	.0429 - .0430	10:15 NCR 1489	02/01/96			
	.0501 - .0509	10:16 NCR 1732	01/01/97			
06A	.0201	10:16 NCR 1738	02/01/96			
	.0217	10:16 NCR 1738	02/01/96			
	.0225 - .0226	10:16 NCR 1738	02/01/96			
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11D	.0108 - .0109	10:15 NCR 1503				
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12	.0307	10:16 NCR 1764				
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.0704	10:11 NCR 900	12/01/95			12/01/95	Rule-Making Proceeding
17 .0003	10:16 NCR 1787	02/01/96				
.0006	10:16 NCR 1764	02/01/96				
20 .0101	10:16 NCR 1787	03/01/96				
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12 NCAC 04E .0104	10:07 NCR 573	10/01/95			10/01/95	
07D .0201	10:07 NCR 575	10/01/95			12/01/95	
.0204	10:11 NCR 900	12/01/95				
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.0706	10:07 NCR 575	10/01/95			12/01/95	
.0801	10:07 NCR 575	10/01/95			12/01/95	
.0806	10:07 NCR 575	10/01/95			12/01/95	
.0808	10:16 NCR 1796	02/01/96				
.0902	10:07 NCR 575	10/01/95			12/01/95	
.0904	10:07 NCR 575	10/01/95			12/01/95	
09A .0204	10:02 NCR 122	08/01/95			08/01/95	
09B .0113	10:02 NCR 122	08/01/95			08/01/95	
.0201 - .0202	10:02 NCR 122	08/01/95			01/01/96	
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.0226 - .0228	10:02 NCR 122	08/01/95			08/01/95	
.0232 - .0233	10:02 NCR 122	08/01/95			08/01/95	
09C .0401	10:02 NCR 122	08/01/95			08/01/95	
.0601	10:02 NCR 122	08/01/95			08/01/95	
09D .0102	10:02 NCR 122	08/01/95			08/01/95	
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09F .0101 - .0107	10:16 NCR 1797	05/01/96				
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.0301	10:09 NCR 723	01/01/96			01/01/96	
.0304	10:09 NCR 723	01/01/96			01/01/96	
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.0401 - .0403	10:09 NCR 723	01/01/96			01/01/96	
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.0502 - .0503	10:09 NCR 723	01/01/96			01/01/96	
.0505	10:09 NCR 723	01/01/96			01/01/96	
.0601 - .0607	10:09 NCR 723	01/01/96			01/01/96	
.0702 - .0706	10:09 NCR 723	01/01/96			01/01/96	
.0801 - .0803	10:09 NCR 723	01/01/96			01/01/96	
.0901	10:09 NCR 723	01/01/96			01/01/96	
.0903 - .0906	10:09 NCR 723	01/01/96			01/01/96	
.0908 - .0912	10:09 NCR 723	01/01/96			01/01/96	
.1004 - .1005	10:09 NCR 723	01/01/96			01/01/96	
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	10:01 NCR 12	01/01/96				Notice on Subject Matter
	10:02 NCR 149	10/01/95				Notice on Subject Matter
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12 .0101	10:02 NCR 142	08/01/95				
.0303 - .0315	10:02 NCR 142	08/01/95				
.0501 - .0502	10:02 NCR 142	08/01/95				
.0803 - .0808	10:02 NCR 142	08/01/95				
15	10:16 NCR 1827	04/01/96				Notice on Subject Matter
18 .0101 - .0110	10:14 NCR 1323	01/01/96			01/01/96	
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21 NCAC 26 .0307	10:15 NCR 1583	02/01/96				
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21 NCAC 31 .0102	10:16 NCR 2062	03/01/96				
.0104	10:16 NCR 2062	03/01/96				
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.0801	10:16 NCR 2062	03/01/96				
.0901	10:16 NCR 2062	03/01/96				
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21 NCAC 32B .0901 - .0902	10:10 NCR 831	11/01/95			12/01/95	
32F .0003	10:10 NCR 831	11/01/95			12/01/95	
32H	10:18 NCR 2400					Rule-Making Proceeding
.0102	10:02 NCR 151	07/01/96			07/01/96	
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.0408	10:02 NCR 151	07/01/96			07/01/96	
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.0801	10:02 NCR 151	07/01/96			07/01/96	
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32I .0003 - .0004	10:02 NCR 151	07/01/95			09/01/95	
32M .0001	10:10 NCR 831	11/01/95			01/01/96	
.0002 - .0004	10:10 NCR 831	11/01/95			01/01/96	
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21 NCAC 34B .0401	10:13 NCR 1182	01/01/96				

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21 NCAC 36 .0109	10:11 NCR 908	01/01/96			01/01/96	
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.0216 - .0219	10:11 NCR 908	01/01/96			01/01/96	
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.0227	10:11 NCR 908	01/01/96			01/01/96	
.0228	10:16 NCR 2068	02/01/96				
.0318	10:11 NCR 908	01/01/96			01/01/96	
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.0401 - .0405	10:10 NCR 839	12/01/95			12/01/95	
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21 NCAC 37 .0101	10:04 NCR 262	08/01/95			08/01/95	
.0302	10:03 NCR 206	08/01/95			N/A	Agency withdrew Rule
.0404	10:03 NCR 206	08/01/95			N/A	Agency withdrew Rule
.0502	10:03 NCR 206	08/01/95			08/01/95	
.0603	10:03 NCR 206	08/01/95			08/01/95	
.0904	10:04 NCR 262	08/01/95			N/A	Agency withdrew Rule
.0912	10:03 NCR 206	08/01/95			08/01/95	
.0914	10:03 NCR 206	08/01/95			N/A	Agency withdrew Rule
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.0108	10:16 NCR 2069	04/01/96				
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37C .0101 - .0103	10:16 NCR 2069	04/01/96				
37D .0101 - .0102	10:16 NCR 2069	04/01/96				
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37F .0101 - .0102	10:16 NCR 2069	04/01/96				
37G .0101 - .0102	10:16 NCR 2069	04/01/96				
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21 NCAC 40 .0314	10:16 NCR 2081	02/01/96				
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21 NCAC 45 .0101	10:16 NCR 2082	03/01/96				
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.0301 - .0303	10:16 NCR 2082	03/01/96				
.0401 - .0402	10:16 NCR 2082	03/01/96				
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21 NCAC 46 .1204	10:16 NCR 2085	05/01/96				
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.2602	10:16 NCR 2085	05/01/96				
.2609	10:16 NCR 2085	05/01/96				
.2611	10:16 NCR 2085	05/01/96				
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48B .0002	10:16 NCR 2107	02/01/96				
48C .0103	10:08 NCR 671	10/01/95			N/A	Agency withdrew Rule
48D .0006	10:08 NCR 671	10/01/95			10/01/95	
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48F .0002	10:08 NCR 671	10/01/95			10/01/95	
.0003	10:16 NCR 2107	02/01/96				
48G .0501 - .0516	10:08 NCR 671	10/01/95			10/01/95	
.0504	10:16 NCR 2107	02/01/96				
.0509	10:16 NCR 2107	02/01/96				
.0601	10:08 NCR 671	10/01/95			10/01/95	
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48H .0102	10:16 NCR 2107	02/01/96				
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.0701	10:16 NCR 2107	02/01/96				

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Agency/Rule Citation	Proposed in Register	Proposed Effective Date	Fiscal Note		Effective Date	Other Information
			State	Local		

PLUMBING, HEATING & FIRE SPRINKLER CONTRACTORS

21 NCAC 50	.0402	10:01 NCR 39	09/01/95	09/01/95	
	.0505	10:01 NCR 39	09/01/95	N/A	Agency Did Not Adopt

PROFESSIONAL COUNSELORS

21 NCAC 53	.0204 - .0211	10:01 NCR 40	07/01/95	07/01/95	
	.0301	10:01 NCR 40	07/01/95	07/01/95	
	.0305 - .0309	10:01 NCR 40	07/01/95	07/01/95	
	.0310	10:01 NCR 40	07/01/95		
	.0403 - .0405	10:01 NCR 40	07/01/95	07/01/95	
	.0601 - .0604	10:01 NCR 40	07/01/95	07/01/95	

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

21 NCAC 56	.0802	10:11 NCR 934	12/01/95	
	.0804	10:11 NCR 934	12/01/95	
	.0902	10:11 NCR 934	12/01/95	
	.1103	10:11 NCR 934	12/01/95	
	.1301	10:11 NCR 934	12/01/95	
	.1602	10:11 NCR 934	12/01/95	
	.1604	10:11 NCR 934	12/01/95	
	.1608	10:11 NCR 934	12/01/95	
	.1707	10:11 NCR 934	12/01/95	
	.1712 - .1713	10:11 NCR 934	12/01/95	

PSYCHOLOGY BOARD

21 NCAC 54	10:21 NCR 2698			Reschedule Hearing 10:16
	.1604 - .1605	10:16 NCR 2111	03/01/96	
	.1608	10:16 NCR 2111	03/01/96	
	.1610	10:16 NCR 2111	03/01/96	
	.1701	10:11 NCR 929	12/01/95	01/01/96
	.1703 - .1705	10:16 NCR 2111	03/01/96	
	.1707	10:11 NCR 929	12/01/95	01/01/96
	.1801 - .1803	10:16 NCR 2111	03/01/96	
	.1901	10:16 NCR 2111	03/01/96	
	.1904	10:16 NCR 2111	03/01/96	
	.2001 - .2005	10:16 NCR 2111	03/01/96	
	.2007 - .2009	10:16 NCR 2111	03/01/96	
	.2101	10:16 NCR 2111	03/01/96	
	.2103	10:16 NCR 2111	03/01/96	
	.2201 - .2204	10:16 NCR 2111	03/01/96	
	.2704 - .2706	10:11 NCR 929	12/01/95	01/01/96

PUBLIC EDUCATION

16 NCAC 06A	.0001 - .0002	10:16 NCR 1997	04/01/96	
06B	.0001 - .0002	10:16 NCR 1997	04/01/96	
	.0004 - .0006	10:16 NCR 1997	04/01/96	
06C	.0101	10:15 NCR 1565	04/01/96	
	.0313	10:15 NCR 1565	04/01/96	
	.0401	10:17 NCR 2229		11/15/95 Temporary Amendment Rule
06D	.0102	10:16 NCR 1997	04/01/96	
	.0104	10:16 NCR 1997	04/01/96	
	.0106	10:07 NCR 584	11/01/95	
	.0301 - .0302	10:16 NCR 1997	04/01/96	
06E	.0101 - .0102	10:16 NCR 1997	04/01/96	
	.0104	10:16 NCR 1997	04/01/96	
	.0202	10:16 NCR 1997	04/01/96	
06G	.0301 - .0303	10:16 NCR 1997	04/01/96	
06H	.0001	10:16 NCR 1997	04/01/96	
	.0006 - .0008	10:16 NCR 1997	04/01/96	

REAL ESTATE COMMISSION

21 NCAC 58A	.0104	10:16 NCR 2124	03/01/96	
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CUMULATIVE INDEX

Agency/Rule Citation	Proposed in Register	Proposed Effective Date	Fiscal Note		Effective Date	Other Information
			State	Local		
.0107	10:16 NCR 2124	03/01/96				
.0110	10:02 NCR 157	07/01/95			07/01/95	
.0113	10:16 NCR 2124	03/01/96				
.0302	10:16 NCR 2124	03/01/96				
.0401 - .0402	10:16 NCR 2124	03/01/96				
.0403	10:04 NCR 263	08/01/95			08/01/95	
.0502	10:16 NCR 2124	01/01/97				
.0503	10:04 NCR 263	08/01/95			08/01/95	
.0503 - .0506	10:16 NCR 2124	03/01/96				
.0504 - .0506	10:02 NCR 157	07/01/95			07/01/95	
.0505	10:04 NCR 263	08/01/95			08/01/95	
.0510	10:16 NCR 2124	03/01/96				
.0610	10:16 NCR 2124	03/01/96				
.1702	10:16 NCR 2124	03/01/96				
.1703	10:02 NCR 157	07/01/95			07/01/95	
.1707 - .1708	10:02 NCR 157	07/01/95			07/01/95	
.1708	10:16 NCR 2124	03/01/96				
.1710 - .1711	10:02 NCR 157	07/01/95			07/01/95	
.1711	10:16 NCR 2124	03/01/96				
58C .0104	10:16 NCR 2124	03/01/96				
.0305 - .0307	10:16 NCR 2124	03/01/96				
.0311 - .0312	10:16 NCR 2124	03/01/96				
58E .0103	10:02 NCR 157	07/01/95			07/01/95	
.0203 - .0204	10:02 NCR 157	07/01/95			07/01/95	
.0203 - .0204	10:16 NCR 2124	03/01/96				
.0302 - .0304	10:16 NCR 2124	03/01/96				
.0303 - .0305	10:02 NCR 157	07/01/95			07/01/95	
.0310	10:16 NCR 2124	03/01/96				
.0406 - .0407	10:02 NCR 157	07/01/95			07/01/95	
.0406 - .0407	10:16 NCR 2124	03/01/96				
.0411	10:16 NCR 2124	03/01/96				
.0503	10:16 NCR 2124	03/01/96				
.0506	10:02 NCR 157	07/01/95			07/01/95	
.0511	10:16 NCR 2124	03/01/96				
.0515	10:02 NCR 157	07/01/95			07/01/95	
REFRIGERATION EXAMINERS						
21 NCAC 60 .0102	10:04 NCR 264	08/01/95			08/01/95	
.0105	10:09 NCR 781	11/01/95			11/01/95	
.0204	10:04 NCR 264	08/01/95			08/01/95	
.0314	10:04 NCR 264	08/01/95			08/01/95	
.1102	10:04 NCR 264	08/01/95			08/01/95	
.1103	10:09 NCR 781	11/01/95			11/01/95	
REVENUE						
Tax Review Board	10:01 NCR 03					
Tax Review Board	10:07 NCR 428					
Tax Review Board	10:09 NCR 716					
Tax Review Board	10:11 NCR 890					
Tax Review Board	10:17 NCR 2224					
17 NCAC 01C .0504	10:20 NCR 2599				12/20/95	Temporary Amendment
.0506	10:20 NCR 2599				12/20/95	Temporary Amendment
07B .1101	10:21 NCR 2688	05/01/96				
.1105	10:21 NCR 2688	05/01/96				
.1108 - .1110	10:21 NCR 2688	05/01/96				
.1112	10:21 NCR 2688	05/01/96				
.1114	10:21 NCR 2688	05/01/96				
.1123	10:21 NCR 2688	05/01/96				
.1602	10:21 NCR 2688	05/01/96				
.1701 - .1702	10:21 NCR 2688	05/01/96				
.1802	10:21 NCR 2688	05/01/96				
.2401	10:21 NCR 2688	05/01/96				
.2601	10:21 NCR 2688	05/01/96				

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			State	Local		
.4002	10:21 NCR 2688	05/01/96				
.4004	10:21 NCR 2688	05/01/96				
.4008	10:21 NCR 2688	05/01/96				
.4301	10:21 NCR 2688	05/01/96				
.4408	10:21 NCR 2688	05/01/96				
.4902	10:21 NCR 2688	05/01/96				
09G .0102	10:16 NCR 2006	11/30/96				
.0104 - .0105	10:16 NCR 2006	11/30/96				
.0107	10:16 NCR 2006	11/30/96				
.0201 - .0203	10:16 NCR 2006	11/30/96				
.0301 - .0304	10:16 NCR 2006	11/30/96				
.0306	10:16 NCR 2006	11/30/96				
.0402 - .0404	10:16 NCR 2006	11/30/96				
.0502 - .0509	10:16 NCR 2006	11/30/96				
.0512	10:16 NCR 2006	11/30/96				
.0514	10:16 NCR 2006	11/30/96				
.0516	10:16 NCR 2006	11/30/96				
09H .0102 - .0103	10:16 NCR 2006	11/30/96				
.0105	10:16 NCR 2006	11/30/96				
.0202 - .0203	10:16 NCR 2006	11/30/96				
.0206 - .0210	10:16 NCR 2006	11/30/96				
.0302 - .0303	10:16 NCR 2006	11/30/96				
.0305 - .0306	10:16 NCR 2006	11/30/96				
.0409	10:16 NCR 2006	11/30/96				
09K .0201 - .0206	10:16 NCR 2006	01/01/96				
.0401	10:16 NCR 2006	01/01/96				
.0501 - .0513	10:16 NCR 2006	01/01/96				
.0601 - .0602	10:16 NCR 2006	01/01/96				
09L .0301 - .0302	10:16 NCR 2006	01/01/96				
.0401 - .0404	10:16 NCR 2006	01/01/96				
SECRETARY OF STATE						
18 NCAC 04 .0102	10:15 NCR 1567	02/01/96				
.0201	10:15 NCR 1567	02/01/96				
.0203	10:15 NCR 1567	02/01/96				
.0205 - .0206	10:15 NCR 1567	02/01/96				
.0302 - .0308	10:15 NCR 1567	02/01/96				
.0311 - .0314	10:15 NCR 1567	02/01/96				
.0316 - .0318	10:15 NCR 1567	02/01/96				
.0401 - .0402	10:15 NCR 1567	02/01/96				
.0501 - .0504	10:15 NCR 1567	02/01/96				
05 .0101	10:15 NCR 1573	02/01/96				
.0203 - .0209	10:15 NCR 1573	02/01/96				
.0304 - .0305	10:15 NCR 1573	02/01/96				
.0404	10:15 NCR 1573	02/01/96				
06 .1205 - .1206	10:05 NCR 306	09/01/95				
.1208	10:05 NCR 306	09/01/95				
.1302 - .1305	10:05 NCR 306	09/01/95				
.1313	10:05 NCR 306	09/01/95				
.1402	10:11 NCR 906	12/01/95				
.1601 - .1602	10:15 NCR 1575	02/01/96				
.1604 - .1605	10:15 NCR 1575	02/01/96				
.1607	10:15 NCR 1575	02/01/96				
07 .0302	10:15 NCR 1578	02/01/96				
09	10:16 NCR 2015	04/01/96				
.0101 - .0108	10:19 NCR 2480	04/01/96				Notice on Subject Matter Temporary Adoption
.0109	10:21 NCR 2738				01/01/96	Temporary Adoption
SOCIAL WORK, BOARD OF						
21 NCAC 63 .0306	10:13 NCR 1185	01/01/96				
.0306	10:21 NCR 2739				01/01/96	Temporary Amendment
SOIL SCIENTISTS, BOARD FOR LICENSING						

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			State	Local		

21 NCAC 69

10:19 NCR 2507

Rule-Making Proceeding

STATE PERSONNEL

25 NCAC 01B	.0201	10:16 NCR 2155	02/01/96			
	.0203 - .0207	10:16 NCR 2155	02/01/96			
	.0213	10:16 NCR 2155	02/01/96			
	.0414	10:16 NCR 2155	02/01/96			
	.0431	10:16 NCR 2155	02/01/96			
	.0437 - .0439	10:16 NCR 2155	02/01/96			
01C	.0207	10:04 NCR 264	08/01/95			
	.0402 - .0408	10:04 NCR 264	08/01/95			
	.0412	10:16 NCR 2155	02/01/96			
01D	.0201	10:04 NCR 264	08/01/95			
	.0205	10:04 NCR 264	08/01/95			
	.0207	10:04 NCR 264	08/01/95			
	.0211	10:04 NCR 264	08/01/95			
	.0401	10:12 NCR 986	12/01/95			12/01/95
	.0406	10:12 NCR 986	12/01/95			12/01/95
	.0504	10:12 NCR 986	12/01/95			12/01/95
	.0509	10:07 NCR 588	10/01/95			10/01/95
	.0510 - .0511	10:12 NCR 986	12/01/95			12/01/95
	.0515	10:12 NCR 986	12/01/95			12/01/95
	.0520	10:16 NCR 2155	02/01/96			
	.0808	10:04 NCR 264	08/01/95			
	.0910	10:12 NCR 986	12/01/95			12/01/95
	.1001	10:04 NCR 264	08/01/95			
	.1001	10:12 NCR 986	12/01/95			12/01/95
	.1005	10:12 NCR 986	12/01/95			12/01/95
	.1009	10:04 NCR 264	08/01/95			
	.1009 - .1010	10:12 NCR 986	12/01/95			12/01/95
	.1201	10:04 NCR 264	08/01/95			
	.1204	10:04 NCR 264	08/01/95			
	.1401	10:04 NCR 264	08/01/95			
	.1801 - .1802	10:04 NCR 264	08/01/95			
	.1928	10:12 NCR 986	12/01/95			12/01/95
	.2001	10:04 NCR 264	08/01/95			08/08/95
	.2301 - .2305	10:16 NCR 2155	02/01/96			
	.2601 - .2604	10:12 NCR 986	12/01/95			12/01/95
01E	.0304 - .0305	10:12 NCR 986	12/01/95			12/01/95
	.0804	10:04 NCR 264	08/01/95			
	.1001 - .1002	10:12 NCR 986	12/01/95			12/01/95
	.1110	10:12 NCR 986	12/01/95			12/01/95
	.1402 - .1411	10:07 NCR 588	10/01/95			10/01/95
01H	.0628	10:12 NCR 986	12/01/95			12/01/95
01I	.2301 - .2310	10:12 NCR 986	12/01/95			12/01/95
01J	.0401 - .0413	10:12 NCR 986	12/01/95			12/01/95
	.0501 - .0511	10:12 NCR 986	12/01/95			12/01/95
	.0604 - .0606	10:07 NCR 588	10/01/95			10/01/95
	.0608	10:07 NCR 588	10/01/95			10/01/95
	.0610 - .0615	10:07 NCR 588	10/01/95			10/01/95
	.0801 - .0809	10:12 NCR 986	12/01/95			12/01/95
01K	.0312	10:04 NCR 264	08/01/95			
	.0318	10:12 NCR 986	12/01/95			12/01/95
	.0701 - .0705	10:12 NCR 986	12/01/95			12/01/95
	.0707 - .0708	10:12 NCR 986	12/01/95			12/01/95
01L	.0101 - .0106	10:12 NCR 986	12/01/95			12/02/95

SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

21 NCAC 68

10:18 NCR 2401

Rule-Making Proceeding

.0501 - .0511	10:14 NCR 1382	02/01/96
.0601 - .0610	10:14 NCR 1382	02/01/96

THERAPEUTIC RECREATION CERTIFICATION BOARD

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			State	Local		
21 NCAC 65 .0004	10:16 NCR 2140	02/01/96				
.0006 - .0007	10:16 NCR 2140	02/01/96				
TRANSPORTATION						
19A NCAC 02D .0415	10:12 NCR 984	12/31/95			01/01/96	
.0801	10:04 NCR 254	09/01/95			10/01/95	
.1101 - .1112	10:16 NCR 2015	03/01/96				
03D .0517	10:16 NCR 2020	02/01/96				
.0549	10:16 NCR 2020	02/01/96				
.0551 - .0553	10:16 NCR 2020	02/01/96				
04A .0004	10:10 NCR 829	12/01/95			12/01/95	
06B .0401 - .0417	10:16 NCR 2023	03/01/96	x			
VETERINARY MEDICAL BOARD						
21 NCAC 66 .0101	10:16 NCR 2143	04/01/96				
.0105 - .0106	10:16 NCR 2143	04/01/96				
.0108	10:16 NCR 2143	04/01/96				
.0201 - .0203	10:16 NCR 2143	04/01/96				
.0205 - .0210	10:16 NCR 2143	04/01/96				
.0301	10:16 NCR 2143	04/01/96				
.0303 - .0308	10:16 NCR 2143	04/01/96				
.0310 - .0311	10:16 NCR 2143	04/01/96				
.0601	10:16 NCR 2143	04/01/96				
.0606	10:16 NCR 2143	04/01/96				
.0703	10:16 NCR 2143	04/01/96				

BARCLAYS OFFICIAL NORTH CAROLINA ADMINISTRATIVE CODE - 1995

DESCRIPTION	CODE	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE
Title 1 - Dept. of Administration - Full Title	201 00 00	\$63.00	\$90.00
Division of Purchase & Contract	201 10 05	\$21.00	\$30.00
Federal Block Grant Funds	201 10 33	\$17.50	\$25.00
Title 2 - Dept. of Agriculture - Full Title	202 00 00	\$98.00	\$140.00
Food & Drug Protection Division	202 15 09	\$28.00	\$40.00
Structural Pest Control Committee	202 15 34	\$21.00	\$30.00
Agricultural Markets	202 15 43	\$21.00	\$30.00
Plant Industry	202 15 48	\$21.00	\$30.00
Animal Industry	202 15 52	\$21.00	\$30.00
Title 3 - Dept. of State Auditor - Full Title	203 00 00	\$7.00	\$10.00
Title 4 - Dept. of Commerce - Full Title	204 00 00	\$87.50	\$125.00
Alcoholic Beverage Control Commission	204 15 02	\$12.00	\$40.00
Banking Commission	204 15 03	\$24.50	\$35.00
Credit Union Division	204 15 06	\$14.00	\$20.00
Savings & Loan Division	204 15 09	\$14.00	\$20.00
Industrial Commission/Workers Compensation	204 15 10	\$14.00	\$20.00
Savings Institutions Division	204 15 16	\$24.50	\$35.00
Title 5 - Dept. of Corrections - Full Title	205 00 00	\$56.00	\$80.00
Division of Prisons	205 15 02	\$24.50	\$35.00
Title 6 - Council of State - Full Title	206 00 00	\$21.00	\$30.00
Title 7 - Dept. of Cultural Resources - Full Title	207 00 00	\$21.00	\$30.00
Title 8 - State Board of Elections - Full Title	208 00 00	\$7.00	\$10.00
Title 9 - Offices of the Governor & Lt. Governor - Full Title	209 00 00	\$31.50	\$45.00
Title 10 - Dept. of Human Resources - Full Title	210 00 00	\$346.50	\$495.00
Licensing of Health Facilities	210 20 10	\$45.50	\$65.00
Detention Facilities	210 20 20	\$31.50	\$45.00
Mental Health & Rehabilitation Services	210 20 30	\$77.00	\$110.00
Social Services	210 20 40	\$119.00	\$170.00
Children Services/Day Care	210 20 41	\$31.50	\$45.00
Services for the Aging	210 20 42	\$31.50	\$45.00
Services for the Blind	210 20 43	\$28.00	\$40.00
Services for the Deaf & Hard of Hearing	210 20 44	\$17.50	\$25.00
Employment Opportunities	210 20 45	\$35.00	\$50.00
Title 11 - Dept. of Insurance - Full Title	211 00 00	\$63.00	\$90.00
Insurance	211 10 01	\$58.00	\$80.00
Consumer Services	211 10 04	\$24.50	\$35.00
Fire & Rescue Services	211 10 05	\$17.50	\$25.00
Agent Services	211 10 08	\$28.00	\$40.00
Engineering & Building Codes	211 10 08	\$21.00	\$30.00
Title 12 - Dept. of Justice - Full Title	212 00 00	\$63.00	\$90.00
Private Protective Services	212 10 07	\$21.00	\$30.00
Police & Sheriff's Education & Training Standards	212 10 09	\$31.50	\$45.00
NC Alarm Systems Licensing Board	212 10 11	\$17.50	\$25.00
Title 13 - Dept. of Labor - Full Title	213 00 00	\$77.00	\$110.00
Mine & Quarry Safety	213 15 06	\$14.00	\$20.00
General Safety/OSHA	213 20 00	\$31.50	\$45.00
Wage & Hour Rules	213 15 12	\$14.00	\$20.00
Boiler & Pressure Vessel Safety	213 15 13	\$14.00	\$20.00
Apprenticeship & Training	213 15 14	\$14.00	\$20.00
Elevator & Amusement Device Safety	213 15 15	\$14.00	\$20.00
Title 14A - Dept. of Crime Control & Public Safety - Full Title	214 00 00	\$31.50	\$45.00
Alcohol Law Enforcement	214 00 08	\$17.50	\$25.00
Victims Compensation Fund	214 00 11	\$14.00	\$20.00
Title 15A - Dept. of Environ., Health, & Nat. Resources - Full Title	215 00 00	\$276.50	\$395.00
Environmental Management	215 15 00	\$115.50	\$165.00
Air Quality	215 15 10	\$49.00	\$70.00
Water Quality	215 15 20	\$49.00	\$70.00
Land & Waste Management	215 15 30	\$56.00	\$80.00
Solid Waste Management	215 15 31	\$35.00	\$50.00
Underground Storage Tanks	215 15 32	\$17.50	\$25.00

DESCRIPTION	CODE	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE
Coastal Management	215 15 40	\$31.50	\$45.00
Environmental Health	215 25 00	\$105.00	\$150.00
Radiation/Nuclear Waste	215 25 10	\$42.00	\$60.00
Sanitation	215 25 20	\$35.00	\$50.00
Public Health	215 25 30	\$59.50	\$85.00
Intoxilizer & Breathalyzer	215 25 31	\$17.50	\$25.00
Title 16 - Dept. of Public Instruction - Full Title	216 00 00	\$21.00	\$30.00
Elementary & Secondary Education	216 10 06	\$21.00	\$30.00
Title 17 - Dept. of Revenue - Full Title	217 00 00	\$91.00	\$130.00
Taxes on Individuals	217 15 10	\$31.50	\$45.00
Taxes on Business	217 15 20	\$56.00	\$80.00
Sales & Use Tax Division	217 15 27	\$31.50	\$45.00
Motor Fuels Tax Division	217 15 29	\$21.00	\$30.00
Title 18 - Secretary of State - Full Title	218 00 00	\$21.00	\$30.00
Securities Division	218 10 06	\$21.00	\$30.00
Title 19A - Dept. of Transportation - Full Title	219 00 00	\$63.00	\$90.00
Division of Highways	219 10 02	\$28.00	\$40.00
Division of Motor Vehicles	219 10 03	\$35.00	\$50.00
Title 20 - Dept. of the State Treasurer - Full Title	220 00 00	\$31.50	\$45.00
Title 21 - Occupational Licensing Boards - Full Title	221 00 00	\$143.50	\$205.00
Title 22 - Administrative Procedures Act - Repealed	222 00 00	\$0.00	\$0.00
Title 23 - Dept. of Community Colleges - Full Title	223 00 00	\$7.00	\$10.00
Title 24 - Independent Agencies - Full Title	224 00 00	\$7.00	\$10.00
Title 25 - Office of State Personnel - Full Title	225 00 00	\$42.00	\$60.00
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