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NORTH CAROLINA REGISTER

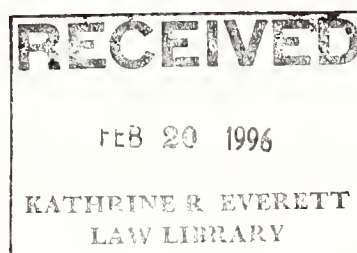
**VOLUME 10 • ISSUE 22 • Pages 2816 - 2954
February 15, 1996**


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Rules Review Commission
Contested Case Decisions

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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
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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

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.

PUBLIC NOTICE

North Carolina Department of Environment, Health and Natural Resources
Division of Solid Waste Management
Post Office Box 27687
Raleigh, North Carolina 27611-7687
(919) 733-2178

Notice is hereby given of the Division of Solid Waste Management's intent to enter into an Administrative Order on Consent (Consent Order) pursuant to Article 9, N.C.G.S. Chapter 130A with the Seaboard Group II and the City of High Point (the Respondents) in order to authorize the Respondents to undertake a remedial investigation consistent with the National Contingency Plan at the former Seaboard Chemical Corporation facility located at 5899 Riverdale Drive, Jamestown, Guilford County, North Carolina and the adjacent City of High Point former Riverdale Drive Landfill, which are collectively referred to as "the Site."

The public comment period will extend for thirty (30) days following the publication of this notice. Comments regarding the Consent Order should be sent within this time frame and should be addressed to: William L. Meyer, Director, Division of Solid Waste Management, at the above address.

All documents relating to the Site are available as part of the administrative record and can be reviewed at the following location during office hours (9:00 a.m. to 4:00 p.m.), Monday through Friday:

Hazardous Waste Section
401 Oberlin Road, Room 150
Raleigh, North Carolina 27605
call (919) 733-2178, extension 311 for appointment

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH AND
NATURAL RESOURCES
DIVISION OF SOLID WASTE MANAGEMENT

IN RE:

FORMER SEABOARD CHEMICAL CORPORATION FACILITY
and
CITY OF HIGH POINT RIVERDALE DRIVE LANDFILL
Jamestown, North Carolina

ADMINISTRATIVE ORDER
ON CONSENT PURSUANT TO ARTICLE 9,
N.C.G.S. CHAPTER 130A

The following constitutes the agreement of the parties hereto. The members of the Seaboard Group II and the City of High Point, Respondents hereunder, concur with the Findings of Fact and Conclusions of Law contained herein solely for purposes of this Administrative Order on Consent (Consent Order).

I. DEFINITIONS

The following definitions apply to terms appearing in this Consent Order unless otherwise indicated.

A. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation and Liability Act of

1980 as amended by the Superfund Amendments and Reauthorization Act ("SARA") of 1986, codified at 42 U.S.C. § 9601, *et seq.*

- B. "City" shall mean the City of High Point, North Carolina, a municipal corporation organized and existing under the laws of the State of North Carolina.
- C. "Department" shall mean the North Carolina Department of Environment, Health and Natural Resources.
- D. "Director" shall mean the Director of the Division of Solid Waste Management of the North Carolina Department of Environment, Health and Natural Resources.
- E. "Division" shall mean the Division of Solid Waste Management of the North Carolina Department of Environment, Health and Natural Resources.
- F. "Former Seaboard Chemical Corporation facility" shall mean the property formerly owned and operated by Seaboard Chemical Corporation at 5899 Riverdale Drive, Jamestown, Guilford County, North Carolina, EPA Identification No. NCD-071-574-164.
- G. "Landfill" shall mean the City of High Point's former Riverdale Drive Landfill, Jamestown, Guilford County, North Carolina.
- H. "National Contingency Plan" shall mean the national contingency plan for removal of oil and hazardous substances established pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, and codified at 40 CFR Part 300.
- I. "RCRA" shall mean the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.*
- J. "Remedial Investigation Work Plan" shall mean the workplan for the remedial investigation of the Site, attached hereto as Exhibit 2.
- K. "Respondents" shall mean collectively the City of High Point ("City") and members in good standing of the Seaboard Group II ("Group") who are signatories to this Consent Order.
- L. "Seaboard Group I" shall mean an unincorporated association of parties which undertook a surface removal action and initial remedial site inspection at the former Seaboard Chemical Corporation facility.
- M. "Seaboard Group II" or "Group" shall mean the Seaboard Group II, an unincorporated association of parties formed to conduct certain further response actions at the former Seaboard Chemical Corporation facility.
- N. "Secretary" shall mean the Secretary of the North Carolina Department of Environment, Health and Natural Resources.
- O. "Site" shall mean the former Seaboard Chemical Corporation facility located at 5899 Riverdale Drive, Jamestown, North Carolina, EPA Identification No. NCD-071-574-164, which is under the control of the Trustee in Bankruptcy of the Seaboard Chemical Corporation, and the City of High Point former Riverdale Drive Landfill which is adjacent to the former Seaboard Chemical Corporation facility, as depicted on Exhibit 1.

I. JURISDICTION

The Secretary of the Department has authority to enter into this Consent Order pursuant to Article 9 of Chapter 130A of the North Carolina General Statutes, N.C.G.S. § 130A-290, *et seq.* The Secretary has delegated this authority to the Director of the Division.

II. PARTIES

This Consent Order is entered by and among:

- A. The North Carolina Department of Environment, Health and Natural Resources, Division of Solid Waste Management ("Division");
- B. The members in good standing of the Seaboard Group II who are signatories to this Consent Order; and
- C. The City of High Point ("City").

III. INTRODUCTION AND STATEMENT OF PURPOSE

- A. The City owns and formerly operated the Landfill located on Riverdale Drive, Jamestown, Guilford County, North Carolina. Since 1974, the Landfill has been permitted to receive solid, non-hazardous waste for disposal under DHS Permit No. 41-01. Prior to the establishment of the State Solid Waste Management Program, the City operated the Landfill for disposal of solid wastes, including the operation of pits where solvents were burned in the late 1960's. The Landfill is located on approximately 125 acres of gently rolling terrain bordering on the west bank of the Deep River, and lies about 2 miles east of High Point. The Landfill is bordered on the south by Riverdale Drive and the former Seaboard Chemical Corporation facility.

On or about January 4, 1991, the Division issued an Administrative Order to the City requiring the City to address groundwater and surface water conditions in the vicinity of the Landfill. On or about May 30, 1991, the City submitted to the Division a Work Plan for assessing the ground and surface water conditions in the vicinity of the Landfill. On or about June 25, 1991, the City and the Division entered into an Administrative Consent Order Docket No. 91-SW-1 pursuant to which the City was ordered to perform the actions set forth in the approved Work Plan. The City completed specific tasks set forth in the approved Work Plan.

The City of High Point discontinued active landfill operations at the Landfill in October 1993. The Landfill has been capped with at least two feet of cover soil, with vegetation to prevent erosion.

By letter dated March 6, 1995 to Mr. Perry Kairis, Director of Public Works for the City of High Point, the Solid Waste Section of the Division required the City to submit a plan for the next phase of groundwater contamination assessment at the Landfill. The Division encouraged the City to cooperate with the members of the Seaboard Group II to assess groundwater contamination at both the former Seaboard Chemical Corporation facility and the Landfill (collectively referred to herein as "the Site").

- B. Seaboard Chemical Corporation operated a facility for the treatment, storage and/or disposal of solid waste, including hazardous waste and hazardous substances, at property located at 5899 Riverdale Drive, Jamestown, Guilford County, North Carolina from 1974 until 1989. Among other activities, Seaboard Chemical Corporation engaged in solvent distillation and recycling and blending of high-BTU substances for sale as fuel. On or about November 15, 1989, Seaboard Chemical Corporation discontinued operations and filed for bankruptcy in the U.S. Bankruptcy Court. A substantial quantity of hazardous waste and/or substances remained at the Seaboard Chemical Corporation facility in drums, tanks, equipment and structures.

The Trustee in Bankruptcy for Seaboard Chemical Corporation retained Four Seasons Industrial Services, Inc. to remove a portion of the hazardous waste and/or substances contained in tanks and drums at the Seaboard Chemical Corporation facility using funds from the post closure trust fund letter of credit held by the State of North Carolina and monies from the North Carolina Emergency Response Fund. The Trustee had insufficient funds to complete the removal of hazardous waste and/or substances from the Seaboard Chemical Corporation facility.

On or about May 29, 1992, William W. Cobey, Jr., Secretary of the North Carolina Department of Environment, Health and Natural Resources ("Department") issued an Imminent Hazard Order pursuant to N.C.G.S. § 130A-303 concerning solid waste at the former Seaboard Chemical Corporation facility.

The Secretary determined that the Trustee in Bankruptcy for Seaboard Chemical Corporation was incapable of maintaining containment of the hazardous waste and/or substances. The Secretary ordered all generators, transporters, owners and/or operators of the Seaboard Chemical Corporation facility to abate the imminent hazard then existing at that facility by removing and disposing of hazardous waste and hazardous substances contained in tanks, pipes, equipment and structures at the facility and by undertaking a preliminary investigation of soil and groundwater contamination at the former Seaboard Chemical Corporation facility.

On or about May 29, 1992 an Administrative Order on Consent ("AOC") concerning the former Seaboard Chemical Corporation facility was entered into between the Division and the members of Seaboard Group I. Pursuant to the AOC, the members of Seaboard Group I agreed to address conditions at the former Seaboard Chemical Corporation facility which the Secretary deemed to create an imminent hazard. The members of Seaboard Group I agreed to undertake, perform and finance certain actions at the facility as described in the Work Plan For Surface Removal ("Removal Work Plan") submitted to the Division on November 15, 1991 and attached as Appendix B to the AOC.

On or about September 1992, the members of Seaboard Group I completed the Surface Removal as described in the Removal Work Plan. All liquids, sludges and other waste materials, including all hazardous waste and/or substances contained in tanks, pipes, equipment and structures were removed from the facility; the aboveground tanks, equipment and vessels were decontaminated to remove residual wastes; and miscellaneous solid wastes were collected and disposed of properly. By letter dated February 18, 1993 to the Trustee in Bankruptcy of Seaboard Chemical Corporation, the Division acknowledged completion of the Removal Work Plan.

The members of Seaboard Group I also contracted with Geraghty & Miller, Inc. to conduct a Remedial Site Inspection to fulfill the directive of the Secretary's Imminent Hazard Order requiring a preliminary investigation of soil and groundwater contamination at the former Seaboard Chemical Corporation facility. Geraghty & Miller conducted the Remedial Site Inspection pursuant to the Work Plan for Remedial Site Inspection (August 1992) approved by the Division in October of 1992. The Work Plan for Remedial Site Inspection was implemented in late 1992 through February 1993. The Final Report on the Remedial Site Inspection was submitted to the Division in May of 1993.

By letter dated July 28, 1993 to the Trustee in Bankruptcy of Seaboard Chemical Corporation, the Division acknowledged that the tasks in the Work Plan had been substantially completed. Completion of the Removal Work Plan and the Work Plan for Remedial Site Inspection abated the imminent hazard determined by the Secretary to then exist at the Seaboard Chemical Corporation facility.

- C. This Consent Order is entered into for the purpose of further addressing the Site. In entering into this Consent Order, the objective of the parties is implementation of a Remedial Investigation of the Site as set forth in the Remedial Investigation Work Plan appended hereto as Exhibit 2.

IV. FINDINGS OF FACT

- A. "The Site" is the former Seaboard Chemical Corporation facility located at 5899 Riverdale Drive, Jamestown, North Carolina, EPA Identification No. NCD-071-574-164, which is currently under the control of the Trustee in Bankruptcy of Seaboard Chemical Corporation, and the City of High Point former Riverdale Drive Landfill which is adjacent to the former Seaboard Chemical Corporation facility, as depicted in Exhibit 1.
- B. Treatment, storage and/or disposal of hazardous substances has occurred at portions of the Site.
- C. Municipal solid waste, including industrial waste, was disposed in the landfill for approximately forty (40) years.
- D. Soil sampling at the Site has revealed the presence of volatile organic compounds and semi-volatile organic compounds, including but not limited to acetone, 1,2-dichlorobenzene, 1,1-dichloroethene, 1,2-dichloroethene (total), methylene chloride, 1,1,1-trichloroethane, phenol, and naphthalene, bis-2 ethyl hexyl

phthalate, and 1,2,4 trichlorobenzene.

- E. Groundwater sampling at the Site has revealed the presence of volatile organic compounds and semi-volatile organic compounds, including but not limited to acetone, benzene, 1,1-dichloroethane, 1,2-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethene (total), methylene chloride, 1,1,1-trichloroethane, phenol, and naphthalene.

V. CONCLUSIONS OF LAW

- A. The substances identified in Sections IV.D and E above are "hazardous substances" as defined in CERCLA.
- B. Disposal of hazardous substances referred to in the preceding paragraph has occurred at portions of the Site.
- C. There has been a release or threatened release of hazardous substances at the Site.
- D. Solely for purposes of this Consent Order and without admitting liability or fault, the City of High Point and the members of the Seaboard Group II are owners, operators or other responsible parties in relation to the Site within the meaning of Article 9 of Chapter 130A of the North Carolina General Statutes, N.C.G.S. 130A-290, et seq. and CERCLA.
- E. This Consent Order is authorized pursuant to the power of the Secretary under Article 9 of Chapter 130A of the North Carolina General Statutes and by delegation to the Director, to enter into agreements with owners, operators, and/or other responsible parties for implementation of remedial investigation programs in accordance with remedial investigation work plans approved by the Department.

VI. WORK TO BE PERFORMED

All work performed under this Consent Order shall be under the direction and supervision of a professional engineer or a licensed geologist with expertise in hazardous substance site cleanup. Respondents shall enter into a contract with the Contractor(s) to perform the Remedial Investigation Work Plan within sixty (60) days of the effective date of this Consent Order.

- A. Respondents shall begin the Remedial Investigation in accordance with the Remedial Investigation Work Plan attached hereto as Exhibit 2 within thirty (30) days after awarding of the contract for performance of the Remedial Investigation Work Plan.
- B. Respondents shall adhere to the schedule set forth in the Remedial Investigation Work Plan to the extent practicable except as may be modified by agreement of the parties in writing, or for good cause as described in Section IX.
- C. Upon completion of the Remedial Investigation, Respondents shall submit to the Division four (4) copies of a Remedial Investigation Report ("RI Report") documenting implementation of the Work Plan.
- D. In the event the Director finds that any part of the RI Report is deficient, he shall so notify the Respondents. Within 30 days of receipt of such notice, the Respondents shall submit to the Director either (1) data, information, material and/or a plan to correct such claimed deficiency, or (2) objections to the Director's notice of deficiency and the reason(s) for such objections. In the event the Respondents submit objections, the parties shall in good faith endeavor to resolve such objections. If such objections cannot be resolved within 30 days, then the objections shall be subject to the dispute resolution provisions set forth at Part X of this Consent Order.
- E. The Director shall notify the Respondents in writing when he determines that the RI Report is complete. However, if the Director fails to notify the Respondents within 60 days after the Respondents have submitted the RI Report to the Director either that he has determined the RI Report to be complete or that the RI Report is deficient, then the RI Report shall be deemed to be satisfactory and complete.

- F. The parties agree that work performed in accordance with the Work Plan attached hereto as Exhibit 2 will be consistent with the National Contingency Plan.

VII. FURTHER SITE WORK

Further necessary work at the Site, if any, including interim response measures, may be undertaken in accordance with a separate and further Consent Order(s) or pursuant to other authority.

VIII. SAMPLING, ACCESS, AND DATA/DOCUMENT AVAILABILITY

- A. The Division or its representatives shall be permitted to take split or duplicate samples of any samples collected by the Remedial Investigation ("RI") Contractor pursuant to this Consent Order. The RI Contractor shall notify the Division not less than ten (10) days in advance of any field activity. This notification may be given verbally in the field by the RI Contractor to the Division.
- B. The Respondents shall be permitted to take split or duplicate samples of any samples collected by the Division, and the Division shall give Respondents prior reasonable notice of such sampling .
- C. While this Consent Order is in effect, Division personnel and their representatives may to the extent authorized by the Trustee in Bankruptcy of the Seaboard Chemical Corporation, in addition to exercising any related legal rights, enter the Site without notice at all times and, while present: review the progress of activities required by this Consent Order; conduct such tests as the Division deems necessary, verify the data submitted to the Division by Respondents; inspect and copy any and all records, files, photographs, operating logs, contracts, sampling and monitoring data, and other documents relating in any way to this Consent Order; and otherwise assess Respondents' compliance with this Consent Order. All parties with access to the Site pursuant to this paragraph shall comply with all approved health and safety plans.
- D. Unless a claim of confidentiality pertaining to any documents or other information provided to the Division under this Consent Order is made pursuant to law and adequately substantiated when the information is submitted, such information may be made available to the public by the Division without further notice to the Respondents. The Respondents agree that under no circumstances shall analytical data generated pursuant to this Consent Order be considered confidential.
- E. If Respondents are unable by reasonable efforts to access property as necessary pursuant to this Consent Order, the Division shall promptly assist Respondents in obtaining access upon receipt of a request submitted in writing to the Director.

IX. DELAY IN PERFORMANCE

As soon as Respondents become aware of any potential for delay, they shall submit to the Division written documentation of the reasons for the delay and the efforts to be made by Respondents to avoid such potential delay, as well as a time by which such work reasonably can be completed. The Division shall review the documentation and shall promptly approve the new schedule if good cause is shown, such approval not to be unreasonably withheld. Good cause may include, but is not limited to, extraordinary weather, natural disasters, emergencies and the inability to obtain permits or approvals from any federal, state, or local agency or body politic. At a minimum, good cause does not include normal inclement weather, reasonable increases in the cost of work to be performed under this Consent Order, financial difficulty for Respondents in performing such work, failure by Respondents to satisfy the obligations under this Consent Order (whether evidenced by a notice of deficiency or not), acts or omissions of Respondents' contractors or the failure of the Respondents' contractors or representatives to make complete and timely application for any required approval or permit. The Respondents will bear the burden of demonstrating good cause for delay, and that the delay proposed is warranted.

X. DISPUTE RESOLUTION

- A. If either the City or the Group disagrees either in whole or in part with any decision of the Division, it shall notify the Division within 30 days of receipt of the disapproval or other decision. The parties shall have an additional 30 days to resolve the dispute. If agreement is reached, the resolution shall be reduced

to writing, signed by each party and incorporated thereupon into this Consent Order. If agreement is not reached, the Parties agree to engage in mediation using a mediator mutually agreed upon by the Parties. If the Parties cannot agree on a mediator, the Chairperson of the Dispute Resolution Section of the N.C. Bar Association shall appoint a mediator. If agreement is not reached through mediation, the Division shall issue a final decision on the dispute, in writing, to inform Respondents of the decision by the Division.

- B. Either the City or the Group may, within 15 days of service of the final decision, commence a contested case by filing a petition under N.C.G.S. 150B-23. Hearings shall be conducted in accordance with the provisions of the North Carolina Administrative Procedures Act, N.C.G.S. 150B-22 *et seq.*
- C. The dates or deadlines in the Work Plan shall be extended automatically in circumstances where the City or the Group in good faith seek resolution of any dispute arising in connection with this Consent Order. Such extensions shall be for such period of time as shall be reasonably necessary to engage in meaningful dispute resolution pursuant hereto.

XI. PUBLIC PARTICIPATION

The Director shall undertake a program of public participation, including opportunity for notice and comment as appropriate, in substantial conformance with the National Contingency Plan and applicable North Carolina law.

XII. CONTRIBUTION PROTECTION

- A. Pursuant to 42 U.S.C. § 9613(f)(2), this Consent Order is an administrative settlement with the State of North Carolina. The Division acknowledges that by the Parties' entry and Respondents' performance of this Consent Order, the Division extends contribution protection to the Respondents to the fullest extent possible under applicable federal, state and common law, including without limitation the contribution protection provided in accordance with 42 USC § 9613(f)(2).

However, this Consent Order does not discharge any person, whether or not a signatory to this Consent Order, from any claims pursuant to CERCLA § 9607, CERCLA § 9613 or any other statutory or common law relating to costs incurred in connection with hazardous substances that the person arranged to dispose or treat at the Landfill or that the person transported to the Landfill. This Consent Order also does not discharge claims brought against a member of the Seaboard Group II that is not a signatory to this Consent Order or that fails to pay its share of the costs of implementing the Group's obligations under this Consent Order as determined in accordance with the Seaboard Group II Joint Defense and Participation Agreement.

"Matters addressed" in this Consent Order shall include the work identified in Section VI of this Consent Order, costs already incurred by the Division in connection with the Site and costs to be incurred by the Division in oversight of the activities described in this Consent Order.

XIII. OTHER CLAIMS AND PARTIES

Nothing in this Consent Order shall constitute or be construed as a release of any claim, cause of action or demand in law or equity against any person, individual, firm, partnership, corporation or other entity not a signatory to this Consent Order including, but not limited to, any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, released at, or taken from the Site. Upon request of Respondents, the Division agrees to provide reasonable assistance with enforcement of Respondents' claims against such third parties. The assistance referred to herein may include, but shall not be limited to, making records available which relate to this matter, providing statements or testimony of staff upon notification when such assistance is relevant to the proceedings, or such other enforcement assistance as is reasonable and appropriate.

The Division hereby expressly reserves a cause of action for any claims of whatever kind or nature not subject to this Consent Order which it may have or hereafter acquire against any other person or persons not afforded protection hereunder.

XIV. COVENANT NOT TO SUE

Subject to any reservations of rights in this Consent Order, the Parties intend that by entering into and carrying out the terms of this Consent Order, Respondents will have resolved the entirety of their respective alleged liabilities to the State of North Carolina under all applicable federal, state, and local laws and regulations for matters addressed in this Consent Order. Performance of the activities described in the Remedial Investigation Work Plan attached hereto will satisfy the requirements for a remedial investigation and/or facility investigation pursuant to Article 9 of N.C.G.S. Chapter 130A, CERCLA and RCRA.

Upon completion of the activities described in this Consent Order, the State of North Carolina hereby releases and covenants not to sue or to take any other civil or administrative action against the City and all members in good standing of the Group who are signatories to this Consent Order for matters addressed in this Consent Order.

The Division reserves the right to sue if conditions at the site, which were previously unknown, are discovered or new information is received, and the Division Director finds, based on these previously unknown conditions or new information, that the Remedial Investigation Work Plan is incomplete and that the scope of work is not protective of human health or the environment.

The parties acknowledge that the Division's covenant not to sue does not extend to the remediation of any soil and/or groundwater contamination that may exist at the Site which the Respondents may commit to undertake at some future date.

For purposes of this provision, the phrase "matters addressed" shall include the undertaking of a Remedial Investigation of the Site. "Matters addressed" also includes costs already incurred by the Division in connection with the Site, and costs to be incurred by the Division in oversight of the activities described in this Consent Order.

XV. PUBLIC NOTICE AND EFFECTIVE DATE

Upon execution of this Consent Order by the Division and by an authorized representative of each Respondent, the Division shall cause public notice of this Consent Order to be published in the North Carolina Register, and shall thereby solicit public comment on this Consent Order. This Consent Order shall become effective 30 days after such publication, unless the Parties agree that this Consent Order shall be modified in view of public comment.

XVI. ADDITIONAL PROVISIONS

- A. All documents submitted to the Division pursuant to this Consent Order should be sent by certified mail, return receipt requested, by overnight delivery or other equivalent service, or hand delivered to:

William L. Meyer, Director
Division of Solid Waste Management
North Carolina Department of Environment, Health
and Natural Resources
401 Oberlin Road, Suite 150
Raleigh, NC 27605-1350

with a copy to:

Judith R. Bullock, Esq.
Assistant Attorney General
Department of Justice
P. O. Box 629
Raleigh, NC 27602-0629

The Division will direct all correspondence to:

Amos C. Dawson III, Esq.
Group Counsel, The Seaboard Group II
Maupin Taylor Ellis & Adams, P.A.
P. O. Drawer 19764
Raleigh, NC 27619-9764

with a copy to:

Gary R. Letcher, Esq.
Chairman, Executive Committee
The Seaboard Group II
The Harker Firm
Suite 740
5301 Wisconsin Avenue
Washington, D.C. 20015

and

Randy C. Smith
Administrator, The Seaboard Group II
American Environmental Consultants
30 Purgatory Road
Mont Vernon, NH 03057-0310

and to:

Honorable Rebecca Smothers
Mayor
City of High Point
211 South Hamilton Street
Post Office Box 230
High Point, NC 27261

with a copy to:

Stephen W. Earp, Esq.
Smith Helms Mulliss & Moore, L.L.P.
Post Office Box 21927
Greensboro, NC 27420

- B. This Consent Order shall be binding upon, and inure to the benefit of, the City and each member in good standing of the Group who is a signatory to this Consent Order; their respective agents, affiliates, successors and assigns. The signatory for each Respondent to this Consent Order certifies that he/she is authorized to execute and legally bind said Respondent as to this Consent Order.
- C. Respondents shall provide a copy of this Consent Order to each contractor or other person or entity retained to perform any work under this Consent Order within seven (7) days after the effective date of this Consent Order or the date of retaining their services, whichever is later. Respondents shall condition any such contracts upon satisfactory compliance with this Consent Order. Notwithstanding the terms of any contract, Respondents are responsible for compliance with this Consent Order and for ensuring that such contractors or other persons or entities comply with this Consent Order.
- D. In the event the Division determines Respondents are in violation of this Consent Order or requirements established pursuant thereto, the Division may: order Respondents to remedy the violation(s) or temporarily or permanently halt implementation of this Consent Order; conduct part or all of the remediation itself and seek cost recovery; and/or take any other action within the Division's enforcement authority.

- E. To protect the public health or the environment, the Division may order a temporary or permanent halt to implementation of this Consent Order, or order actions within its authority in addition to or other than those required hereunder.
- F. All actions required pursuant to this Consent Order shall be in accordance with applicable local, state and federal laws and regulations, unless an exemption regarding particular state or local laws or regulations is specifically authorized by the Department or other appropriate governmental agency.
- G. Respondents shall preserve, for at least six (6) years after termination of this Consent Order, at least one copy of the Remedial Investigation Work Plan and all correspondence related thereto and of all final reports, data results and field records relating to the Remedial Investigation in their possession or in the possession of their divisions, employees, agents, accountants, contractors or attorneys. After this six (6) year period, Respondents shall notify the Division at least thirty (30) days prior to the destruction of any such records and documents. Respondents shall comply with any written request by the Division, prior to the date set for destruction, to continue to preserve such records and documents or to provide them to the Division. Respondents may assert any available right to keep particular records and documents, other than analytical data, confidential.
- H. This Consent Order may not be modified without the written consent of the parties. This Consent Order supersedes all prior orders issued by the Department to the City and all prior agreements between the Department and the City regarding the Landfill.
- I. Except for obligations under Section XII; Section XIII, Section XIV, and Section XVI(B), (D), (E) and (G) above, this Consent Order shall terminate when Respondents receive written notice from the Division that all activities required pursuant to this Consent Order have been completed to the Division's satisfaction.
- J. In entering into this Order, the City of High Point and the members of Seaboard Group II do not admit any fact, fault, or liability whatsoever at the Site, and they retain the right to controvert in any subsequent proceedings, other than proceedings for the purpose of implementing or enforcing this Consent Order, the validity of the facts or determinations contained in this Consent Order. Further, the participation by any party in this Consent Order shall not be considered an admission of liability for any purpose.
- K. The members of Seaboard Group II acknowledge that an agreement was reached between the Division and the Seaboard Group I in the May 21, 1992 Administrative Order on Consent which provided that any amounts owed by any agency of the State of North Carolina to complete the actions outlined in the Removal Work Plan would be offset by the past costs in the amount of \$87,886.85 which were previously expended by the Division at the former Seaboard Chemical Corporation facility. It was further agreed that, to the extent the North Carolina state agencies' share of the Removal Work Plan costs was less than these past costs, the excess amount would be applied to any future liability that any North Carolina state agency might have to the Seaboard Group I. The members of Seaboard Group II acknowledge and agree to be bound by the aforesaid provision in the May 29, 1992 Administrative Order on Consent. The members of the Seaboard Group II agree that the excess amount of the \$87,886.85 in past costs incurred by the Division above the North Carolina state agencies' share of the costs to perform the Removal Work Plan shall be applied to any future liability that any North Carolina state agency may have to the Seaboard Group II.
- L. This Consent Order may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one instrument. Each member of the Seaboard Group II desiring to be a party to this Consent Order shall execute a separate signature page which shall be maintained by the Seaboard Group II Administrator. A copy of each member's signature page shall be provided to the City and/or the Division upon request.

THIS CONSENT ORDER is entered into on the day of , 19 .

By:

William L. Meyer, Director
Division of Solid Waste Management
North Carolina Department of Environment
Health and Natural Resources

By:

Honorable Rebecca Smothers
Mayor
City of High Point

By:

Gary R. Letcher, Esq., Chairman
Executive Committee
The Seaboard Group II

By:

Name (Print): _____
Title: _____
Company Name: _____
Member, Seaboard Group II

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:DEBR:RJD:jdp
DJ 166-012-3
95-3796

January 29, 1996

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

Dear Mr. Crowell:

This refers to the change to nonpartisan elections, concurrent terms of office, and the implementation schedule therefor for the Person County School District in Person 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 November 30, 1995; supplemental information was received on December 12, 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

DLP:ZJB:RA:tlb
DJ 166-012-3
95-3709

U.S. Department of Justice

Civil Rights Division

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

January 19, 1996

Jesse L. Warren, Esq.
City Attorney
P.O. Box 3136
Greensboro, North Carolina 27402-3136

Dear Mr. Warren:

This refers to the annexation (Ordinance No. 95-136) and the designation of the annexed area to District 5 for the City of Greensboro in Guilford 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 November 20, 1995.

The Attorney General does not interpose any objection to the specified changes. However, we note 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

**TITLE 10 - DEPARTMENT OF HUMAN
RESOURCES**

CHAPTER 3 - FACILITY SERVICES

**SUBCHAPTER 3U - CHILD DAY
CARE STANDARDS**

**SECTION .0700 - HEALTH AND OTHER
STANDARDS FOR CENTER STAFF**

An error was inadvertently made in the rule citation in the notice of rule-making proceeding submitted by the Child Day Care Commission and published in 10:19 NCR 2506. The subject matter related to qualification requirements for day care center administrators and day care center teachers. The citation of 10 NCAC 3U .0708 was incorrect. The correct rule citation is 10 NCAC 3U .0704 and .0710.

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

**CHAPTER 10 - WILDLIFE RESOURCES
AND WATER SAFETY**

**SUBCHAPTER 10I - ENDANGERED
AND THREATENED SPECIES**

Notice of Rule-making Proceedings is hereby given by the N.C. Wildlife Resources Commission 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: 15A NCAC 10I .0001

Statutory Authority for the rule-making: G.S. 113-132; 113-134; 113-331; 113-333; 113-334; 113-336; 143-239

Statement of the Subject Matter: Procedures for designation of critical habitat for endangered and threatened species.

Reason for Proposed Action: Amendments to G.S. 113-333 pursuant to House Bill 832 Chapter 392, 1995 Session Laws.

Comment Procedures: The record of hearing will be open for receipt or written comments from February 15, 1996 through April 16, 1996. Such written comments must be delivered or mailed to the N.C. Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

**CHAPTER 12 - LICENSING BOARD FOR
GENERAL CONTRACTORS**

Notice of Rule-making Proceedings is hereby given by the North Carolina Licensing Board for General Contractors 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: 21 NCAC 12

Statutory Authority for the rule-making: G.S. 87-1; 87-10

Statement of the Subject Matter: The North Carolina Licensing Board for General Contractors (Board) will consider adopting rules, repealing rules, or amending rules addressing applicants for licensure and license renewal, demonstration of financial responsibility, possibly to include obtaining a bond. A public hearing will be conducted at 10:00 a.m. on April 10, 1996 at the Office of the Board, 3739 National Drive, Suite 225, Raleigh, NC. Upon development of the text for these rules, the Board intends to file these rules as temporary rules.

Reason for Proposed Action: To allow applicants for licensure and license renewal to demonstrate financial responsibility by obtaining a bond or by other possible means.

Comment Procedures: Persons wishing to present oral data, views or arguments on the proposed rule or rule change may file a notice with Mark D. Selph, Secretary-Treasurer of the Board, at least ten (10) days prior to the public hearing at which the person wishes to speak. Comments should be limited to 10 minutes. Written questions or comments may be submitted to Mark D. Selph at the Board's office. The Board's address is P.O. Box 17187, Raleigh, NC 27619.

CHAPTER 58 - REAL ESTATE COMMISSION

**SUBCHAPTER 58A - REAL ESTATE
BROKERS AND SALESMEN**

Notice of Rule-making Proceedings is hereby given by the North Carolina Real Estate Commission 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: 21 NCAC 58A .0101, .0105, .0109 - .0110; .0302; .0503 - .0504; .1501 - .1502; .1601

Statutory Authority for the rule-making: G.S. 55B-5; 66-68; 93A-3(c); 93A-4(a),(c),(d); 93A-4A; 93A-6; 150B-11(1)

Statement of the Subject Matter: 21 NCAC 58A .0101 - Display of License; .0105 - Advertising; .0109 - Brokerage Fees and Compensation; .0110 - Broker-in-Charge Responsibilities; .0302 - License Application Filing and Fees; .0503 - License Renewal; .0504 - Active and Inactive License Status; .1501 - License and General Brokerage Forms; .1502 - Education Program Forms; .1601 - Fair Housing.

Reason for Proposed Action:

21 NCAC 58A .0101 - To codify the requirement that all licensees must prominently display their license certificates in their offices.

21 NCAC 58A .0105 - To clarify that all licensees must comply with Paragraph (a) of this Rule.

21 NCAC 58A .0109 - To clarify that all licensees must comply with this Rule.

21 NCAC 58A .0110 - To eliminate the requirement that a broker practicing alone must file a broker-in-charge declaration under certain conditions.

21 NCAC 58A .0302 - To more clearly specify that license application fee for a real estate firm.

21 NCAC 58A .0503 - To replace the reference to "corporate broker license" with "firm license."

21 NCAC 58A .0504 - To codify the procedure in which a firm with an inactive license may activate its license.

21 NCAC 58A .1501 - To list the forms currently prescribed by the Commission for use in the license application process and in general brokerage operations.

21 NCAC 58A .1502 - To list the forms currently prescribed by the Commission for use in its education program.

21 NCAC 58A .1601 - To clarify that all licensees must comply with the State Fair Housing Act.

Comment Procedures: Written comments regarding the rules may be sent to or delivered to Mr. Stephen L. Fussell c/o North Carolina Real Estate Commission, P.O. Box 17100, 1313 Navaho Drive, Raleigh, NC 27619-7100 so as to be received by April 15, 1996.

**TITLE 10 - DEPARTMENT OF HUMAN
RESOURCES**

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the DHR-Division of Medical Assistance intends to amend rule cited as 10 NCAC 26B .0105.

Proposed Effective Date: August 1, 1996.

A Public Hearing will be conducted at 1:30 p.m. on March 7, 1996 at the Kirby Building, Room 132, 1985 Umstead Drive, Raleigh, NC.

Reason for Proposed Action: This is a cost containment measure for the Medicaid Program. In addition to being a cost containment measure for the Medicaid program, this rule will provide additional selection of eyeglass frames and should encourage participation by providers and recipients alike in our visual aids programs.

Comment Procedures: Written comments concerning these rule-making actions must be submitted by March 18, 1996, to Portia Rochelle, APA Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603. Oral comments may be presented at the hearing. A fiscal note statement is available upon written request from the same address.

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

CHAPTER 26 - MEDICAL ASSISTANCE

**SUBCHAPTER 26B - MEDICAL ASSISTANCE
PROVIDED**

SECTION .0100 - GENERAL

**.0105 EYEGLASSES AND OPTOMETRIC
SERVICES**

- (a) All visual aids require prior approval.
- (~~a~~)(b) No eyeglass frames other than frames made of ~~zylonite~~ zylonite, metal, or combination zylonite and metal shall be covered.
- (~~b~~)(c) Eyeglass repair or replacement, or any other service costing five dollars (\$5.00) or less, shall not be covered.
- (~~e~~)(d) Prior approval shall be required for more than one refraction per year for any person up to age ~~25~~; 21; more than one refraction every two years for any person aged 25 21 and over; ~~all eyeglasses and other visual aids~~; and all repairs and replacement of frames and lenses exceeding a cost of five dollars (\$5.00).

Authority G.S. 108A-25(b); 108A-54; 42 C.F.R. 440.120.

TITLE 11 - DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the North Carolina Department of Insurance intends to amend rule cited as 11 NCAC 12 .0551.

Proposed Effective Date: August 1, 1996

A Public Hearing will be conducted at 10:00 a.m. on March 5, 1996 at the Dobbs Building, 3rd Floor Hearing Room, 430 N. Salisbury Street, Raleigh, NC 27611.

Reason for Proposed Action: This Rule complies with recent action of the General Assembly (HB 230); this will reduce the maximum pre-existing waiting period to one year.

Comment Procedures: Written comments and questions should be directed to Teresa Shackelford, 430 N. Salisbury Street, Raleigh, NC 27611, (919) 733-5060. Oral presentations may be made at the public hearing.

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

**CHAPTER 12 - LIFE AND HEALTH
DIVISION**

**SECTION .0500 - ACCIDENT AND HEALTH:
GENERAL NATURE**

.0551 CANCER INSURANCE-REQUIREMENTS

Cancer policy requirements. Cancer policies approved in this State ~~must~~ shall comply with the following ~~items~~:

- (1) The policy ~~must~~ shall have a pre-existing conditions sticker that complies with 11 NCAC 12 .0543 and reads as follows: NO RECOVERY FOR PRE-EXISTING DIAGNOSED CANCER - READ CAREFULLY No benefits will be provided during the first ~~two years~~ 12 months of the policy for cancer diagnosed ~~prior to~~ before the 30th day ~~following~~ after the effective date shown in the policy schedule.
- (2) In the definition of cancer, clinical diagnosis of cancer ~~must~~ shall be accepted as evidence that cancer exists in an insured when a pathological diagnosis cannot be made, provided ~~such~~ the medical evidence substantially documents the diagnosis of cancer and the insured received definitive treatment for cancer. ~~Whenever~~ If the requisite pathological clinical diagnosis can only be made postmortem, liability ~~should~~ shall be assumed retroactively beginning with the date of the terminal admission to the hospital for ~~no~~ not less than 45 days ~~prior to~~ before the date of death.
- (3) A cancer policy ~~cannot~~ shall not have a waiting period any longer than 30 days ~~from~~ after the

effective date.

- (4) Benefits ~~must~~ shall be provided for unrelated cancers diagnosed after the effective date of the policy.
- (5) Under the benefits provisions of the policy, provided the contract offers these benefits, ~~our~~ the minimum standards are as follows:
 - (a) Benefits for blood and ~~plasma plasma, the benefits should~~ shall cover actual charges incurred, including fees for administering the blood.
 - (b) The ~~word term~~ "In-patient" ~~should~~ shall precede the words "drugs" and "medicines" ~~drugs and medicines~~ if the policy is an in-hospital indemnity contract or does not provide out-patient benefits.
 - (c) Ambulance benefits ~~should~~ shall include transportation from one medical facility to another.
 - (d) First diagnosed or first occurrence cancer benefits shall be no less favorable than other generally offered cancer benefits; and shall be offered in addition to core benefits.
- (6) Cancer coverage may include other diseases or conditions; provided, however, it ~~must~~ shall be properly labeled -- CANCER AND SPECIFIED DISEASE(S).
- (7) Cancer and dread disease policies are defined as "Medical Expense" policies ~~in regard to~~ for the purposes of loss ratio requirements as set forth in the NAIC guidelines.

Authority G.S. 58-2-40; 58-51-1; 58-51-95.

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the North Carolina Department of Insurance intends to amend rule cited as 11 NCAC 16 .0703.

Proposed Effective Date: August 1, 1996

A Public Hearing will be conducted at 10:00 a.m. on March 5, 1996 at the Dobbs Building, 3rd Floor Hearing Room, 430 N. Salisbury Street, Raleigh, NC 27611.

Reason for Proposed Action: Review of HMO claim reserve data has shown that these entities are adequately reserved and know how to calculate claim reserves. This rule allows these entities to use the annual statement rather than an annual data filing saving time and costs associated with preparing an annual claim reserve data filing.

Comment Procedures: Written comments and questions should be directed to Walter James, 430 N. Salisbury Street, Raleigh, NC 27611, (919) 733-3284. Oral presentations may be made at the public hearing.

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

CHAPTER 16 - ACTUARIAL SERVICES DIVISION

SECTION .0700 - HEALTH MAINTENANCE ORGANIZATION CLAIM RESERVE DATA REQUIREMENTS

.0703 CLAIM RESERVE FILING REQUIREMENTS

~~(a) Annual filings of claim reserve data shall be made by all HMOs and shall be sent to the Actuarial Services Division by March 1 of each year. After the beginning of an HMO's fourth full calendar year of operations, quarterly filings are not required unless the conditions in Subparagraph (b)(2) of this Rule apply.~~

~~(b) Quarterly claim reserve data filings shall be made by any HMO that:~~

- ~~(1) has been in operation for more than one full calendar year but less than three full calendar years; or~~
- ~~(2) satisfies either of the following conditions:~~
 - ~~(A) for the most recent quarterly valuation the net worth less the contingency reserve is less than the statutory minimum as stated in G.S. 58-67-110(e) or G.S. 58-67-110(d); or~~
 - ~~(B) for the most recent annual valuation (current year) the total claims paid during the year and incurred in the prior year are equal to or greater than 110% of the estimated liability of unpaid claims on December 31, of the previous year.~~

~~(c) Quarterly filings required by Paragraph (b) of this Rule shall be sent to the Actuarial Services Division within 45 days after the end of each calendar quarter.~~

~~(a) A quarterly claim reserve data filing shall be made by any HMO that has been in operation for more than one full calendar year but less than three full calendar years.~~

~~(b) An annual claim reserve data filing shall be made by any HMO that satisfies either of the following conditions:~~

- ~~(1) for the most recent quarterly valuation the net worth less the contingency reserve is less than the statutory minimum as stated in G.S. 58-67-110(c) or G.S. 58-67-110(d); or~~
- ~~(2) for the most recent annual valuation (current year) the sum of the following exceeds 110 percent of the estimated liability of unpaid claims on December 31, of the previous year:~~
 - ~~(A) total of claims paid during the year and incurred in previous years; and~~
 - ~~(B) claims unpaid at December 31 of the current year on claims incurred in previous years.~~

~~(c) A triennial claim reserve data filing shall be made by all HMOs.~~

~~(d) All annual and triennial claim reserve data filings~~

shall be sent to the Actuarial Services Division by March 1 of the reporting year.

(e) All quarterly claim reserve data filings shall be sent to the Actuarial Services Division within 45 days after the end of each calendar quarter.

Authority G.S. 58-2-40; 58-67-135(b); 58-67-150.

TITLE 15A - ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

CHAPTER 3 - MARINE FISHERIES

The deadline for receiving comments on Marine Fisheries Commission Rules 15A NCAC 3I .0019 (as noticed in 10:21 NCR 2737) and 15A NCAC 3J .0401 (as noticed in 10:21 NCR 2688) has been changed to March 14, 1996. The Marine Fisheries Commission will conduct a Business Session on March 15-16, 1996, at the Holiday Inn North - Raleigh, beginning at 9:00 a.m. on the morning of March 15 to decide on these proposed rules.

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 6B .0612 and .3716.

Proposed Effective Date: July 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 6B .0612 - is being amended to delete the provisions that repeat the statutes.

17 NCAC 6B .3716 - is being amended to clarify and conform the rule to the requirements of the statute.

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 18, 1996.

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

CHAPTER 6 - INDIVIDUAL INCOME TAX DIVISION

SUBCHAPTER 6B - INDIVIDUAL INCOME TAX

SECTION .0600 - TAX CREDITS

.0612 TAX CREDIT FOR QUALIFIED BUSINESS INVESTMENTS

(a) A tax credit is allowed to individuals who make qualified investments during taxable years beginning on or after January 1, 1988, in equity securities or subordinated debt of a qualified investment organization, a qualified business venture, a qualified grantee business, or a North Carolina Enterprise Corporation, including a limited partnership in which a North Carolina Enterprise Corporation is the only general partner. These organizations are defined in G.S. 105-163.010 and are required to register with the Secretary of State.

(b) The credit is twenty five percent of the amount invested or one hundred thousand dollars (\$100,000), whichever is less. To be eligible for the credit a taxpayer must file an application (Form D-499) for the credit with the Secretary of Revenue on or before April 15 of the year following the calendar year in which the investment was made. With respect to the application requirements provided in G.S. 105-163.011(c), the date set for filing the application may be extended provided a written statement is furnished by April 15 requesting that additional time to file the application be allowed. An extension of time to file the individual income tax return, Form D-400, does not extend the time for filing Form D-499. The credit is allowable for the taxable year beginning during the calendar year following the calendar year in which the investment was made and any unused credit can be carried forward for the next succeeding five years.

(c) An investment by a partnership entity in one or more of the organizations described in Paragraph (a) of this Rule does not qualify for the tax credit at the partnership level and individual partners are not entitled to a tax credit for the partnership's investment. Individual partners are entitled to a credit for investments in a partnership if the partnership is a qualifying organization identified in Paragraph (a) of this Rule, including a limited partnership in which a North Carolina Enterprise Corporation is the only general partner.

(d) A corporation that invests in the equity securities of a North Carolina Enterprise Corporation or a qualified investment organization is allowed a credit of twenty five percent of the amount invested or seven hundred fifty thousand dollars (\$750,000), whichever is less. With respect to an S corporation, each shareholder is allowed as a credit against his individual income tax an amount equal to his pro rata share of the tax credits for which the S corporation is eligible. An S corporation's investment in a qualified business venture or a qualified grantee business does not qualify for the tax credit at the corporate level and shareholders are not entitled to a tax credit for the S corporation's investment; however, individual shareholders are entitled to a credit for their investments in an S corpora-

tion which invests in a North Carolina Enterprise corporation or a qualified investment organization.

(e) ~~Except for the tax credits listed in Rule .3714(a) of this Subchapter, an estate or trust is entitled to the same tax credits allowed an individual; therefore, an estate or trust is entitled to a tax credit for an investment in a qualified organization identified in Paragraph (a) of this Rule. The provisions in Paragraphs (a) through (e) of this Rule are applicable to qualified business investments made prior to January 1, 1994.~~

Authority G.S. 105-163.010; 105-163.011; 105-163.012; 105-163.013; 105-163.14; 105-131.8(b); 105-262.

SECTION .3700 - ESTATES AND TRUSTS

.3716 INCOME TAX RETURN FOR ESTATES AND TRUSTS

(a) The federal taxable income of the fiduciary is the starting point for preparing a North Carolina ~~Fiduciary Return~~, Income Tax Return for Estates and Trusts, Form D-407 and requires the same additions, deductions, and transitional adjustments to federal taxable income as required for individuals.

(b) The fiduciary responsible for administering the estate or trust is responsible for filing the ~~fiduciary~~ return and paying the tax. The fiduciary must file an income tax return for the estate or trust for which he acts if he is required to file a ~~federal fiduciary income tax return~~ U.S. Income Tax Return for Estates and Trusts and:

- (1) the estate or trust derives income from North Carolina sources; or
- (2) the estate or trust derives any income which is for the benefit of a resident of North Carolina.

(c) ~~For estates and trusts located outside of North Carolina, a fiduciary must file a North Carolina fiduciary income tax return for the estate or trust if he is required to file a federal fiduciary income tax return and the estate or trust derives income from:~~

- (1) ~~North Carolina sources that is attributable to the ownership of any interest in real or tangible personal property located in North Carolina; or;~~
- (2) ~~a business, trade, profession, or occupation carried on in North Carolina.~~

(c) ~~(d)~~ Fiduciaries shall be consistent in the use of the name and address of an estate or trust on a return. If a different name for an estate or trust is used in any year from that used in the prior year that fact shall be noted on the first page of the return and the name used in the prior year indicated. The use of numbers assigned by banks to estates and trusts are also helpful in the processing of trust returns after they are filed.

Authority G.S. 105-160.5; 105-160.6; 105-262.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 1 - NORTH CAROLINA ACUPUNCTURE LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the North Carolina Acupuncture Licensing Board intends to adopt rules cited as 21 NCAC 1 .0705, .0709.

Proposed Effective Date: August 1, 1996.

A Public Hearing will be conducted at 10:00 a.m. on March 18, 1996 at the NCALB, 1418 Aversboro Road, Garner, NC 27529.

Reason for Proposed Action:

21 NCAC 1 .0705 - To clarify procedures for initiating a formal hearing.

21 NCAC 1 .0709 - To present procedures for revoking or suspending licensure to practice acupuncture in North Carolina.

Comment Procedures: Written comments will be accepted through March 18, 1996. All comments shall be directed to Diana Mills, NCALB, 1418 Aversboro Road, Garner, NC 27529.

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

SECTION .0700 - ADMINISTRATIVE PROCEDURES

.0705 INITIATION OF FORMAL HEARINGS

(a) The North Carolina Acupuncture Licensing Board may initiate a disciplinary action against a licensed acupuncturist or applicant pursuant to G.S. 90-456.

(b) Upon receipt of a written request and substantiating information from any person in a position to present information as a basis for the action, the North Carolina Acupuncture Licensing Board will conduct an investigation sufficient to determine whether reasonable cause exists to initiate disciplinary action(s).

(c) An opportunity will be given the person for a hearing before the Board at the next meeting.

Authority G.S. 90-456; 150B-38(h).

.0709 PROCEDURE OF REVOCATION OF LICENSURE

(a) If the North Carolina Acupuncture Licensing Board determines that reasonable cause exists to initiate a disciplinary action pursuant to G.S. 90-456, the Board shall prepare written charges and determine what action(s) will be taken.

(b) The Board shall provide the person with a copy of the written charges and notify the person that it will take the determined action(s) unless the person, within 60 days of receipt of notice, initiates administrative proceedings under

G.S. 150B, Article 3. The notice will be sent certified mail, return receipt requested.

(c) If the person initiates administrative proceedings the North Carolina Acupuncture Licensing Board will defer final action on the matter until receipt of a proposed decision as provided for in G.S. 150B-34. If the person does not initiate administrative proceedings within 30 days of receipt of notice, the North Carolina Acupuncture Licensing Board may implement the action(s) at its next meeting.

(d) The North Carolina Acupuncture Licensing Board may reinstate a suspended or revoked license or may grant a new license upon application and demonstration of satisfactory compliance with Board recommendations.

(e) The North Carolina Acupuncture Licensing Board will notify all other states of all actions pursuant to this Rule, upon written request.

Authority G.S. 90-456; 150B-38(h).

CHAPTER 32 - BOARD OF MEDICAL EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the North Carolina Medical Board intends to amend rules cited as 21 NCAC 32H .0101 - .0102, .0201, .0203, .0301 - .0303, .0401 - .0404, .0406 - .0408, .0501 - .0502, .0504 - .0506, .0601 - .0602, .0701 - .0702, .0801, .0901 - .0902 and adopt 32H .0409, .0507.

Proposed Effective Date: August 1, 1996

A Public Hearing will be conducted at 1:00 p.m. on March 1, 1996 at the Division of Facility Services Office, 701 Barbour Drive, Room 201, Raleigh, NC.

Reason for Proposed Action: Medications will be added to the list of available medications for use by ALS Professionals to bring the list up to current medical practice. Physician Assistants and Nurse Practitioners will be allowed to give on-line medical direction to ALS Professionals in the out-of-hospital setting to allow sponsor hospitals to more effectively handle the volume of calls. The term "Board of Medical Examiners" will be changed to "North Carolina Medical Board."

Comment Procedures: Persons who wish to make comment regarding these proposed rules should contact: Mr. Ed Browning, Assistant Chief - Education, NC Office of Emergency Medical Services, PO Box 29530, Raleigh, NC 27626-0530, Tele: (919) 733-2285, FAX: (919) 733-7021.

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

SUBCHAPTER 32H - EMERGENCY MEDICAL SERVICES ADVANCED LIFE SUPPORT

SECTION .0100 - GENERAL INFORMATION

.0101 AUTHORITY: INTENT AND GOALS

(a) In establishing and approving rules pursuant to G.S. 143-514, it is the intent of the ~~Board of Medical Examiners~~ North Carolina Medical Board and the Department of Human Resources to respond to an ongoing need for professionally educated medical and nursing personnel to deliver effective medical care to the sick and injured at the scene of a medical emergency and during transport to a health care facility.

(b) Improved emergency medical services are required to reduce the mortality and morbidity rate during the first critical minutes immediately following trauma or the onset of a medical emergency. Within the goals of the ~~Board of Medical Examiners~~ North Carolina Medical Board and the Department of Human Resources in establishing these rules is the provision of the best and most economical delivery of emergency medical care.

Authority G.S. 143-514.

.0102 DEFINITIONS

The following definitions apply in this Subchapter:

- (1) "Audit and review panel" means a committee composed of representatives of the medical, nursing, administrative and prehospital care service elements of an advanced life support (ALS) program that has the responsibility for the on-going monitoring and evaluation of the program. The chairman of the panel shall be a physician and a majority of the voting members shall be physicians.
- (2) "Emergency medical technician-advanced intermediate (EMT-AI)" means a person specially educated in a program approved by the Office of Emergency Medical Services who has been certified or recertified by the ~~Board of Medical Examiners~~ North Carolina Medical Board as qualified to render the services enumerated in Rule .0406 of this Subchapter.
- (3) "Emergency medical technician-defibrillation (EMT-D)" means a person specially educated in a program approved by the Office of Emergency Medical Services who has been certified or recertified by the ~~Board of Medical Examiners~~ North Carolina Medical Board as qualified to render the services enumerated in Rule .0407 of this Subchapter.
- (4) "Emergency medical technician-intermediate (EMT-I)" means a person specially educated in a program approved by the Office of Emergency Medical Services who has been certified or recertified by the ~~Board of Medical Examiners~~ North Carolina Medical Board as qualified to render the services enumerated in Rule .0403 of this Subchapter.
- (5) "Emergency medical technician-paramedic (EMT-P)"

means a person specially educated in a program approved by the Office of Emergency Medical Services who has been certified or recertified by the ~~Board of Medical Examiners North Carolina Medical Board~~ as qualified to render the services enumerated in Rule .0402 of this Subchapter.

- (6) "Advanced Life Support Professional (ALS Professional)" means a certified emergency medical dispatcher, emergency medical technician-defibrillation, emergency medical technician-intermediate, emergency medical technician-advanced intermediate, or emergency medical technician-paramedic whether working on a paid or volunteer basis.
- (7) "Medical control" means the management and accountability for the medical care aspects of an ALS program. It entails physician direction and oversight of the initial education and continuing education of the ALS professionals; development and monitoring of both operational and treatment protocols; evaluation of the medical care rendered by ALS personnel; participation in system evaluation; and directing, by radio or telephone, the medical care rendered by the ALS professionals.
- (8) "Medical director" means the physician responsible for the medical aspects of the management of an ALS program.
- (9) "Mobile intensive care nurse (MICN)" means a registered nurse who has been approved or reapproved by the ~~Board of Medical Examiners North Carolina Medical Board~~ to issue instructions to ALS professionals in accordance with protocols approved by the sponsor hospital and under the direction of the medical director.
- (10) "Advanced life support program (ALS program)" means a program of prehospital emergency medical care whereby definitive medical care is delivered to a victim of sudden injury or illness by appropriately educated and certified ALS professionals operating under the direction of a sponsor hospital. All ALS programs shall conform to the criteria established in the rules contained in this Subchapter and must be approved by the Office of Emergency Medical Services.
- (11) "Mobile intensive care unit" means any emergency vehicle staffed by ALS professionals and equipped in accordance with standards established by the North Carolina Medical Care Commission as found in 10 NCAC 3M .0202, .0203, .0204, .0205, and .0207 to provide remote intensive care to sick and injured persons at the scene of a medical emergency and during transport to a health care facility.
- (12) "Oral interview panel" means a committee composed of physicians, ALS professionals certified at or above the level of application and may include other medical personnel such as registered nurses and mobile intensive care nurses involved in the ALS program. The responsibility of the oral interview panel is to

interview each applicant for certification, either collectively or individually, and evaluate his suitability to perform successfully at the certification level sought. The panel must be approved by the medical director and consist of a minimum of three members including one physician and one ALS professional.

- (13) "Office of Emergency Medical Services" means an official agency of the State of North Carolina, Department of Human Resources, that serves in an administrative capacity to the ~~Board of Medical Examiners North Carolina Medical Board~~.
- (14) "Physician" means an individual licensed by the ~~Board of Medical Examiners North Carolina Medical Board~~ to practice medicine in the State of North Carolina.
- (15) "Sponsor hospital" means a hospital and its medical staff which participates in an ALS program and has responsibility for providing or ensuring the provision of initial education, continuing education, and medical control to the ALS professionals. The sponsor hospital shall meet criteria adopted by the ~~Board of Medical Examiners North Carolina Medical Board~~ and be approved by the Office of Emergency Medical Services.
- (16) "Study project" means a proposal involving exceptions to the provisions of this Subchapter for the purpose of evaluating the efficiency and effectiveness of alternate means of providing ALS services to the citizens of North Carolina.
- (17) "Blind insertion airway device" means an airway adjunct designed to be used as a pharyngeal or esophageal device which is inserted without the use of direct visualization. For the purposes of these rules, this definition does not include esophageal obturator airways, esophageal gastric tube airways, or endotracheal tubes.
- (18) "Coding" means the selection and assignment of an alphanumeric classification to a call for medical assistance by an EMD.
- (19) "Emergency Medical Dispatcher (EMD)" means a trained public safety telecommunicator with additional training and specific emergency medical knowledge essential for the efficient management of emergency medical service communications who has successfully completed an education and training program meeting the criteria established by the Office of Emergency Medical Services and who functions as an agent or constituent of an Emergency Medical Dispatch Program approved by the Office of Emergency Medical Services.
- (20) "Emergency Medical Dispatching" means the reception and management of requests for emergency medical assistance.
- (21) "Emergency Medical Dispatch Program" means the approved program with procedures established for the management and delivery of emergency medical assistance by a public or private agency that sends

emergency medical assistance to requesting persons and provides pre-arrival instructions for a victim of sudden injury or illness.

- (22) "Emergency Medical Dispatch Priority Reference System (EMDPRS)" means a medically approved written or computer generated reference system used by an emergency medical dispatching agency to provide medical direction, and to dispatch aid to medical emergencies.
- (23) "EMD selection" means the process which establishes criteria to identify a candidate for education and training as an Emergency Medical Dispatcher (EMD).
- (24) "Pre-arrival instructions" means telephone rendered, medically approved written instructions read by emergency medical dispatchers to callers, which help provide aid to the victim and control the situation prior to patient access by pre-hospital care providers.
- (25) "Public Safety Telecommunicator" means an individual trained to communicate by electronic means with persons seeking emergency assistance and with public or private agencies and individuals providing such assistance.
- (26) "Approved Teaching Institution" means an agency with a current contract with the Office of Emergency Medical Services to provide emergency medical services training programs.
- (27) "Medical Direction Assistant (MDA)" means a physician assistant or nurse practitioner who has been approved or reapproved by the North Carolina Medical Board to issue instructions to ALS professionals in accordance with protocols approved by the sponsor hospital and under the direction of the medical director.

Authority G.S. 143-514.

SECTION .0200 - PROGRAM STANDARDS AND APPROVAL

.0201 ADVANCED LIFE SUPPORT PROGRAM CRITERIA

ALS programs shall cover a defined service area of generally not less than one county and must have the following:

- (1) a plan, as specified in Rule .0302 of this Subchapter, for the coordination of the sponsor hospitals participating in the program;
- (2) a designated medical director who shall be responsible either directly or by clearly established delegation to the other licensed physicians at the sponsor hospital(s) for the following:
 - (a) the establishment, approval and periodic updating of treatment protocols or EMDPRS for emergency medical dispatch programs;
 - (b) medical supervision of the selection, initial education, continuing education and performance of the ALS professionals, professionals and MICN and

MDA personnel;

- (c) the medical review of the care provided to patients;
 - (d) keeping the care provided current with advanced biomedical science and technology; and
 - (e) participation in the overall management of the ALS program in liaison with nursing, technical, and administrative staff of the program. The medical director has the authority to suspend temporarily, pending due process review, an ~~ALS professional or MICN professional~~, MICN, or MDA from further participation in the ALS program when it is determined the activities or medical care rendered by such personnel may be detrimental to the care of the patient.
- (3) an organized and defined system of communications that provides for:
 - (a) public access through a central emergency communications center;
 - (b) dispatch and coordination of all resources (manpower, vehicles and equipment) essential to the effective and efficient management of requests for emergency medical assistance;
 - (c) communications linkages for interacting with other public safety agencies to obtain additional resources required to support emergency medical services activities; and
 - (d) two-way voice communications as specified in Rule .0303 (a) (2) (H) of this Subchapter between the ALS professionals and the personnel at the sponsor hospital responsible for directing the medical treatment rendered by the ALS professionals.
 - (4) adequate certified manpower to ensure that the program will be continuously available on a 24 hour-a-day basis; and
 - (5) an audit and review panel that meets at a minimum on a quarterly basis and whose responsibilities include at least the following:
 - (a) reviewing ALS cases to determine the appropriateness of the medical care rendered by all personnel involved in the cases;
 - (b) making recommendations to the medical director for the continuing education program for ALS personnel; and
 - (c) reviewing the policies, procedures and protocols of the ALS program and making recommendations for improvement.

Authority G.S. 143-514.

.0203 APPROVAL REQUIREMENTS: EMERGENCY MEDICAL DISPATCHER PROGRAM

- (a) All emergency medical dispatching agencies applying the principles of EMD or offering EMD services, procedures, or programs to the public shall conform to the criteria established in the rules contained in this Subchapter and shall submit a proposal for program approval to the Office of Emergency Medical Services at least 60 days prior to program implementa-

tion. The proposal must document that the EMD program has:

- (1) a defined service area;
 - (2) a designated medical director responsible for medical supervision of the program in accordance with .0201(2)(a-e);
 - (3) adopted, maintains, and updates on a regular basis, a written or computer-based emergency medical dispatch priority reference system (EMDPRS) approved by the EMD program medical director including at least the minimum incident protocols set forth in the "Guidelines for the Development and Operation of Emergency Medical Dispatch Programs" dated March 1995, incorporated herein by reference ~~editions~~ including subsequent amendments and editions;
 - (4) adequate personnel certified in accordance with the requirements of this subchapter to ensure that the program will be continuously available on a 24 hour-a-day basis;
 - (5) an organized and defined system of communications that provides for public access through a central emergency communications center using a single seven digit telephone number for the service area or an emergency 9-1-1 telephone system.
 - (6) the ability to dispatch and coordinate all resources, such as manpower, vehicles and equipment that are essential to the effective and efficient management of requests for emergency medical assistance.
 - (7) an audit and review panel which meets at a minimum on a quarterly basis;
 - (8) a formal risk management program including written procedures that provide:
 - (A) The chain of command for establishment of policies, procedures, and resolution of conflicts relating to the EMD Program;
 - (B) Administrative procedures and written protocols for resource allocation and alternative response assignments of emergency response units;
 - (C) EMD responsibilities in special situations, such as disasters, multi-causality incidents, or situations requiring referral to specialty hotlines;
 - (D) Complete written and recorded documentation of EMD operations that permit timely medical audit and review;
 - (E) Procedures for selection and processing of cases for EMD audit and review.
 - (9) adopted and maintains a dispatch coding system consistent with the incident protocol types in the EMDPRS which categorizes the problem determination through the EMDs evaluation of the problem or situation.
 - (10) provides, maintains, and upgrades on a regular basis, all necessary protocols, training equipment, and quality assurance/case review equipment and supplies required for operation of the EMD program.
- (b) Make application to the Office of Emergency Medical

Services and be re-approved every four years following initial EMD program approval.

Authority G.S. 143-514.

SECTION .0300 - HOSPITAL UTILIZATION

.0301 HOSPITAL INVOLVEMENT

Hospital and hospital medical staff participation in the establishment, operation and ongoing evaluation of ALS programs is essential. The role of each participating hospital within the service area of an ALS program must be defined, and the operational procedures outlined and agreed to by all participants so as to help ensure proper coordination. Sponsor Hospitals may provide services utilizing ALS personnel for the delivery of emergency medical care to the sick and injured at the scene of an emergency and during education of the ALS professionals. While functioning pursuant to these rules, the ALS professionals shall be under the control and supervision of the physician, ~~physician~~ or approved MICN or MDA of the sponsor hospital from which they are receiving instructions.

Authority G.S. 143-514.

.0302 PLAN FOR PARTICIPATING HOSPITALS

(a) Each ALS program shall have a written plan which outlines the roles and responsibilities of each of the sponsor hospitals that will function in the program. The plan shall allow for the participation of all hospitals within the service area of the ALS program that meet the sponsor hospital criteria even though one or more hospitals may choose not to participate at the initiation of the program. One hospital shall be designated as being administratively responsible for the ALS program and as such have overall responsibility for administration and coordination of the program and ensuring compliance with the requirements of this Subchapter. Changes in this designation must be approved by the Office of Emergency Medical Services.

(b) The plan shall be approved by the chief of staff and chief executive officer of each participating hospital and shall include at a minimum:

- (1) a description of the role each hospital is to have in the ALS program;
- (2) a description of the operational procedures to be followed by the ALS professionals, ~~professionals~~ and MICN and MDA personnel to obtain medical direction;
- (3) the treatment protocols to be utilized in the program and a description of the procedure to be followed to modify them;
- (4) a description of how the audit and review function will be established and carried out;
- (5) a description of the methodology for providing continuing education for the ALS professionals, ~~professionals~~ and MICN and MDA personnel; and
- (6) a description of the mechanism for providing physician backup to the MICN and MDA personnel

in programs where they are utilized.

Authority G.S. 143-514.

.0303 SPONSOR HOSPITAL

(a) To be approved by the Office of Emergency Medical Services as a sponsor hospital, a hospital must:

- (1) demonstrate that it will function as part of an ALS program in accordance with a plan meeting the requirements of Rule .0302 of this Section;
- (2) meet all of the following criteria:
 - (A) have physician, ~~physician or~~ MICN or MDA coverage available 24 hours per day in the emergency department or critical care unit for communication with the ALS professionals;
 - (B) ensure 24 hour availability of a registered nurse who is primarily responsible to meet ALS patients upon arrival at the emergency department;
 - (C) have a physician available to provide backup to the MICN or MDA issuing instructions to the ALS professionals;
 - (D) appoint a registered nurse to act as a liaison between the ALS professionals and the hospital. The nurse liaison must meet the requirements set forth in the "Guidelines for the Selection and Performance of the Emergency Medical Services Nurse Liaison" dated October 1990 and incorporated herein by reference including subsequent amendments and editions;
 - (E) appoint a physician to serve as a medical director or liaison to the medical director of the ALS program;
 - (F) have written support letters for the program from both the chief executive officer and chief of staff of the hospital;
 - (G) establish or participate in an audit and review panel that meets at a minimum quarterly;
 - (H) have access to and operate a communications system that will provide, at a minimum, two-way voice communications to ALS professionals anywhere in the service area of the ALS program. The program medical director must verify that, in his opinion, the communications system is satisfactory for on-line medical control. The communications system shall provide for communication from the onset of patient treatment through the delivery of the patient at the medical treatment facility. The communications system shall be operational 24 hours per day and shall allow for initiation of communication by either the ALS professionals or by the sponsor hospital that is directing the patient care procedures and treatment. Approved first responder organizations functioning at the EMT-D level of care as part of approved ALS programs are exempt from the requirements of this Paragraph;
 - (I) provide orientation regarding the ALS program to

appropriate medical and nursing personnel at the hospital;

- (J) have treatment protocols adopted by the medical staff covering the performance of ALS professionals which are consistent with those being used throughout the ALS program;
- (K) provide or ensure provision of a continuing education program approved by the Office of Emergency Medical Services for ALS professionals, ~~professionals and~~ MICN and MDA personnel; and
- (L) provide or ensure provision of supervised clinical experience for those participating in the educational program.

(b) In addition, the sponsor hospital designated as administratively responsible for the ALS program must have a physician in the emergency department 24 hours a day who is available to give orders and medical direction to the ALS professionals. For ALS programs that do not have a participating hospital within their area with a physician in the emergency department 24 hours a day, this requirement may be met by the sponsor hospital designated as administratively responsible for the program defining a mechanism to provide physician backup to the MICN or MDA and medical control to the ALS professionals.

Authority G.S. 143-514.

SECTION .0400 - EDUCATION AND PERFORMANCE OF ADVANCED LIFE SUPPORT PERSONNEL

.0401 EDUCATIONAL PROGRAMS

(a) An educational program intended to qualify personnel as ALS professionals, ~~professionals or~~ MICNs or MDAs must be approved by the Office of Emergency Medical Services. Proposals for educational programs must be submitted for approval at least 20 days prior to the date on which the program is scheduled to start.

(b) ALS professional students may perform the services and functions permitted by the rules contained in this Subchapter for their certification level during:

- (1) the clinical portion of an approved educational program while caring for patients in the sponsor hospital or other facility approved by the medical director and the Office of Emergency Medical Services, provided that the related didactic work has been completed and that they are under the direct supervision of a physician or registered nurse;
- (2) a field internship provided that:
 - (A) the related didactic work of an approved educational program has been completed;
 - (B) they are directly supervised and accompanied by an ALS professional certified at a like or higher certification level or a physician; and
 - (C) the internship is conducted within an ALS pro-

gram approved at the same or higher certification level of the educational program.

Authority G.S. 143-514.

.0402 EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC PERFORMANCE

EMT-PS educated in approved programs, certified by the ~~Board of Medical Examiners~~ North Carolina Medical Board to perform medical acts, and functioning in an approved ALS program may do any of the following in accordance with the protocols established by their sponsor hospital:

- (1) While at the scene of a medical emergency where the capability of continuous two-way voice communication is maintained with a physician, ~~physician or~~ approved MICN or MDA located in the sponsor hospital, and upon order of such physician, ~~physician or~~ MICN or MDA:
 - (a) establish an intravenous line in a peripheral vein and administer any of the following intravenous solutions:
 - (i) Dextrose 5% in Water;
 - (ii) Lactated Ringers Solution;
 - (iii) Normal Saline;
 - (iv) Dextrose 5% Lactated Ringers;
 - (v) Dextrose 5% 1/2 Normal Saline;
 - (vi) Dextrose 5% 1/4 Normal Saline;
 - (vii) Dextrose 10% in Water; and
 - (viii) Dextrose 5% Normal Saline;
 - (b) obtain blood for laboratory analysis;
 - (c) administer in an approved fashion via an appropriate route any of the following medications:

ADVANCED CARDIAC LIFE SUPPORT MEDICA-

TIONS:

- (i) Atropine;
- (ii) Bretylium;
- (iii) Calcium Chloride/Gluconate;
- (iv) Dobutamine;
- (v) Epinephrine 1:1000;
- (vi) Epinephrine 1:10,000;
- (vii) Isoproterenol;
- (viii) Lidocaine;
- (ix) Sodium Chloride Injection;
- (x) Procainamide;
- (xi) Sodium Bicarbonate; and
- (xii) Dopamine;

ANESTHETICS:

- (i) Lidocaine 1% or 2%;
- (ii) Procaine 1% or 2%;

CARDIORESPIRATORY AGENTS:

- (i) Adenosine;
- (ii) Albuterol (by inhalation);
- (iii) Aminophylline;
- (iv) Furosemide;
- (v) Isoetharine (by inhalation);
- (vi) Metaproterenol (by inhalation);
- (vii) Nifedipine;

- (viii) Nitroglycerin Sublingual;
- (ix) Nitroglycerin Paste;
- (x) Propranolol;
- (xi) Racemic Epinephrine (by inhalation);
- (xii) Terbutaline (injectable or by inhalation); and
- (xiii) Verapamil;

OTHER MEDICATIONS:

- (i) Diazepam Injectable;
- (ii) Diphenhydramine Injectable;
- (iii) Dextrose 50%;
- (iv) Glucagon (Intramuscular or Subcutaneous);
- (v) Heparin (for use with heparin locks);
- (vi) IV Steroid Preparations;
- (vii) Mannitol;
- (viii) Naloxone;
- (ix) Phenytoin Injectable;
- (x) Promethazine;
- (xi) Thiamine (intramuscular or intravenous);
- (xii) Aspirin;
- (xiii) Lorazepam Injectable;
- (xiv) Amyl Nitrite (Pearls); ~~and~~
- (xv) Flumazenil;
- (xvi) Dextrose 25 %;
- (xvii) Ketorolac;
- (xviii) Midazolam; and
- (xix) Magnesium Sulfate Injectable;

ANALGESICS:

- (i) Meperidine;
- (ii) Morphine Sulfate;
- (iii) Nalbuphine Hydrochloride; and
- (iv) Nitrous Oxide (via respiratory route);
- (d) perform pulmonary ventilation by means of a blind insertion airway device or endotracheal tube;
- (e) perform defibrillation or cardioversion;
- (f) use gas-powered or hand-powered nebulizers;
- (g) decompress a tension pneumothorax by use of a catheter-flutter-valve device;
- (h) use positive end expiratory pressure respirators;
- (i) perform cricothyrotomy for relief of upper airway obstruction;
- (j) perform gastric suction by intubation;
- (k) perform urinary catheterization;
- (l) perform external cardiac pacing;
- (m) establish an intraosseous infusion line in appropriate patients under 60 months of age and use it to administer any appropriate intravenous fluid or medication specified in this Rule;
- (n) administer fluids and medications using previously established indwelling semi-permanent central venous catheters; and
- (o) place and maintain heparin or saline locks.
- (2) When confronted with serious or life threatening clinical situations as defined in the patient care protocols established by the sponsor hospital of the ALS program and approved by the Office of Emergency Medical Services, perform as necessary under standing orders any of the following prior to contact-

ing the sponsor hospital:

- (a) cardiopulmonary resuscitation;
- (b) defibrillation, cardioversion, or external cardiac pacing;
- (c) pulmonary ventilation by means of a blind insertion airway device or endotracheal tube;
- (d) establish an intravenous line in a peripheral vein. If the intravenous line is not successfully established after two attempts, the EMT-P must contact the sponsor hospital prior to making another attempt;
- (e) establish an intraosseous infusion line in appropriate patients under 60 months of age and use it to administer any appropriate intravenous fluid or medication specified in this Rule;
- (f) administer the following medications:
 - (i) Albuterol (by inhalation);
 - (ii) Bretylium;
 - (iii) Epinephrine 1:1000;
 - (iv) Epinephrine 1:10,000;
 - (v) Furosemide;
 - (vi) Metaproterenol (by inhalation);
 - (vii) Nitroglycerin;
 - (viii) Terbutaline (injectable or by inhalation);
 - (ix) Atropine;
 - (x) Dextrose 50%;
 - (xi) Lidocaine;
 - (xii) Naloxone;
 - (xiii) Sodium Bicarbonate.
 - (xiv) Diazepam Injectable;
 - (xv) Diphenhydramine Injectable;
 - (xvi) Aspirin;
 - (xvii) Thiamine (intramuscular or intravenous); and
 - (xviii) Lorazepam (injectable);
 - (xix) Dextrose 25%;
 - (xx) Isoetharine (by inhalation);
 - (xxi) Midazolam; and
 - (xxii) Magnesium Sulfate Injectable.
- (3) When transporting from one medical facility to another a patient who is receiving intravenous therapy begun at the transferring facility, and where the capability of continuous two-way voice communication is maintained with a physician, physician or approved MICN or MDA located in the sponsor hospital, or when meeting the requirements of Rule .1003 of this Subchapter and upon order of such physician, physician or MICN or MDA, EMT-Ps may maintain intravenous lines for the following medications:
 - (a) IV Antibiotics;
 - (b) Whole Blood and Components;
 - (c) Heparin Drip;
 - (d) Magnesium Sulfate Drip;
 - (e) Nitroglycerin Drip;
 - (f) Potassium Chloride;
 - (g) Urokinase;
 - (h) Streptokinase; and
 - (i) Tissue Plasminogen Activator.

Authority G.S. 143-514.

.0403 EMERGENCY MEDICAL TECHNICIAN -INTERMEDIATE PERFORMANCE

EMT-Is educated in approved programs, certified by the ~~Board of Medical Examiners~~ North Carolina Medical Board to perform medical acts, and functioning in an approved ALS program may do any of the following in accordance with the protocols established by their sponsor hospital:

- (1) While at the scene of a medical emergency where the capability of continuous two-way voice communication is maintained with a physician, physician or approved MICN or MDA located in the sponsor hospital, and upon order of such physician, physician or MICN or MDA:
 - (a) establish an intravenous line in a peripheral vein and administer any of the following intravenous solutions:
 - (i) Dextrose 5 % in Water;
 - (ii) Lactated Ringers Solution;
 - (iii) Normal Saline;
 - (iv) Dextrose 5% in Lactated Ringer's;
 - (v) Dextrose 5% in Normal Saline;
 - (vi) Dextrose 5% in 1/2 Normal Saline;
 - (vii) Dextrose 5% in 1/4 Normal Saline; and
 - (viii) Dextrose 10% in Water;
 - (b) perform pulmonary ventilation by means of a blind insertion airway device;
 - (c) obtain blood for laboratory analysis;
 - (d) administer in an approved fashion via an appropriate route any of the following medications:
 - (i) Dextrose 50%;
 - (ii) Epinephrine 1:1000;
 - (iii) Albuterol (by inhalation);
 - (iv) Heparin (for use with heparin locks);
 - (v) Metaproterenol (by inhalation);
 - (vi) Terbutaline (injectable or by inhalation);
 - (vii) Naloxone;
 - (viii) Aspirin;
 - (ix) Thiamine (intramuscular or intravenous);
 - (x) Dextrose 25%;
 - (xi) Isoetharine (by inhalation);
 - (xii) Diphenhydramine Injectable; and
 - (xiii) Epinephrine 1:10,000;
 - (e) place and maintain heparin or saline locks; and
 - (f) use gas-powered or hand-powered nebulizers.
- (2) When confronted with serious or life threatening clinical situations as defined in the patient care protocols established by the sponsor hospital of the ALS program and approved by the Office of Emergency Medical Services, perform as necessary under standing orders any of the following prior to contacting the sponsor hospital:
 - (a) cardiopulmonary resuscitation;
 - (b) defibrillation by means of an automatic or semi-automatic defibrillator;
 - (c) pulmonary ventilation by means of a blind insertion

- airway device or endotracheal tube only when confronted with a pulseless non-breathing patient;
- (d) establish an intravenous line in a peripheral vein. If the intravenous line is not successfully established after two attempts, the EMT-I must contact the sponsor hospital prior to making another attempt;
- (e) administer the following medications:
- (i) Albuterol (by inhalation);
 - (ii) Dextrose 50%;
 - (iii) Epinephrine 1:1000;
 - (iv) Metaproterenol (by inhalation);
 - (v) Terbutaline (injectable or by inhalation);
 - (vi) Naloxone;
 - (vii) Aspirin;
 - (viii) Thiamine (intramuscular or intravenous);
 - (ix) Dextrose 25%;
 - (x) Epinephrine 1:10,000; and
 - (xi) Diphenhydramine Injectable.
- (3) When in the presence of an EMT-P or EMT-AI, perform any act listed in this Rule upon direction of the EMT-P or EMT-AI as defined by the patient care protocols of the ALS program and approved by the Office of Emergency Medical Services.

Authority G.S. 143-514.

.0404 MOBILE INTENSIVE CARE NURSE PERFORMANCE

MICNs currently approved by the ~~Board of Medical Examiners~~, North Carolina Medical Board, while functioning under the direction of a physician in the sponsor hospital of an approved ALS program, may direct ALS professionals to perform actions as defined in the adopted patient care protocols established by the sponsor hospital for that ALS program. All orders issued to ALS professionals by MICNs must be co-signed by a physician.

Authority G.S. 143-514.

.0406 EMERGENCY MEDICAL TECHNICIAN: ADVANCED INTERMEDIATE PERFORMANCE

EMT-advanced intermediates educated in approved programs, certified by the ~~Board of Medical Examiners~~ North Carolina Medical Board to perform medical acts and functioning in an approved ALS program, may do any of the following in accordance with the protocols established by their sponsor hospital:

- (1) While at the scene of a medical emergency where the capability of continuous two-way voice communication is maintained with a physician, ~~or~~ approved MICN or MDA located in the sponsor hospital, and upon order of such physician, physician or MICN or MDA:
- (a) establish an intravenous line in a peripheral vein and administer any of the following intravenous solutions;

- (i) Dextrose 5% in Water;
 - (ii) Lactated Ringer's Solution;
 - (iii) Normal Saline;
 - (iv) Dextrose 5% 1/2 Normal Saline;
 - (v) Dextrose 5% 1/4 Normal Saline;
 - (vi) Dextrose 5% Normal Saline;
 - (vii) Dextrose 10% in Water; and
 - (viii) Dextrose 5% Lactated Ringer's Solution;
- (b) obtain blood for laboratory analysis;
- (c) administer in an approved fashion via an appropriate route any of the following medications;
- (i) Albuterol (by inhalation);
 - (ii) Atropine;
 - (iii) Dextrose 50%;
 - (iv) Epinephrine 1:1000;
 - (v) Epinephrine 1:10,000;
 - (vi) Heparin (for use with heparin locks);
 - (vii) Lidocaine;
 - (viii) Metaproterenol (by inhalation);
 - (ix) Naloxone;
 - (x) Sodium Bicarbonate;
 - (xi) Terbutaline (injectable or by inhalation);
 - (xii) Nitroglycerin Sublingual;
 - (xiii) Nitroglycerin Paste;
 - (xiv) Aspirin;
 - (xv) Thiamine (intramuscular or intravenous);
 - (xvi) Dextrose 25%;
 - (xvii) Diphenhydramine Injectable;
 - (xviii) Ketorolac; and
 - (xix) Isoetharine (by inhalation);
- (d) perform pulmonary ventilation by means of a blind insertion airway device or endotracheal tube;
- (e) perform defibrillation;
- (f) perform external cardiac pacing;
- (g) establish an intraosseous infusion line in appropriate patients under 60 months of age and administer any appropriate intravenous fluid or medications approved by the ~~Board of Medical Examiners~~ North Carolina Medical Board for use by EMT-AIs;
- (h) administer fluids and medications using previously established indwelling semi-permanent central venous catheters;
- (i) use positive end expiratory pressure respirators; and
- (j) place and maintain heparin or saline locks;
- (k) use gas-powered or hand-powered nebulizers.
- (2) When confronted with serious or life threatening clinical situations as defined in the patient care protocols established by the sponsor hospital of the ALS program and approved by the Office of Emergency Medical Services, perform as necessary under standing orders any of the following prior to contacting the sponsor hospital:
- (a) cardiopulmonary resuscitation;
 - (b) defibrillation;
 - (c) pulmonary ventilation by means of a blind insertion airway device or endotracheal tube only when

- (d) confronted with a pulseless non-breathing patient; establish an intravenous line in a peripheral vein. If the intravenous line is not successfully established after two attempts, the EMT-AI must contact the sponsor hospital prior to making another attempt;
- (e) establish an intraosseous infusion line in appropriate patients under 60 months of age and administer any appropriate intravenous fluid or medications approved by the Board of Medical Examiners North Carolina Medical Board for use by EMT-AI's;
- (f) administer the following medications:
 - (i) Albuterol (by inhalation);
 - (ii) Atropine;
 - (iii) Dextrose 50 %
 - (iv) Epinephrine 1:1000;
 - (v) Epinephrine 1:10,000;
 - (vi) Lidocaine;
 - (vii) Metaproterenol (by inhalation);
 - (viii) Naloxone;
 - (ix) Sodium Bicarbonate;
 - (x) Terbutaline (injectable or by inhalation);
 - (xi) Nitroglycerin;
 - (xii) Aspirin;
 - (xiii) Thiamine (intramuscular or intravenous);
 - (xiv) Dextrose 25 %;
 - (xv) Diphenhydramine Injectable; and
 - (xvi) Isoetharine (by inhalation).
- (3) When transporting a patient from one medical facility to another who is receiving intravenous therapy begun at the transferring facility, and where the capability of continuous two-way voice communication is maintained with a physician, physician or approved MICN or MDA located in the sponsor hospital, or when meeting the requirements of Rule .1003 of this Subchapter and upon order of such physician or MICN, EMT-AIs may maintain intravenous lines for the following medications:
 - (a) Whole Blood and Components; and
 - (b) Potassium Chloride.
- (4) When in the presence of an EMT-P, perform any act listed in this Rule upon direction of the EMT-P as defined by the patient care protocols of the ALS program and approved by the Office of Emergency Medical Services.

Authority G.S. 143-514.

.0407 EMERGENCY MEDICAL TECHNICIAN-DEFIBRILLATION PERFORMANCE

EMT-Ds educated in approved programs, certified by the Board of Medical Examiners North Carolina Medical Board to perform medical acts, and functioning in an approved ALS program may perform any of the following in accordance with the protocols established by their sponsor hospital:

- (1) When confronted with a pulseless non-breathing patient, perform as necessary under standing orders any of the following prior to contacting the sponsor

hospital:

- (a) defibrillation by means of an automatic or semi-automatic defibrillator;
 - (b) pulmonary ventilation by means of a blind insertion airway device; and
 - (c) cardiopulmonary resuscitation.
- (2) When confronted with serious or life threatening clinical situations as defined in the patient care protocols established by the sponsor hospital of the ALS program and approved by the Office of Emergency Medical Services, administer subcutaneously 1:1000 epinephrine to treat systemic allergic reactions under standing orders prior to contacting the sponsor hospital.

Authority G.S. 143-514.

.0408 EMERGENCY MEDICAL DISPATCHER PERFORMANCE

EMDs educated in approved training programs, when certified by the Board of Medical Examiners, North Carolina Medical Board, and while functioning in an approved Emergency Medical Dispatch program, may do the following in compliance with the protocols established in the emergency medical dispatch priority reference protocol system approved by the program medical director:

- (1) Receive and process calls for medical assistance in a standardized manner, using the approved EMDPRS protocol to elicit required information for evaluating, advising, and treating sick or injured individuals, and dispatching an appropriate EMS response.
- (2) Provide pre-arrival instructions to the patient through the caller when possible and appropriate to do so while functioning in compliance with the EMDPRS.

Authority G. S. 143-514.

.0409 MEDICAL DIRECTION ASSISTANT PERFORMANCE

MDAs currently approved by the North Carolina Medical Board, while functioning under the direction of a physician in the sponsor hospital of an approved ALS program, may direct ALS professionals to perform actions as defined in the adopted patient care protocols established by the sponsor hospital for that ALS program. All orders issued to ALS professionals by MDAs must be co-signed by a physician.

Authority G.S. 143-514.

SECTION .0500 - CERTIFICATION AND APPROVAL REQUIREMENTS FOR ADVANCED LIFE SUPPORT PERSONNEL

.0501 CERTIFICATION REQUIREMENTS: EMT-PARAMEDIC

- (a) To become certified as an EMT-P, a person shall meet the following criteria:

- (1) be currently certified as an emergency medical technician in the State of North Carolina;
- (2) be affiliated on a continuous basis with an ambulance provider that has been issued a permit by the Office of Emergency Medical Services and functions as part of an approved ALS program;
- (3) successfully complete, within one year of application, an EMT-P educational program meeting the requirements of the "North Carolina EMT-P Curriculum Outline" dated November 1990 incorporated herein by reference including subsequent amendments and editions. If the educational program was completed over one year prior to application, a person must submit evidence of completion of pertinent continuing education in emergency medicine taken in the past year and have the continuing education approved by the Office of Emergency Medical Services;
- (4) successfully complete a performance evaluation conducted under the direction of the medical director of the ALS program assessing his ability to perform the skills and procedures specified in Rule .0402 of this Subchapter;
- (5) be recommended for certification upon examination by an oral interview panel established by the ALS program in which he is proposing to function;
- (6) pass a basic life support practical examination approved or administered by the Office of Emergency Medical Services; and
- (7) pass the EMT-P written examination administered by the Office of Emergency Medical Services.

(b) Persons holding current certification as an EMT-P with the National Registry of Emergency Medical Technicians or in another state where the educational and certification requirements have been approved for legal recognition by the Office of Emergency Medical Services may become certified by:

- (1) presenting evidence of such certification for verification by the Office of Emergency Medical Services; and
- (2) meeting the criteria specified in Subparagraphs (a)(1), (a)(2), (a)(4), and (a)(5) of this Rule.

(c) Certification obtained through legal recognition shall be valid for four years or the unexpired term of the certification that was used to obtain a certification in this state, whichever is shorter. All certifications shall be valid for the period stated on the certificate issued to the applicant. This period shall not exceed four years. Persons must be recertified by presenting documentation to the Office of Emergency Medical Services that they have successfully completed either of the following options:

(1) OPTION I:

- (A)(1) an ongoing continuing education program under the direction of the medical director, meeting the requirements of "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support Personnel" dated February 1988 incorporated

herein by reference including subsequent amendments and editions;

- (B)(2) an ALS performance evaluation conducted under the direction of the medical director meeting the requirements of "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support Personnel" dated February 1988 incorporated herein by reference including subsequent amendments and editions assessing the ability to perform the skills specified in Rule .0402 of this Subchapter; and

- (C)(3) basic life support practical and EMT-P written examinations administered by the Office of Emergency Medical Services; or

(2) OPTION II:

- (A)(4) the criteria specified in Subparagraph (c)(1)(A) and (c)(2)(1)(B) of ~~OPTION I~~ of this Rule;
- (B)(2) at least one basic life support skills evaluation following guidelines established by the Office of Emergency Medical Services conducted under the direction of the medical director assessing the ability to perform the skills required of an emergency medical technician as specified by the North Carolina Medical Care Commission; and
- (C)(3) at least one EMT-P written examination following guidelines established by the Office of Emergency Medical Services administered under the direction of the medical director in compliance with the test specifications of the state EMT-P written examination.

Authority G.S. 143-514.

**.0502 CERTIFICATION REQUIREMENTS:
EMT-INTERMEDIATE**

(a) To become certified as an EMT-I a person must meet the following criteria:

- (1) be currently certified as an emergency medical technician in the State of North Carolina;
- (2) be affiliated on a continuous basis with an ambulance provider that has been issued a permit by the Office of Emergency Medical Services and functions as part of an approved ALS program;
- (3) successfully complete, within one year of application, an EMT-I educational program meeting the requirements of the "North Carolina EMT-I Curriculum Outline" dated November 1990 incorporated herein by reference including subsequent amendments and editions. If the educational program was completed over one year prior to application, a person must submit evidence of completion of pertinent continuing education in emergency medicine taken in the past year and have the continuing education approved by the Office of Emergency Medical Services;
- (4) successfully complete a performance evaluation

conducted under the direction of the medical director of the ALS program assessing his ability to perform the skills and procedures specified in Rule .0403 of this Subchapter;

- (5) be recommended for certification upon examination by an oral interview panel established by the ALS program in which he is proposing to function;
- (6) pass a basic life support practical examination approved or administered by the Office of Emergency Medical Services; and
- (7) pass the EMT-I written examination administered by the Office of Emergency Medical Services.

(b) Persons holding current certification as an EMT-I with the National Registry of Emergency Medical Technicians or in another state where the educational and certification requirements have been approved for legal recognition by the Office of Emergency Medical Services may become certified by:

- (1) presenting evidence of such certification for verification by the Office of Emergency Medical Services; and
- (2) meeting the criteria specified in Subparagraphs (a)(1), (a)(2), (a)(4), and (a)(5) of this Rule.

(c) Certification obtained through legal recognition shall be valid for four years or the unexpired term of the certification that was used to obtain a certification in this state, whichever is shorter. All certifications shall be valid for the period stated on the certification issued to the applicant. This period shall not exceed four years. Persons must be recertified by presenting documentation to the Office of Emergency Medical Services that they have successfully completed either of the following options:

(1) OPTION I:

(A)(+) an ongoing continuing education program under the direction of the medical director, meeting the requirements of "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support Personnel" dated February 1988 incorporated herein by reference including subsequent amendments and editions;

(B)(2) an ALS performance evaluation conducted under the direction of the medical director meeting the requirements of "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support Personnel" dated February 1988 incorporated herein by reference including subsequent amendments and editions assessing the ability to perform the skills specified in Rule .0403 of this Subchapter; and

(C)(3) basic life support practical and EMT-I written examinations administered by the Office of Emergency Medical Services; or

(2) OPTION II:

(A)(+) the criteria specified in Subparagraph (c)(1)(A) and (c)(2)(1)(B) of ~~OPTION I~~ of this Rule;

(B)(2) at least one basic life support skills evaluation

following guidelines established by the Office of Emergency Medical Services conducted under the direction of the medical director assessing the ability to perform the skills required of an emergency medical technician as specified by the North Carolina Medical Care Commission; and at least one EMT-I written examination following guidelines established by the Office of Emergency Medical Services administered under the direction of the medical director in compliance with the test specifications of the state EMT-I written examination.

(C)(3)

Authority G.S. 143-514.

**.0504 CERTIFICATION REQUIREMENTS:
EMT-ADVANCED INTERMEDIATE**

(a) To become certified as an EMT-AI a person must meet the following criteria:

- (1) be currently certified as an emergency medical technician in the State of North Carolina;
- (2) be affiliated on a continuous basis with an ambulance provider that has been issued a permit by the Office of Emergency Medical Services and functions as part of an approved ALS program;
- (3) successfully complete, within one year of application, an EMT-AI educational program meeting the requirements of the "North Carolina EMT-AI Curriculum Outline" dated November 1990 incorporated herein by reference including subsequent amendments and editions. If the educational program was completed over one year prior to application, a person must submit evidence of completion of pertinent continuing education in emergency medicine taken in the past year and have the continuing education approved by the Office of Emergency Medical Services;
- (4) successfully complete a performance evaluation conducted under the direction of the medical director of the ALS program assessing his ability to perform the skills and procedures specified in Rule .0406 of this Subchapter;
- (5) be recommended for certification upon examination by an oral interview panel established by the ALS program in which he is proposing to function;
- (6) pass a basic life support practical examination approved or administered by the Office of Emergency Medical Services; and
- (7) pass the EMT-AI written examination administered by the Office of Emergency Medical Services.

(b) Persons holding current certification equivalent to an EMT-AI with the National Registry of Emergency Medical Technicians or in another state where the educational and certification requirements have been approved for legal recognition by the Office of Emergency Medical Services may become certified by:

- (1) presenting evidence of such certification for verification

cation by the Office of Emergency Medical Services; and

- (2) meeting the criteria specified in Subparagraphs (a)(1), (a)(2), (a)(4), and (a)(5) of this Rule.

(c) Certification obtained through legal recognition shall be valid for four years or the unexpired term of the certification that was used to obtain a certification in this state, whichever is shorter. All certifications shall be valid for the period stated on the certificate issued to the applicant. This period shall not exceed four years. Persons must be recertified by presenting documentation to the Office of Emergency Medical Services that they have successfully completed either of the following options:

(1) OPTION I:

- (A)(1) an ongoing continuing education program under the direction of the medical director, meeting the requirements of "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support Personnel" dated February 1988 incorporated herein by reference including subsequent amendments and editions;
- (B)(2) an ALS performance evaluation conducted under the direction of the medical director meeting the requirements of "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support Personnel" dated February 1988 incorporated herein by reference including subsequent amendments and editions assessing the ability to perform the skills specified in Rule .0406 of this Subchapter; and
- (C)(3) basic life support practical and EMT-AI written examinations administered by the Office of Emergency Medical Services; or

(2) OPTION II:

- (A)(1) the criteria specified in Subparagraph (c)(1)(A) and (c)(2)(1)(B) of ~~OPTION I~~ of this Rule;
- (B)(2) at least one basic life support skills evaluation following guidelines established by the Office of Emergency Medical Services and conducted under the direction of the medical director assessing the ability to perform the skills required of an emergency medical technician as specified by the North Carolina Medical Care Commission; and
- (C)(3) at least one EMT-AI written examination following guidelines established by the Office of Emergency Medical Services and administered under the direction of the medical director in compliance with the test specifications of the state EMT-AI written examination.

Authority G.S. 143-514.

**.0505 CERTIFICATION REQUIREMENTS:
EMT-DEFIBRILLATION**

- (a) To become certified as an EMT-D a person must meet

the following criteria:

- (1) be currently certified as an emergency medical technician in the State of North Carolina;
- (2) be affiliated on a continuous basis with an ambulance provider that has been issued a permit by the Office of Emergency Medical Services, or an approved first responder organization which functions as part of an approved ALS program;
- (3) successfully complete, within one year of application, an EMT-D educational program meeting the requirements of the "North Carolina EMT-D Curriculum Outline" dated November 1990 incorporated herein by reference including subsequent amendments and editions. If the educational program was completed over one year prior to application, a person must submit evidence of completion of pertinent continuing education in emergency medicine taken in the past year and have the continuing education approved by the Office of Emergency Medical Services;
- (4) successfully complete a performance evaluation conducted under the direction of the medical director of the ALS program assessing his ability to perform the skills and procedures specified in Rule .0407 of this Subchapter;
- (5) pass a basic life support practical examination approved or administered by the Office of Emergency Medical Services; and
- (6) pass the EMT-D written examination administered by the Office of Emergency Medical Services.

(b) Persons holding current certification equivalent to EMT-D with the National Registry of Emergency Medical Technicians or in another state where the educational and certification requirements have been approved for legal recognition by the Office of Emergency Medical Services may become certified by:

- (1) presenting evidence of such certification for verification by the Office of Emergency Medical Services; and
- (2) meeting the criteria specified in Subparagraphs (a)(1), (a)(2), (a)(4), and (a)(5) of this Rule.

(c) Certification obtained through legal recognition shall be valid for four years or the unexpired term of the certification that was used to obtain a certification in this state, whichever is shorter. All certifications shall be valid for the period stated on the certificate issued to the applicant. This period shall not exceed four years. Persons must be recertified by presenting documentation to the Office of Emergency Medical Services that they have successfully completed either of the following options:

(1) OPTION I:

- (A)(1) an ongoing continuing education program under the direction of the medical director, meeting the requirements of "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support Personnel" dated February 1988 incorporated

herein by reference including subsequent amendments and editions;

- (B)(2) an ALS performance evaluation conducted under the direction of the medical director meeting the requirements of "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support Personnel" dated February 1988 incorporated herein by reference including subsequent amendments and editions assessing the ability to perform the skills specified in Rule .0407 of this Subchapter; and

- (C)(3) basic life support practical and EMT-D written examinations administered by the Office of Emergency Medical Services; or

(2) **OPTION II:**

- (A)(4) the criteria specified in Subparagraph (c)(1)(A) and (c)(2)(1)(B) of ~~OPTION I~~ of this Rule;

- (B)(2) at least one basic life support skills evaluation following guidelines established by the Office of Emergency Medical Services and conducted under the direction of the medical director assessing the ability to perform the skills required of an emergency medical technician as specified by the North Carolina Medical Care Commission; and

- (C)(3) at least one EMT-D written examination following guidelines established by the Office of Emergency Medical Services and administered under the direction of the medical director in compliance with the test specifications of the state EMT-D written examination.

Authority G.S. 143-514.

**.0506 CERTIFICATION REQUIREMENTS:
EMERGENCY MEDICAL DISPATCHER**

(a) To become certified as an EMD, a person must meet the following criteria:

- (1) be at least 18 years of age;
- (2) be affiliated on a continuous basis with an emergency medical dispatch program approved by the Office of Emergency Medical Services;
- (3) successfully complete, within one year prior to application, an American Heart Association (AHA) Level "C" cardiopulmonary resuscitation (CPR) course or equivalent;
- (4) successfully complete, within one year prior to application, an approved EMD educational program meeting the requirements of the "Guidelines for Development and Operation of Emergency Medical Dispatch Programs" dated March 1995 incorporated herein by reference ~~editions~~ including subsequent amendments and editions. If the educational program was completed over one year prior to application, a person must submit evidence of completion of pertinent continuing education in emergency medical dispatch taken in the past year

and have the continuing education approved by the Office of Emergency Medical Services;

- (5) successfully complete an evaluation conducted under the direction of the medical director of the EMD program assessing the ability to perform the skills and procedures specified in Rule .0408 of this Subchapter; and be recommended for certification examination.

- (6) pass the EMD written examination administered or approved by the Office of Emergency Medical Services.

(b) Persons holding current certification equivalent to EMD with an approved emergency medical dispatch certification agency or in another state where the educational and certification requirements have been approved for legal recognition by the Office of Emergency Medical Services may become certified by:

- (1) presenting evidence of such certification for verification by the Office of Emergency Medical Services; and

- (2) meeting the criteria specified in Subparagraphs (a)(1), (a)(2), (a)(3), and (a)(5) of this Rule.

(c) Certification obtained through legal recognition shall be valid for four years or the unexpired term of the certification that was used to obtain a certification in this state, whichever is shorter. All certifications shall be valid for the period stated on the certificate issued to the applicant by the Office of Emergency Medical Services. This period shall not exceed four years. Persons must be recertified by presenting documentation to the Office of Emergency Medical Services that they have successfully completed either of the following options:

(I) **OPTION I:**

- (A)(4) an ongoing continuing education program under the direction of the medical director, meeting the requirements of "Guidelines for Development and Operation of Emergency Medical Dispatch Programs" dated March 1995 incorporated herein by reference ~~editions~~ including subsequent amendments and editions.

- (B)(2) an EMD performance evaluation conducted under the direction of the medical director meeting the requirements of "Guidelines for Development and Operation of Emergency Medical Dispatch Programs" dated March 1995 incorporated herein by reference including subsequent amendments and editions assessing the ability to perform the skills specified in Rule .0408 of this Subchapter; and
- (C)(3) an EMD written examination administered by the Office of Emergency Medical Services; or

(2) **OPTION II:**

- (A)(4) the criteria specified in Subparagraph (c)(1)(A) and (c)(2)(1)(B) of ~~OPTION I~~ of this Rule; and

- (B)(2) a written examination following guidelines established by the Office of Emergency Medical Services and administered under the direction of the medical director in compliance with the test specifications of the state EMD written examina-

tion.

Authority G.S. 143-514.

.0507 APPROVAL REQUIREMENTS: MEDICAL DIRECTION ASSISTANT

(a) To be approved as a MDA, a person must meet the following criteria:

- (1) be currently approved and registered as a physician assistant or nurse practitioner in the State of North Carolina;
- (2) be affiliated on a continuous basis with a sponsor hospital which is part of an approved ALS program;
- (3) have a minimum of two years emergency or critical care experience, or a combination of this experience;
- (4) present evidence of successful completion of a MDA educational program meeting the requirements of the "North Carolina MDA Curriculum Outline" dated November 1995 incorporated herein by reference including subsequent amendments and editions. If the educational program was completed over one year prior to application, a person must submit evidence of completion of pertinent continuing education in emergency medicine taken in the past year and have the continuing education approved by the Office of Emergency Medical Services; and
- (5) be recommended by the medical director of the ALS program after determining that the applicant is adequately familiar with the patient care and operational protocols of the ALS program.

(b) Approval shall be valid for a period not to exceed four years at which time the person may be reapproved by successfully completing an approved MDA reapproval program under the direction of the medical director, meeting the requirements of "Guidelines for Reapproval of Medical Direction Assistants" dated November 1995 incorporated herein by reference including subsequent amendments and editions.

Authority G.S. 143-514.

SECTION .0600 - ENFORCEMENT

.0601 GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION

(a) The ~~Board of Medical Examiners~~ North Carolina Medical Board may deny, suspend or revoke the approval of an ALS program, EMD program or sponsor hospital for any of the following reasons:

- (1) failure to comply with the requirements as found in Sections .0200 and .0300 of this Subchapter; or
- (2) obtaining approval through fraud or misrepresentation.

(b) The ~~Board of Medical Examiners~~ North Carolina Medical Board may deny, suspend or revoke the certification of an ALS

professional or the approval of a MICN or MDA for any of the following reasons:

- (1) failure to comply with the applicable performance and certification and approval requirements as found in these Rules;
- (2) immoral or dishonorable conduct;
- (3) making false statements or representations to the ~~Board of Medical Examiners~~ North Carolina Medical Board or the Office of Emergency Medical Services or willfully concealing of material information in connection with an application for certification or approval.
- (4) being unable to perform as an ALS Professional, ~~Professional or~~ MICN or MDA with reasonable skill and safety to patients and the public by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality;
- (5) unprofessional conduct, including but not limited to a failure to comply with the rules relating to the proper function of an ALS Professional, ~~Professional or~~ MICN or MDA contained in this Subchapter or the performance of or attempt to perform a procedure which is detrimental to the health and safety of a patient or which is beyond the scope and responsibility of the ALS Professional, ~~Professional or~~ MICN or MDA;
- (6) conviction in any court of a crime involving moral turpitude, a conviction of a felony, or conviction of a crime involving the function of an ALS Professional, ~~Professional or~~ MICN or MDA;
- (7) by false representations obtaining or attempting to obtain money or anything of value from a patient;
- (8) adjudication of mental incompetence;
- (9) lack of professional competence to practice with a reasonable degree of skill and safety for patients including but not limited to a failure to perform a prescribed procedure, failure to perform a prescribed procedure competently or performance of a procedure which is not within the scope of official duties of the ALS Professional, ~~Professional or~~ MICN or MDA;
- (10) failure to respond within a reasonable period of time and in a reasonable manner to inquiries from the ~~Board of Medical Examiners~~ North Carolina Medical Board or the Office of Emergency Medical Services concerning any matter relating to the practice of an ALS Professional, ~~Professional or~~ MICN or MDA;
- (11) testing positive for substance abuse by blood, urine or breath testing while on duty as an ALS Professional, ~~Professional or~~ MICN or MDA; or

- (12) representing or allowing others to represent that the ALS Professional, Professional or MICN or MDA is a physician or otherwise has a certification or approval that the ALS Professional, Professional or MICN or MDA does not in fact have.

Authority G.S. 143-514.

.0602 PROCEDURES FOR DENIAL, SUSPENSION, OR REVOCATION

(a) The ~~Board of Medical Examiners~~ may deny, suspend or revoke the certification of an ALS professional or the approval of a MICN, MDA, sponsor hospital, EMD program or ALS program in accordance with Article 3A of Chapter 150B.

(b) Notwithstanding Paragraph (a) of this Rule, the ~~Board of Medical Examiners~~ North Carolina Medical Board may summarily suspend the certification of an ALS professional, the approval of a MICN, MDA, sponsor hospital, EMD program or ALS program as specified in G.S. 150B-3(c).

Authority G.S. 143-514.

SECTION .0700 - EXCEPTIONS

.0701 CONDITIONS

Upon application of interested citizens in North Carolina, the ~~Board of Medical Examiners~~ North Carolina Medical Board is authorized to and reserves the right to approve the furnishing and providing of ALS programs in North Carolina by persons who have been approved to provide these services by an agency of a state or federal jurisdiction adjoining North Carolina. This approval may be granted where the Board of Medical Examiners finds and concludes that the requirements enumerated in Rule .0201 of this Subchapter for ALS programs cannot be reasonably obtained by reason of lack of geographical access.

Authority G.S. 143-514.

.0702 REQUESTS

All requests for any exception of any Rule of this Subchapter must be submitted in writing to the Office of Emergency Medical Services for presentation to the ~~Board of Medical Examiners~~ North Carolina Medical Board.

Authority G.S. 143-514.

SECTION .0800 - FORMS

.0801 REQUIRED FORMS AND DOCUMENTS

(a) The following forms are required for certification or approval:

- (1) Certification Application Form;
- (2) ALS Personnel Verification Form;

(b) The following documents are required for educational and

evaluation programs and referenced in the Rules:

- (1) "North Carolina EMT-P Curriculum Outline";
- (2) "North Carolina EMT-AI Curriculum Outline";
- (3) "North Carolina EMT-I Curriculum Outline";
- (4) "North Carolina EMT-D Curriculum Outline";
- (5) "North Carolina MICN Curriculum Outline";
- (6) "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support Personnel";
- (7) "Guidelines for Reapproval of Mobile Intensive Care Nurses"; and
- (8) "Guidelines for the Selection and Performance of the Emergency Medical Services Nurse ~~Liaison~~ Liaison";
- (9) "Guidelines for Development and Operation of Emergency Medical Dispatch ~~Programs~~ Programs";
- (10) "North Carolina MDA Curriculum Outline"; and
- (11) "Guidelines for Reapproval of Medical Dispatch Assistants".

Authority G.S. 143-514.

SECTION .0900 - STUDY PROJECTS

.0901 CONDITIONS

(a) Persons proposing to undertake a study project shall have a project director who is a physician licensed to practice medicine in the State of North Carolina and shall submit a written proposal to the Office of Emergency Medical Services for presentation to the ~~Board of Medical Examiners~~ North Carolina Medical Board. The proposal must include the following:

- (1) a description of the purpose of the project, an explanation of the proposed project, the methodology to be used in implementing the project, and the geographical area to be covered by the proposed project;
- (2) a list of the ALS programs, ambulance providers, and hospitals participating in the project;
- (3) a signed statement of endorsement from the medical director of each participating ALS program, the chief executive officer of each participating hospital, and the director of each participating ambulance provider;
- (4) a description of the skills to be utilized by the ALS professionals if different from those specified in this Subchapter, the provisions for training and supervising the personnel who are to utilize these skills and the names of such personnel; and
- (5) the name and signature of the project director attesting to his approval of the proposal.

(b) The hospitals and ambulance providers participating in the project must be a part of an approved ALS program.

(c) The time period for the project shall not exceed three years.

Authority G.S. 143-514.

Box 10126, Raleigh, NC 27605.

.0902 STUDY PROJECT APPROVAL

(a) The ~~Board of Medical Examiners North Carolina Medical Board~~ may grant approval to any project which is found to comply with the conditions specified in this Section.

(b) Project approval shall be granted for a period of one year from the date of approval by the ~~Board of Medical Examiners North Carolina Medical Board~~. Approval for continuation beyond this period by the ~~Board of Medical Examiners North Carolina Medical Board~~ shall be based on the achievement of satisfactory progress as evidenced in written progress reports to be submitted to the Office of Emergency Medical Services at least 90 days prior to the end of the approved year.

(c) Approval of a project by the ~~Board of Medical Examiners North Carolina Medical Board~~ shall constitute approval of the personnel listed in the proposal to exercise the specified skills as participants in the project. The project director shall submit the names of additional personnel to the Office of Emergency Medical Services for approval by the ~~Board of Medical Examiners North Carolina Medical Board~~ prior to using additional personnel in the project.

(d) The ~~Board of Medical Examiners North Carolina Medical Board~~ may rescind approval of the study project at any time.

Authority G.S. 143-514.

CHAPTER 68 - CERTIFICATION BOARD FOR SUBSTANCE ABUSE PROFESSIONALS

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the North Carolina Substance Abuse Professionals Certification Board intends to adopt rules cited as 21 NCAC 68 .0101 - .0102, .0201 - .0213, .0401 - .0407, .0701 - .0709.

Proposed Effective Date: August 1, 1996.

A Public Hearing will be conducted at 10:00 am on March 19, 1996 at Nick's Cuisine, 2699 Ramada Road, Burlington, NC 27216 (See Maitre d' for room designation).

Reason for Proposed Action: The Board as certifying authority for Substance Abuse Professionals needs rules to inform the public concerning its purpose, organization, powers and duties. Furthermore it needs to make public its rules regarding all aspects of the certification process, standards of practice and discipline.

Comment Procedures: Any person may submit comments to the Board either orally or in writing at the Public Hearing. All other written comments must be received by the Board no later than the commencement of the Public Hearing. Written comments will be mailed to: Mr. Jim Scarborough, North Carolina Substance Abuse Professionals Certification Board, PO

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

SECTION .0100 - GENERAL

.0101 DEFINITIONS

(a) "Assessment" means identifying and evaluating an individual's strengths, weaknesses, problems and needs for the development of treatment plan for alcohol and drug abuse.

(b) "Board" means the North Carolina Substance Abuse Professional Certification Board.

(c) "Complainant" means a person who has files a complaint pursuant to these rules.

(d) "Consultation" means a meeting for discussion, decision-making and planning. The most common consultation is the regular in-house staffing in which client cases are reviewed with other members of the treatment team.

(e) "Crisis" means a decisive, crucial event in the course of treatment that threatens to compromise or destroy the rehabilitation effort. These crises may be directly related to alcohol or drug use as in the examples of overdose or relapse. Alternatively, these crises may be indirectly related to alcohol or drug use as in the examples of death of a significant other, suicidal gestures, a psychotic episode or outside pressure to terminate treatment.

(f) "Hearing Committee" means a committee comprised of three members of the Board of Directors appointed by the President to hear an appeal from the Ethics Committee.

(g) "President" means the President of the North Carolina Substance Abuse Professional Certification Board.

(h) "Recipient" means a person other than a client who receives substance abuse services.

(i) "Referral" means identifying the needs of a client that cannot be met by the counselor or agency and assisting the client to utilize the support systems and community resources available.

(j) "Reprimand" means a formal written warning.

(k) "Residential Facility Director Certification" means a certification designating a counselor with 50 hours of NCSAPCB approved academic and didactic management specific training, positive recommendations of a supervisor and co-worker and payment of any authorized fee.

(l) "Respondent" means a person who is certified by the North Carolina Substance Abuse Professional Certification Board against whom a complaint has been filed.

(m) "Substance Abuse Counseling Experience" means approved supervised experience that may be full-time or part-time, paid or voluntary, and direct or indirect but must include all of the 12 core functions as appropriately documented by a job description and supervisor's evaluation.

(n) "Supervised Practical Training" means supervision to teach the knowledge and skills related to professional substance abuse counseling.

(o) "Suspension" means a time-limited loss of certification or the privilege for making application for certification for up to

two years.

Authority G.S. 90-113.30; 90-113.33.

.0102 BOARD MAILING ADDRESS

Unless otherwise directed, all correspondence shall be mailed to the following address:

North Carolina Substance Abuse
Professionals Certification Board
P.O. Box 10126
Raleigh, NC 27605.

Authority G.S. 90-113.30; 90-113.33.

SECTION .0200 - CERTIFICATION

.0201 APPLICATION FOR REGISTRATION

(a) Applications, inquiries and forms shall be obtained from and returned to the Board.

(b) A letter requesting a registration package pursuant to Rule .0202 of this section and check or money order for a nonrefundable fee of twenty-five dollars (\$25.00) may be sent to the Board.

Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40.

.0202 REGISTRATION PROCESS FOR BOARD CERTIFICATION

(a) Individuals may register with the Board at the beginning of their entry into the field. This allows the Board to review the registrant's materials including education, training, experience and supervision contracts and provide the registrant with a clear understanding of his or her standing in the certification process.

(b) Although early registration is not required, it will provide better direction through the process. To register, the applicant must send the following to the Board:

- (1) Completed registration form provided by the Board;
- (2) Documentation of required high school graduation or completion of GED, as well as documentation of any baccalaureate or advanced degree the applicant may have completed;
- (3) A signed supervision contract documenting the proposed supervision process by an approved supervisor;
- (4) A signed form attesting to the applicant's commitment to adhere to the ethical standards of the Board; and
- (5) A check or money order in the amount of one hundred dollars (\$100.00) that is non-refundable and made payable to the Board.

(c) Once the materials are determined by the Board to be in order the applicant shall be granted registration status.

(d) If a registrant performs services as a counselor, in order for this experience to be considered toward certification at a later date, the registrant shall receive supervision from an

approved supervisor at a ratio of one hour of supervision for every ten hours of practice.

Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40.

.0203 CERTIFICATION AS SUBSTANCE ABUSE COUNSELOR INTERN

(a) An applicant may choose to by-pass early registration for entry level certification and seek certification as a Counselor Intern.

(b) To be certified as a Substance Abuse Counselor Intern, a counselor shall submit and successfully complete the following:

- (1) A registration form provided by the Board;
- (2) Documentation of high school graduation or completion of the GED, as well as any baccalaureate or advanced degree the applicant may have completed. A transcript shall serve as the necessary documentation where appropriate;
- (3) A signed form attesting to the applicant's commitment to abide by the ethical standards of the Board;
- (4) A signed supervision contract documenting the continuing supervision process by a Board approved supervisor.
- (5) Documentation verifying the successful completion of 300 hours of Supervised Practical Training.
- (6) Successful completion of the written examination.
- (7) Payment of a non-refundable, seventy-five dollar (\$75.00) written exam fee plus a one hundred dollar (\$100.00) registration fee if not already registered with the Board.

(c) Upon the failure of an applicant to achieve a passing score, the applicant may request a retest and pay a non-refundable retest fee after the period of three months.

(d) Once an individual has been certified as a Substance Abuse Counselor Intern, he or she may function as a counselor under the Board's supervision at a ratio of one hour of supervision for every 40 hours of practice.

Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.38; 90-113.39; 90-113.40; 90-113.41.

.0204 SUPERVISED PRACTICAL TRAINING FOR SUBSTANCE ABUSE COUNSELOR CERTIFICATION

(a) The process of supervision utilized to train the Substance Abuse Counselor must be provided by a Board approved supervisor and cover all twelve core functions of the Substance Abuse Counselor. Verification of at least ten hours of supervised practice must be made in each of the following core functions as follows:

- (1) Screening to determine a client is appropriate and eligible for admission to a particular program;
- (2) Intake to provide the administrative and initial assessment procedures for admission to a program;
- (3) Orientation of the client to the general nature and

goals of the program, rules governing client conduct, notice of the hours during which services are available, treatment costs to be borne by the client, if any, and client's rights;

- (4) An assessment to identify and evaluate an individual's strengths, weaknesses, problems and needs for the development of the treatment plan;
- (5) The treatment planning process whereby the counselor and client identify and rank problems needing resolution, establish agreed upon immediate and long term goals, and decide on a treatment process and the resources to be utilized;
- (6) Counseling to assist individuals, families or groups in achieving objectives through exploration of a problem and its ramifications, examination of attitudes and feelings, consideration of alternative solution, and decision making;
- (7) Case management activities which bring services, agencies, resources or people together within a planned framework of action toward the achievement of established goals;
- (8) Those crisis intervention services which respond to an alcohol or other drug abuser's needs during acute emotional and physical distress;
- (9) Provision of client education information to individuals and groups describing alcohol and other drug abuse and the available services and resources;
- (10) Referring the client whose needs cannot be met by the counselor or agency to other support systems and community resources available;
- (11) Charting the results of the assessment and treatment plan while writing reports, progress notes, discharge summaries and other client-related data necessary for the compilation of necessary reports and recordkeeping;
- (12) Consultation with substance abuse and other professionals to assure comprehensive, quality care for the client.

(b) These 120 hours of supervision must be divided into one hour of supervision for every ten hours of practice in each one of the twelve core functions. The remaining 180 hours of Supervised Practical Training must be in core function areas but may be distributed at the discretion of the supervisor.

(c) Upon completion of the 300 hours, the supervisor shall complete an evaluation form reviewing the Counselor Intern's professional development and provide it to the Board, documenting the 300 hours of practice, including 30 hours of supervision.

(d) This training may be completed as an academic course of study in a fully accredited college or university or it may be developed in the work setting as long as it is appropriately supervised. The Supervised Practical Training must take place within a program whose primary focus is the treatment of alcohol and drug abuse.

Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.34; 90-113.39; 90-113.40.

.0205 CERTIFIED SUBSTANCE ABUSE COUNSELOR CERTIFICATION

Requirements for certification as a Certified Substance Abuse Counselor are as follows:

- (1) At least 6000 hours of paid or volunteer supervised experience earned in not less than three years. If the work setting is not exclusively substance abuse focused, the applicant may accumulate experience proportional to the substance abuse services performed;
- (2) Board approved education and training of at least 270 clock hours as follows:
 - (a) Substance Abuse Specific (SAS) education and training in the amount of at least 190 hours;
 - (b) Up to 80 hours can be directed toward general professional skill building (GSB) to enhance counselor development;
 - (c) No more than 25% of the 270 hours (67.5 hours) may be inservice education received within the applicant's organization by staff of the same organization;
 - (d) All 270 clock hours needed for initial certification must be in the core competencies. Core competencies are listed as follows:
 - (i) Basic alcoholism, drug addiction and cross addiction knowledge;
 - (ii) Screening, intake, orientation and assessment;
 - (iii) Individual, group and family counseling and intervention techniques;
 - (iv) Case management, treatment planning, reporting and record keeping;
 - (v) Crisis intervention skills;
 - (vi) Prevention and education;
 - (vii) Consultation, referral and networking that utilizes community resources;
 - (viii) Ethics, legal issues, and confidentiality;
 - (ix) Special populations which mean individuals or groups with differing ethnic, cultural, sexual orientation, gender and perinatal issues as well as persons dealing with HIV and disabilities;
 - (x) Physiology and pharmacology of alcohol and other drugs that include the licit and illicit drugs, inhalants and nicotine;
 - (xi) Psychological, emotional, personality and developmental issues; and
 - (xii) Twelve steps, traditions and philosophies of recovery support groups;
 - (e) Of the 270 clock hours, all applicants for certification as a Substance Abuse Professional must document twelve hours of HIV or AIDS training and education and six hours professional ethics training and education;
- (3) A one hundred dollar (\$100.00) oral examination and case preparation fee plus a seventy-five (\$75.00)

written exam fee and a one hundred dollar (\$100.00), non-refundable registration fee, unless previously paid. The applicant may request a retest and pay a non-refundable retest fee of one hundred dollars (\$100.00) if a passing score is not achieved and at least three months have passed;

- (4) Successful completion of the ICRC/AODA written exam;
- (5) Successful completion of an oral examination and case presentation administered by the Board following review and approval by the Board of the requirements in this Rule;
- (6) Completed evaluation forms and contracts for supervision, these forms must be mailed directly to the Board by three references: a supervisor, co-worker, and colleague;
- (7) A signed form attesting to the applicant's adherence to the Ethical Standards of the Board;
- (8) Documentation of high school graduation, completion of GED, baccalaureate or advanced degree;
- (9) Completed registration forms;
- (10) Resume and job description which verifies job function for three year supervised experience.

Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.36; 90-113.39; 90-113.40.

.0206 CERTIFICATION PERIOD

Certification is for a period of two years after which recertification is necessary.

Authority G.S. 90-113.30; 90-113.37; 90-113.33.

.0207 CONTINUING EDUCATION REQUIRED FOR RECERTIFICATION

(a) Each certified professional other than the Residential Facility Directors must receive 60 hours of Board approved education during the current certification period which can be documented. A minimum of 30 hours must be substance abuse specific (SAS) and no more than 25 percent or 15 hours can be inservice education. This education may include a combination of hours including attending workshops, receiving clerical supervision and providing workshops.

(b) To be certified as a Residential Facility Director, an applicant must receive 40 hours of continuing education for this certification every two years, half of which must be in administration and no more than 25 percent or 10 hours of which may be inservice.

(c) Recertification educational guidelines as a Substance Abuse Professional require:

- (1) No more than 25 percent or 15 hours may be inservice education, received within your organization by staff of the same employment and no greater than 10 hours for a Residential Facility Director.
- (2) No more than 25 percent or 15 hours receiving supervision with two hours of supervision translating to one hour of education and no greater than 10

hours for a Residential Facility Director.

- (3) No more than 25 percent or 15 hours of workshop presentation with two hours of presentation translating to one hour of education and no greater than 10 hours for a Residential Facility Director. Workshop presentation must be a part of a pre-Board approved event.
- (4) No more than 25 percent or 15 hours of Alcohol/Drug Education Traffic School (ADETS) and Drug Education School (DES) events and no greater than 10 hours for a Residential Facility Director.
- (5) An applicant shall include documentation of each event submitted.
- (6) Beginning July 1, 1995, all applicants shall include six hours of HIV/AIDS training and education and three hours of professional ethics training and education.

(d) To be recertified, a certified professional must submit the following:

- (1) A completed application form with continuing education documented; and
- (2) A non-refundable seventy-five dollar (\$75.00) recertification fee.

Authority G.S. 90-113.30; 90-113.33; 90-113.37; 90-113.38.

.0208 RECIPROCITY

(a) If a counselor holds a certification in an ICRA/AODA member state as a certified Substance Abuse (to include alcohol and other drugs) Counselor, the Counselor may transfer this certification to or from North Carolina by applying a transfer fee as accessed by the ICRC/AODA.

(b) The reciprocal certification effective date shall remain the same as in the previous state.

(c) At the time when recertification is required, it will be the individual's responsibility to submit an application for recertification. For the period of the first recertification in North Carolina, this Board will accept the member's former State recertification requirements for the purpose of reciprocal recertification. At the end of this recertification period, it will be the individual's responsibility to conform to the recertification requirements of North Carolina in effect at the time of recertification.

Authority G. S. 90-113.30; 90-113.33; 90-113.37; 90-113.38.

.0209 CONVERSION

(a) Alcoholism and drug abuse counselors have the option to convert to substance abuse counselors as prescribed by ICRC/AODA or maintain their alcohol or drug abuse certification.

(b) A person with either of the single credentials is not eligible for reciprocity or the international certificate through the ICRC/AODA.

(c) The conversion fee is one hundred twenty-five dollars (\$125.00) and twenty-five dollars (\$25.00) of this fee is due when the application packet is requested.

Authority G.S. 90-113.30; 90-113.33.

.0210 PROCESS FOR PREVENTION CONSULTANT CERTIFICATION

(a) This certification is offered to those persons whose primary responsibilities are to provide prevention and education, alternative activities, community organization, networking, and referral. Prevention consultants may be either based in human service agencies or other appropriate settings.

(b) Requirements for certification are as follows:

- (1) Five years full-time experience in the field or two years if the applicant has a bachelor's degree or higher in a human services field;
- (2) 270 hours of board approved academic and didactic training divided in the following manner:
 - (a) 170 hours in the area of primary prevention and life skills training; and
 - (b) 100 hours in substance abuse specific material;
- (3) A minimum of 300 Board approved practicum hours documented by a qualified alcohol, drug or substance abuse professional;
- (4) Evaluations from a supervisor on this practicum as well as two evaluations from colleagues or co-workers;
- (5) Successful completion of a written examination;
- (6) Signed verification statements confirming that applicant will abide by high ethical standards as defined by the Board and that applicant has been free of addictive use of alcohol and other drugs for a minimum of two years;
- (7) A registration and testing fee of one hundred twenty-five dollars (\$125.00), twenty-four dollars (\$24.00) of which is due when the request is made for the application packet and the remainder at the time of filing.

Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.34; 90-113.40; 90-113.41.

.0211 PROCESS FOR CLINICAL SUPERVISOR CERTIFICATION

(a) Clinical Supervisor Certification shall be a voluntary certification. It is an aspect of staff development dealing with the clinical skills and competencies for persons providing counseling.

(b) Requirements for certification are:

- (1) Applicant shall obtain and maintain substance abuse counselor certification in order to be enjoy Clinical Supervisor Certification;
- (2) After June 30, 1998, all applicants shall be required to hold a master's degree or higher education;
- (3) 12,000 hours or six years experience in the field of alcohol and other drug abuse counseling or 8,000 hours or four years experience if the applicant has a master's degree or higher education. (After June 30, 1998, all applicants shall be required to hold a

master's degree or higher education);

- (4) Thirty hours of substance abuse clinical supervision specific education or training for initial certification and 15 hours of recertification (which will occur every two years). These hours shall be reflective of the twelve core functions in their clinical application and practice and may also be used as recertification hours for counselor certification;
- (5) Three letters of reference: one from a professional who can attest to supervisory competence and two from either counselors who have been supervised by the candidate or professionals who can attest to the applicant's competence;
- (6) Successful completion of a written examination;
- (7) Payment of all fees. A fee of twenty-five dollars (\$25.00) shall be submitted to the Board with a letter of intent in order to receive the application packet. A fee of one hundred fifty dollars (\$150.00) shall be submitted to the Board when the application packet is completed and mailed (fifty dollars (\$50.00) shall be the registration and processing fee and \$100.00 is the written test fee); and
- (8) A fee of seventy-five dollars (\$75.00) shall be required as a recertification fee.

Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.38; 90-113.40; 90-113.41.

.0212 PROCESS FOR RESIDENTIAL FACILITY DIRECTOR CERTIFICATION

(a) Residential facility director certification is a voluntary certification. It can be obtained and continued by any person who enjoys certification as a Certified Substance Abuse Counselor.

(b) Requirements for certification are as follows:

- (1) 50 hours of Board approved academic and didactic management specific training;
- (2) Recommendation of applicant's current supervisor;
- (3) Positive recommendation of a colleague and co-worker of the applicant; and
- (4) Registration and application fee of one hundred twenty-five dollars (\$125.00), twenty-five (\$25.00) of which is due when requesting application and the remainder is due upon filing.

(c) In addition to meeting the continuing education requirements provided to practice as a Certified Substance Abuse Counselor, in order to maintain uninterrupted certification as a Residential Facility Director, the applicant shall take 40 hours of continuing education every two years and maintain proper documentation of such training. Anyone allowing certification to lapse beyond three months of the recertification due date shall be required to reapply as a new applicant.

Authority G.S. 90-113.30; 90-113.33; 90-113.35; 90-113.38; 90-113.39; 90-113.40.

.0213 CONTINUING EDUCATION APPROVAL

POLICY

(a) The Board shall approve educational events for professional certification. One certified hour is defined as one contact hour of participation in an organized continuing education experience under responsible sponsorship, capable direction and qualified instruction. Continuing education used to meet the certification requirements shall be reviewed and approved by the Board. If the sponsor does not obtain credit from the Board, the individual participants will be responsible for supplying all of the required information for each session at the time of request for certification or recertification or conversion. The Training Committee shall review requests once monthly. Submission of approval requests should be postmarked 45 days prior to opening day of the event.

(b) Any applicant for CEU approval shall submit:

- (1) Title of course, date, location, individual or organization sponsor, whether it will be held only once or recurring.
 - (2) Presenter(s) who shall attach a resume outlining expertise in the subject area and content of the session.
 - (3) Brief but thorough description of contents of track, course, etc. and the type of credit hours being requested, to include substance abuse specific or general skill building.
 - (4) Agenda, to include the breakdown of time including a 15 minute break for every two hours of education and amount of time allowed for meals.
 - (5) Application for training approval shall include a copy of the objective evaluation tool to be used.
 - (6) A summary of evaluation that shall be submitted to the Board within 45 days following the program date(s).
 - (7) The Board reserves the right to randomly review programs by sending a Board member or designee to monitor the event or a portion of the event. When fulfilling this quality assurance role, the designated person shall present a letter of introduction to the presenter.
- (c) Certification hours may be awarded only for actual hours attended.
- (d) Certificates are not to be released until the event ends or they shall be modified to reflect the actual hours completed.
- (e) Providers of Board approved events are required to document attendance at individual events for schools, courses, curriculums and conferences.
- (f) Event sponsors shall maintain attendance and evaluation records for no less than three years.
- (g) Training approved by ICRC member boards shall be accepted with appropriate documentation of completion.
- (h) Employer Inservice events shall meet the same requirements as above. Inservice includes any event provided in the applicant's organization by a person under the same employment as the applicant (military employment is considered within the same department). (However, if 20% of the participants are non-employees of the

sponsoring and presenting agency, the standard fee schedule shall be in effect.) Education received within the organization by outside trainers is not considered inservice.

(I) Credit shall not be given for the following:

- (I) Banquet speakers unless the content meets the above requirements;
- (ii) Case presentation;
- (iii) Presenters attendance at their own presentations; or
- (iv) Registration time.

(j) The Board may revise or rescind credit hours if information is received documenting that a previously approved event was not presented as it was approved.

Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40.

SECTION .0400 - EDUCATION

.0401 EDUCATION APPROVAL POLICY

(a) The Certification Board shall approve educational events for professional certification or certification renewal. One certified hour is defined as one contact hour of participation in an organized education experience under sponsorship approved in accordance with these rules.

(b) The Certification Board shall review and approve all education used to meet the certification requirements.

(c) Approval may be requested by an individual applicant or by a sponsor or presenter. If the sponsor does not obtain credit from the Certification Board, the individual participants shall be responsible for supplying all of the required information for each session at the time of request for certification, recertification, or conversion. The Standards and Credentials Committee will review requests once monthly.

(d) To insure a determination of a request prior to the date of presentation, sponsors, presenters, or individuals shall submit requests 45 days prior to opening day of the event.

Authority G.S. 90-113.30; 90-113.37; 90-113.40.

.0402 GENERAL GUIDELINES

(a) The guidelines set forth in this section shall apply to each approval request for obtaining credit for didactic and academic hours for course, curricula, and training events held January 1, 1987 or thereafter.

(b) The following information and standards shall be required:

- (1) Title of course, date, location, sponsor (individual or organization), and whether it shall be held only once or periodically;
- (2) The name of the presenter(s) and a resume outlining his or her expertise in the subject area and content of the session;
- (3) A sufficient description of the contents of a track, course, or other unit of academic pursuit and the type of credit hours being requested to indicate if it is

substance abuse specific or general skill building;

- (4) An agenda reflecting the breakdown of time including a 15 minute break for every two hours of education and amount of time allowed for meals;
- (5) Each application for training approval shall include a copy of the objective evaluation tool to be used;
- (6) The summary of evaluations shall be submitted to the Board within 45 days following the program date(s);

(c) The Certification Board shall have the right to randomly review programs by sending a Certification Board member or designee to monitor the event or a portion of the event. When fulfilling this quality assurance role, the designated person shall present a letter of introduction to the presenter.

(d) Certification hours shall be awarded only for actual hours attended.

(e) Certificates shall not be released until the event ends and they shall be modified to reflect actual hours completed.

(f) Providers of NCSAPCB approved events shall be required to document attendance at individual events for schools, courses, curricula and conferences.

(g) Event sponsors shall maintain attendance and evaluation records for no less than three years.

(h) Training approved International Certification and Reciprocity Consortium (ICRC) member boards shall be accepted with documentation of completion.

Authority G.S. 90-113.30; 90-113.37; 90-113.40.

.0403 EMPLOYER INSERVICE EVENT

(a) An employer inservice event may be counted as an educational event for the purpose of professional certification if it meets the same requirements as other training events.

(b) This includes any event provided in the applicant's organization by a person under the same employment as the applicant.

(c) Military employment shall be considered within the same training category.

(d) If 20 percent of the participants are non-employees of the sponsoring or presenting agency, the standard fee schedule shall be in effect.

(e) Education received within the organization by outside trainers shall not be considered inservice.

Authority G.S. 90-113.30; 90-113.37; 90-113.40.

.0404 CREDIT DENIAL OR LIMITATION

(a) Credit shall not be given for the following:

- (1) Presentations given by banquet speakers unless the content meets the requirements described in this Section;
- (2) One's own case presentation required for certification; or
- (3) Registration time.

(b) The Board shall revise or rescind credit hours if information is received documenting that a previously approved event was not presented as it was approved.

Authority G.S. 90-113.30; 90-113.37; 90-113.40.

.0405 SPONSOR GUIDELINES

(a) Sponsors or presenters shall submit requests for approval prior to the event and shall allow the Certification Board 45 days for review and approval. Requests by sponsors or presenters postmarked after the event has taken place shall not be reviewed or approved by the Certification Board, but shall be returned. Documentation of the event attendance shall then be submitted by each individual at the time request is made for certification or recertification or conversion.

(b) All approvals from the Certification Board shall be in writing and shall include the event approval number.

(c) Sponsors shall be responsible for providing a certificate of attendance which includes the approval number and number of approved education hours.

(d) Any event given on a recurring basis, as in the example of college courses, may be given approval on a yearly basis. Renewal of credit approval shall be based on submission of a letter by the sponsor or presenter documenting no change in course content. Any changes in content or method shall be submitted for review and approval in order to maintain prior approval. When changes have been made in content, method or agenda, the fee shall be the same as for a new event.

(e) Fees for review and approval of events:

- (1) For 1-10 hours of instruction the Certification Board shall impose a fee of twenty-five dollars (\$25.00);
- (2) For 11-20 hours of instruction the Certification Board shall impose a fee of fifty dollars (\$50.00);
- (3) For 21-30 hours of instruction the Certification Board shall impose a fee of seventy-five dollars (\$75.00);
- (4) For 31-40 hours of instruction the Certification Board shall impose a fee of one hundred dollars (\$100.00);
- (5) For 41-50 hours of instruction the Certification Board shall impose a fee of one hundred twenty-five dollars (\$125.00);
- (6) For 51-100 hours of instruction the Certification Board shall impose a fee of one hundred fifty dollars (\$150.00).

(f) There shall be a renewal fee of fifteen dollars (\$15.00) per calendar year for a previously approved event when there have been no changes in the event.

Authority G.S. 90-113.30; 90-113.37; 90-113.38; 90-113.40.

.0406 PROCEDURES FOR APPROVAL OF SELF-STUDY COURSES

(a) Self-study courses may be submitted for approval for recertification hours only and shall be submitted by the vendor.

(b) A copy of all documents including test and documentation of completion shall be submitted with the application.

(c) At the end of the year for which the course is approved, a list of all North Carolina applicants enrolling for the training with completion outcome shall be submitted to the Certification Board.

(d) No more than 15 hours for recertification may be completed through self-study programs.

(e) Self-study courses may not be repeated for credit.

(f) A fee of one hundred fifty dollars (\$150.00) shall be submitted for each course. Approval is for one year from the date the Certification Board approves the application. A fee of twenty five dollars (\$25.00) shall be submitted for renewal.

Authority G.S. 90-113.30; 90-113.37; 90-113.38; 90-113.40.

.0407 APPLICANT GUIDELINES

(a) After January 1, 1985, to gain credit for an applicant's education for certification, recertification or conversion, the applicant shall provide the event approval number and proper documentation of attendance which includes:

- (1) Certificate of attendance;
- (2) Training cards or sheets signed by a sponsor or presenter; or
- (3) A letter documenting attendance by a fellow participant who then can document his or her own attendance.

(b) Documents not acceptable to establish that an applicant has received continuing education are as follows:

- (1) Canceled checks;
- (2) Receipts;
- (3) Letters from supervisors who were non-participants in the course; or
- (4) Program schedules.

(c) If the sponsor failed to obtain approval for an event, the applicant shall be responsible for supplying the required information for each session as stated in Rule .0402 of this Section.

(d) To gain credit for didactic or academic hours of continuing education events held prior to January 1, 1985, the following standards apply:

- (1) The Certification Board shall accept education previously approved by the former N.C. Alcoholism Certification Board and N.C. Drug Abuse Professional Certification Board.
- (2) Events held between January 1, 1980 and December 31, 1984 shall include all of the information required pursuant to Rule .0402 of this Section, except the resume of the presenter.
- (3) Events held prior to January 1, 1980 may be approved if a description of the material, method, number of hours and presenter's name is provided by the applicant.

(e) It is the responsibility of the individual applicant to put together a package of hours in accordance with criteria contained herein. Sixty hours of education shall be completed within the two years immediately prior to request for certification or recertification or conversion. There shall be no time frame on the remaining required hours for certification, to include conversion.

(f) Inservice events shall be identified as such.

(g) If a page of material is received from the applicant which does not comply with the above requirements, it shall be returned to the applicant.

(i) Request for approval shall be mailed to the Board.

Authority G.S. 90-113.30; 90-113.33; 90-113.37; 90-113.40.

SECTION .0700 - APPEALS PROCESS

.0701 HEARING BEFORE BOARD; TIME REQUIREMENT

(a) Upon denial or revocation of certification, the applicant may request a hearing before the Certification Board which will serve as the appeals hearing body.

(b) Requests for an appeals hearing shall be made in writing to the chairperson of the Board within 60 days upon receipt of the notification that certification has been denied or revoked.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

.0702 RIGHT TO HEARING

(a) When the Board proposes to deny, suspend or revoke a certificate of certification, or at any other time when it deems a hearing appropriate, it shall give notice to the person(s) affected of the right to an administrative hearing.

(b) The notice shall be mailed by certified mail to such person at his or her last known address.

(c) The person affected may assert his or her right to a hearing by mailing to the Board a request for an Administrative Hearing pursuant to Rule .0703(c) of this Section, except that attempts at informal resolution are not required and a hearing shall be granted to an applicant whose request is postmarked prior to the date on which the Board is scheduled to act or such other date as may be specified in the notice.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

.0703 REQUEST FOR HEARING

(a) Any applicant for certification or certified individual who believes his or her rights, duties or privileges have been affected by the Board's administrative action but who has not received notice of a right to an administrative hearing, may file a formal request for a hearing to determine certification or recertification.

(b) Before an individual may file a request, he or she shall first exhaust all reasonable efforts to resolve the issue informally with the Board.

(c) The chairperson of the Ethics Committee or his or her designee may meet with the person accused of an ethical violation, if the accused so chooses, prior to requesting additional information from the individual making the accusation.

(d) Subsequent to such informal action, if still dissatisfied, the person affected shall submit a written request to the Board in an envelope bearing the notation "REQUEST FOR ADMINISTRATIVE HEARING." That request shall contain the following information:

- (1) Name and address of the petitioner;
- (2) Concise statement of the action taken by the Board which is challenged;
- (3) Concise statement of the way in which the petitioner has been aggrieved; and
- (4) A clear and specific statement of request for a hearing.

(e) A request for a hearing shall be acknowledged promptly and, if deemed appropriate, a hearing shall be scheduled.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

.0704 HEARING REQUESTS

(a) The Board shall decide whether to grant a request for a hearing at its next regularly scheduled meeting following receipt of the request.

(b) A denial of a request for a hearing shall be issued promptly following a decision by the Board. Such denial shall contain a statement supporting Board denial of the request.

(c) Approval of a request for a hearing shall be signified by the issuing of a notice pursuant to Rule .0705 of this Section.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

.0705 NOTICE OF HEARING

Notices of administrative hearings of the Board shall include the following:

- (1) The name, position, address and telephone number of a member, employee, or agent of the Board to contact for further information or discussion;
- (2) A statement that failure to inform the office of the Board, within 10 days after notice is received of intent to appear at any hearing or prehearing conference scheduled in the hearing notice will be deemed a waiver of the right to a hearing;
- (3) Notice of the date and place of a prehearing conference, if any;
- (4) Notice of the date of the hearing; and
- (5) Any other information deemed relevant to informing the party or parties as to the procedure of the hearing.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

.0706 WHO SHALL HEAR CONTESTED CASES

All administrative hearings shall be heard by the Board. The chairperson or designee shall be responsible for the conduct of the hearing.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

.0707 PETITION FOR INTERVENTION

(a) Any person seeking to intervene in a contested case shall file a written petition with the Board. The envelope of such request shall bear the notation "PETITION TO INTERVENE IN THE CASE OF (NAME OF CASE)."

(b) The petition shall include the following information:

- (1) Name and address of petitioner;
- (2) Business or occupation of petitioner, where relevant;
- (3) Full identification of the hearing in which petitioner is seeking to intervene;
- (4) Statutory or non-statutory grounds for intervention or if none, so state;
- (5) Any claim or defense, in respect of which interven-

tion is sought; and

(6) Summary of the arguments or evidence petitioner seeks to present.

(c) The Board shall mail copies of the petition to the parties to the case, with the costs, at the rate of twenty-five cents (0.25) per page, chargeable to the petitioner.

(d) Upon the determination of the Board to allow intervention, notice of that decision shall be issued promptly to all parties as to the petitioner. In cases of discretionary intervention, such notification shall include a statement of any limitations of time, subject matter, evidence or whatever else is deemed necessary, which are imposed on the intervenor.

(e) Upon the Board's decision to deny intervention, the petitioner shall be notified promptly. Such notice shall be in writing, shall state all reasons for the decision and shall be issued to the petitioner and to all parties.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

.0708 TYPES OF INTERVENTION

(a) Intervention of Right. A petition to intervene of right, as provided in the North Carolina Rules of Civil Procedure, Rule 24, shall be granted if the petitioner meets the criteria of that rule and his or her petition is timely. If allowing the petition shall cause substantial prejudice to the right of the parties, substantial added expense or compellingly serious inconvenience to the parties or the office of the Board, the petition to intervene shall be deemed untimely.

(b) Permissive intervention. A petition to intervene permissively as provided in the North Carolina Rules of Civil Procedure, Rule 24, shall be granted if the petitioner meets the criteria of that rule and the Board determines that:

- (1) There is sufficient legal or factual similarity between the petitioner's claimed rights, privileges or duties and those of the parties to the hearing; and
- (2) Permitting intervention by the petitioner as a party will aid the purpose of the hearing.

(c) The Board may allow discretionary intervention, with whatever limits and restrictions it deems appropriate. Upon the filing of a timely petition, discretionary intervention will be deemed advisable if:

- (1) The information the petitioner desires to present is relevant and not repetitious or cumulative; and
- (2) The petitioner will lend added impact to the argument of the parties.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

.0709 DISQUALIFICATION OF BOARD MEMBER

(a) Self-disqualification of Board Member. If for any reason the Board member determines that the personal bias or other factors render him or her unable to conduct or participate in the hearing and perform all duties in an impartial manner, he or she shall submit, in writing, to the Board his or her disqualification and the reasons.

(b) Petition for Disqualification. If for any reason any party in a contested case believes that the Board member personally

is biased or otherwise unable to conduct or participate in the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The envelope of such affidavit shall bear the notation: "AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (NAME OF CASE)."

(c) Contents of Affidavit. The affidavit must state all facts the party deems relevant to the disqualification of the Board member.

(d) Timeliness of Affidavit. An affidavit of disqualification shall be considered timely if filed at least 10 days before commencement of the hearing. Any other affidavit shall be considered timely provided if it is filed at the first opportunity after the party becomes aware of the facts which give rise to a reasonable belief that the Board member may be disqualified pursuant to this Rule.

(e) Procedure for Determining Disqualification is as follows:

- (1) The chairperson of the Board may appoint a member of the Board to investigate the allegations of the affidavit and report his or her findings and recommendations to the Board.
- (2) The Board, with the advice of such assistants as it deems appropriate, shall decide whether to disqualify the challenged individual.
- (3) The person whose disqualification is to be determined will not participate in the decision but will have the right to furnish information to the Board.
- (4) A record of proceedings and the reasons for decisions reached shall be maintained as part of the contested case.

(f) Disqualification or withdrawal of a Board member because of personal bias or otherwise will not cause the hearing to be postponed unless a quorum is not available.

Authority G.S. 90-113.30; 90-113.39; 90-113.40.

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 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 1 - NORTH CAROLINA ACUPUNCTURE LICENSING BOARD

Rule-making Agency: *North Carolina Acupuncture Licensing Board*

Rule Citation: *21 NCAC 1 .0301*

Effective Date: *January 26, 1996*

Findings Reviewed by the Codifier of Rules: *Approved*

Statutory Authority for the rule-making: *G.S. 90-454*

Reason for Proposed Action: *To amend current rule to reflect change in Continuing Education.*

Comment Procedures: *All comments must be received at the Board by April 15, 1996. All comments must be mailed to NCALB, 1418 Aversboro Road, Garner, NC 27529.*

SECTION .0300 - CONTINUING EDUCATION

.0301 STANDARDS FOR CONTINUING EDUCATION

(a) Applicants for license renewal shall obtain 40 contact hours of continuing education ~~units (CEU)~~ every two years. One CEU is defined as one contact hour or 50 minutes.

~~(1) 30 hours of the CEU's must be taken in courses which have content relating to Acupuncture or Oriental Medicine. A continuing education unit or portions thereof which are devoted to administrative or business management aspects of Acupuncture practice shall not be approved for Continuing Education Units.~~

~~(2) 10 hours may be undertaken in any health service related area. These 10 hours are at the discretion of the practitioner.~~

(1) A minimum of 25 contact hours of education must be taken in courses which have content relating to the scope of "practice of Acupuncture" as defined by the G.S. 90-451(3).

(2) A maximum of 15 contact hours of education may be undertaken in any health service related area.

(3) Continuing Education course program or activities or portions thereof which are devoted to administrative or business management aspects of Acupuncture practice shall not be approved for Continuing Education Units.

~~(b) CEU hours are not retroactive nor cumulative. All credit hours must be earned within the biennium for which they are claimed.~~

~~(c) Except for the 10 hours in Subparagraph (a)(2) of this Rule, all CEU programs must be approved by the Board as follows:~~

~~(1) Applications for CEU program approval shall be submitted to the Board office at least 45 days prior to the date of presentation.~~

~~(2) Each CEU program application shall contain:~~

~~(A) a detailed program outline or syllabus;~~

~~(B) a current curriculum vitae of each speaker or lecturer;~~

~~(C) the procedure to be used for recording attendance; and~~

~~(D) a fee as established in Rule .0103 of this Chapter.~~

~~(3) The Executive Secretary of the Board shall notify the provider of the Board's decision on each application.~~

~~(4) Upon approval of a CEU, the Board shall assign an identification number to that program.~~

~~(d) If a CEU is not approved by the Board, the reasons for the rejection shall be stated by the Executive Secretary in a letter to the provider.~~

~~(e) The provider may identify an approved program as "approved by the North Carolina Acupuncture Licensing Board for purposes of Continuing Education Units" in any advertisement.~~

~~(f) One continuing education unit is defined as one contact hour or 50 minutes.~~

(b) Guidelines for acceptable programs are as follows:

- (1) A complete record of attendance must be maintained on file by the sponsor of the course, program or activity and these records shall be made available to the Board upon request.
- (2) All instructors must be competent to teach their designated courses by virtue of their education, training, and experience.
- (c) If a licensee has questions regarding approval of a particular course, program, or activity for continuing education credits, it is the responsibility of that licensee to write the Board for pre-approval. Such a request must be made in writing at least 60 days prior to the event and the Board shall be furnished with materials describing the course, program, or activity and the sponsor or provider of the event.
- (d) Continuing Education credits from all given course, program, or activity may only be used to satisfy the requirements of one biennium.
- (e) Each acupuncturist at the time of license renewal shall sign a statement under penalty of perjury that he/she has or has not complied with the continuing education requirements.
- (f) Each acupuncturist shall retain for a minimum of four years records of all continuing education programs attended, indicating the title of the course or program, the sponsoring organization or individual, the accrediting organization (if any), and the course hours in actual attendance.
- (g) The Board may choose to audit the records of any acupuncturist who has reported and sworn compliance with the continuing education requirement. No acupuncturist shall be subject to audit more than once every two years. Those acupuncturists selected for audit shall be required to document their compliance with the continuing education requirements of this article on a form provided by the Board.
- (h) Failure to comply with the continuing education requirements shall prohibit license renewal and result in the license reverting to inactive status at the end of the renewal period.
- (i) Upon request, a licensee may be placed on inactive status. The licensee must submit the request in writing to the Board and certify that he or she will not practice acupuncture in the State of North Carolina during the inactive period.
- (j) Continuing education is not required to maintain licensure in inactive status.
- (k) When an inactive licensee has requested in writing to the Board to return to active status and has renewed his or her license if it has lapsed: the licensee is responsible for the completion of 40 contact hours of education.
- (l) It shall constitute unprofessional conduct for an acupuncturist to misrepresent completion of required continuing education units: in the event of misrepresentation, disciplinary proceedings may be initiated by the Board.
- (m) A licensee of Acupuncture may apply to the Board for an extension of time to complete the portion of his/her continuing education requirements that he/she is unable to meet due to such causes as prolonged illness, family emergency, etc. The Board may, at its discretion, grant such an extension for a maximum of one licensing period. This request shall be received by the Board no later than 30 days prior to the license renewal date and contain the following and be signed under the penalties of perjury:
 - (1) An explanation of the licensee's failure to complete his/her continuing education requirements.
 - (2) A list of continuing education courses and hours that the licensee has completed.
 - (3) The licensee's plan for satisfying his/her continuing education requirements.

*History Note: Authority G.S. 90-454;
 Eff. July 1, 1995;
 Temporary Amendment Eff. January 26, 1996.*

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

Key:

<i>Citation</i>	=	<i>Title, Chapter, Subchapter and Rule(s)</i>
<i>AD</i>	=	<i>Adopt</i>
<i>AM</i>	=	<i>Amend</i>
<i>RP</i>	=	<i>Repeal</i>
<i>With Chgs</i>	=	<i>Final text differs from proposed text</i>
<i>Corr</i>	=	<i>Typographical errors or changes that requires no rulemaking</i>
<i>Eff. Date</i>	=	<i>Date rule becomes effective</i>
<i>Temp.</i>	=	<i>Rule was filed as a temporary rule</i>

NORTH CAROLINA ADMINISTRATIVE CODE

DECEMBER 95

TITLE	DEPARTMENT	TITLE	DEPARTMENT
10	Human Resources	21	Occupational Licensing Boards
13	Labor		17 - Dietetics/Nutrition
15A	Environment, Health, and Natural Resources		32 - Medical Examiners
17	Revenue		34 - Mortuary Science
18	Secretary of State		36 - Nursing
19A	Transportation		54 - Practicing Psychologists
21	Occupational Licensing Boards		63 - Social Work
	2 - Acupuncture	23	Community Colleges
	14 - Cosmetic Art Examiners	25	Personnel
		27	State Bar

Citation	AD	AM	RP	With Chgs	Corr	Temp	Effective Date
10 NCAC 3C .4506					✓		
.6225					✓		
3H .0221					✓		
.2111					✓		
10 NCAC 3H .3032 Recodified to 10 NCAC 3H .3033							01/10/96
.3032					✓		
3L .0901		✓		✓			02/01/96
.1004		✓		✓			02/01/96
.1102 - .1103		✓		✓			02/01/96
.1105 - .1106		✓		✓			02/01/96
.1108 - .1110		✓		✓			02/01/96

LIST OF RULES CODIFIED

Citation				AD	AM	RP	With Chgs	Corr	Temp	Effective Date
10	NCAC	3L	.1202		✓		✓			02/01/96
		3R	.3001		✓				✓	01/01/96
			.3010		✓				✓	01/01/96
			.3020		✓				✓	01/01/96
			.3030		✓				✓	01/01/96
			.3032		✓				✓	01/01/96
			.3040		✓				✓	01/01/96
			.3050		✓				✓	01/01/96
		3U	.0102		✓				✓	01/01/96
			.2701 - .2704	✓					✓	01/01/96
		18D	.0209		✓		✓			01/01/96
		18F	.0115 - .0117		✓					01/01/96
		19G	.0501 - .0502		✓		✓			01/01/96
			.0603		✓					01/01/96
			.0606	✓						01/01/96
			.0607	✓			✓			01/01/96
			.0608 - .0610	✓						01/01/96
			.0611	✓			✓			01/01/96
			.0612	✓						01/01/96
			.0803		✓					01/01/96
			.0806		✓					01/01/96
			.0817		✓					01/01/96
			.0823		✓					01/01/96
		26H	.0212 - .0213		✓		✓			01/01/96
		26I	.0101					✓		
		41F	.0706			✓			✓	01/01/96
			.0707	✓					✓	01/01/96
			.0812			✓			✓	01/01/96
			.0813	✓					✓	01/01/96
		42A	.0701 - .0703	✓					✓	01/01/96
		42B	.1209			✓			✓	01/01/96
			.1210 - .1211	✓					✓	01/01/96

LIST OF RULES CODIFIED

Citation				AD	AM	RP	With Chgs	Corr	Temp	Effective Date
10	NCAC	42B	.2402 - .2405	✓					✓	01/01/96
		42C	.2010			✓			✓	01/01/96
			.2011 - .2012	✓					✓	01/01/96
			.3701 - .3704	✓					✓	01/01/96
		42D	.1409			✓			✓	01/01/96
			.1410 - .1411	✓					✓	01/01/96
			.1827 - .1830	✓					✓	01/01/96
		42V	.0201		✓				✓	12/12/95
			.0802 - .0803		✓				✓	12/12/95
		50B	.0313		✓					01/01/96
13	NCAC	18	.0101	✓			✓			01/01/96
			.0102 - .0110	✓						01/01/96
15A	NCAC	2B	.0211					✓		
			.0214 - .0215		✓					01/01/96
			.0218					✓		
			.0224					✓		
			.0225		✓					01/01/96
			.0227 - .0228		✓					01/01/96
		2L	.0106		✓				✓	01/02/96
		2P	.0402		✓				✓	01/02/96
		3I	.0019	✓					✓	02/01/96
		3M	.0503					✓		
		7B	.0101		✓		✓			02/01/96
			.0201		✓		✓			02/01/96
15A	NCAC	7B	.0202							01/01/96
Recodified to										
15A	NCAC	7B	.0206							
			.0202	✓						01/01/96
15A	NCAC	7B	.0203							01/01/96
Recodified to										
15A	NCAC	7B	.0212							
			.0203	✓			✓			01/01/96
15A	NCAC	7B	.0204							01/01/96
Recodified to										
15A	NCAC	7B	.0213							

LIST OF RULES CODIFIED

Citation	AD	AM	RP	With Chgs	Corr	Temp	Effective Date
15A NCAC 7B .0204	✓			✓			02/01/96
.0205			✓				01/01/96
15A NCAC 7B .0206 Recodified to 15A NCAC 7B .0214							01/01/96
.0206		✓		✓			02/01/96
15A NCAC 7B .0207 Recodified to 15A NCAC 7B .0215							01/01/96
.0207	✓						02/01/96
.0208 - .0209			✓				01/01/96
15A NCAC 7B .0210 Recodified to 15A NCAC 7B .0216							01/01/96
.0210 - .0213	✓			✓			02/01/96
.0214		✓					01/01/96
.0215		✓		✓			02/01/96
.0216		✓					01/01/96
.0401 - .0402		✓		✓			02/01/96
.0403 - .0405		✓		✓			01/01/96
.0406		✓					01/01/96
.0501		✓					02/01/96
.0502		✓		✓			01/01/96
.0503 - .0504		✓					01/01/96
.0505		✓		✓			01/01/96
15A NCAC 7B .0506 Recodified to 15A NCAC 7B .0507							01/01/96
.0506	✓						01/01/96
.0507		✓					01/01/96
10H .0701			✓				01/01/96
.0703 - .0708			✓				01/01/96
13A .0006		✓					01/01/96
.0019	✓			✓			01/01/96
16A .1001		✓		✓			01/01/96
15A NCAC 16A .1002	✓			✓			01/01/96

LIST OF RULES CODIFIED

Citation				AD	AM	RP	With Chgs	Corr	Temp	Effective Date
.1003				✓						01/01/96
.1004 - .1005				✓			✓			01/01/96
18A	.1801 - .1805				✓		✓			01/01/96
.1806 - .1807					✓					01/01/96
.1808 - .1814					✓		✓			01/01/96
.1818					✓		✓			01/01/96
.2537								✓		
.2601 - .2602					✓		✓			01/01/96
.2618					✓					01/01/96
.2624					✓					01/01/96
.2632					✓					01/01/96
.2635					✓		✓			01/01/96
.2636						✓				01/01/96
20D	.0233				✓		✓			01/01/96
.0234					✓					01/01/96
.0236					✓					01/01/96
.0241 - .0243					✓					01/01/96
.0247					✓					01/01/96
.0248 - .0251					✓		✓			01/01/96
.0252					✓					01/01/96
21F	.1101				✓		✓			01/01/96
.1102					✓					01/01/96
.1103					✓		✓			01/01/96
.1105					✓		✓			01/01/96
24A	.0102				✓					01/01/96
.0202					✓		✓			01/01/96
.0203					✓					01/01/96
.0301					✓		✓			01/01/96
17	NCAC	1C	.0504		✓				✓	12/20/95
.0506					✓				✓	12/20/95
18	NCAC	9	.0101 - .0109	✓					✓	01/01/96
19A	NCAC	2D	.0415		✓					01/01/96

LIST OF RULES CODIFIED

Citation	AD	AM	RP	With Chgs	Corr	Temp	Effective Date
19A NCAC 3D .0803 - .0827 Transferred and Recodified to 19A NCAC 3E .0501 - .0525							01/03/96
21 NCAC 2 .0206					✓		
21 NCAC 14J .0502		✓					01/01/96
14L .0301 - .0302			✓				01/01/96
14N .0106			✓				01/01/96
.0107 - .0108		✓					01/01/96
.0112		✓					01/01/96
17 .0112		✓					01/01/96
.0116		✓					01/01/96
21 NCAC 32M .0004(b)(1)(2) Recodified to 21 NCAC 32M .0003(b)(1)							01/01/96
21 NCAC 32M .0005 Recodified to 21 NCAC 32M .0004							01/01/96
21 NCAC 32M .0006 Recodified to 21 NCAC 32M .0008							01/01/96
21 NCAC 32M .0007 Recodified to 21 NCAC 32M .0011							01/01/96
21 NCAC 32M .0008 Recodified to 21 NCAC 32M .0010							01/01/96
21 NCAC 32M .0010 Recodified to 21 NCAC 32M .0013							01/01/96
21 NCAC 32M .0011 Recodified to 21 NCAC 32M .0012							01/01/96
21 NCAC 32M .0012 Recodified to 21 NCAC 32M .0014							01/01/96
21 NCAC 32M .0002		✓		✓			01/01/96
.0003		✓		✓			01/01/96
.0004		✓		✓			01/01/96
.0005	✓			✓			01/01/96
21 NCAC 32M .0006	✓			✓			01/01/96

LIST OF RULES CODIFIED

Citation				AD	AM	RP	With Chgs	Corr	Temp	Effective Date
.0007				✓			✓			01/01/96
.0008					✓		✓			01/01/96
.0009					✓		✓			01/01/96
.0010					✓					01/01/96
.0011					✓		✓			01/01/96
.0012					✓		✓			01/01/96
.0013						✓				01/01/96
.0014						✓				01/01/96
34D	.0202				✓		✓			01/01/96
.0303					✓		✓			01/01/96
36	.0109				✓		✓			01/01/96
.0202 - .0203					✓		✓			01/01/96
.0209					✓		✓			01/01/96
.0211					✓		✓			01/01/96
.0216 - .0219					✓		✓			01/01/96
.0221					✓		✓			01/01/96
.0225					✓		✓			01/01/96
.0227				✓			✓			01/01/96
.0318					✓		✓			01/01/96
.0320					✓		✓			01/01/96
.0322					✓					01/01/96
.0405								✓		
54	.1701				✓		✓			01/01/96
.1707				✓			✓			01/01/96
.2704					✓		✓			01/01/96
.2705					✓					01/01/96
.2706					✓		✓			01/01/96
63	.0306				✓				✓	01/01/96
23	NCAC	2C	.0210		✓					01/01/96
.0301					✓		✓			01/01/96
2E .0403					✓					01/01/96
25	NCAC	1L	.0104					✓		

LIST OF RULES CODIFIED

Citation				AD	AM	RP	With Chgs	Corr	Temp	Effective Date
27	NCAC	1A	.0203		✓					12/07/95
		1D	.0903		✓					12/07/95

RULES REVIEW COMMISSION

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	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

RULES REVIEW COMMISSION

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

RULES REVIEW COMMISSION

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
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

ADMINISTRATION

Purchase and Contract

1 NCAC 5A .0002 - Scope	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5A .0012 - Definitions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0201 - Types of Specifications	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0207 - Copies of Specifications	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0307 - Error/Clarification	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0314 - Request for Proposals	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0401 - General Delegation	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0402 - Review by Board of Award and Secretary of Administration	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0502 - Reasons for Public Record	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0701 - Policy	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0802 - Procedure	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0902 - Selection	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0904 - Samples	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .0905 - Specifications	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1301 - Procedures	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1302 - Dollar Limitations	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
1 NCAC 5B .1402 - Documentation	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1505 - Funds from Different Sources	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1506 - Conditional Grants: Etc: in Public Purchasing	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1509 - Purchasing from or Through Agency Employees	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1513 - Cooperative Purchasing	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1516 - Advertising	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1518 - Board of Award	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1601 - Exemptions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1602 - Emergencies	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1603 - Special Delegations	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1701 - Authorization	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
1 NCAC 5B .1702 - No Competitive Bidding	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
1 NCAC 5B .1804 - Personal Property Inventory Plan	RRC Objection	01/18/96

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .1903 - Files</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5C .0201 - Transfer or Sale</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5C .0204 - Order of Priority in Disposition</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5C .0303 - Notification: Sale of Surplus Property</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Repealed Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5C .0304 - Notification: Award of Surplus Property</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Repealed Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5C .0508 - Agreement and Acknowledgement of Transfer</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Repealed Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5D .0203 - Requests for Authority to Contract with Consultants</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5D .0205 - Competitive Proposals</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5D .0206 - Negotiated Consultant Contracts</i>		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
<i>1 NCAC 5D .0208 - Format</i>		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
<i>1 NCAC 5D .0210 - Consultant Contracts Contrary to this Section</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Repealed Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>

COMMUNITY COLLEGES

Community Colleges

<i>23 NCAC 2C .0301 - Admission to Colleges</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/21/95</i>

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Adult Health

<i>15A NCAC 16A .1002 - Covered Medications</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>15A NCAC 16A .1005 - Application Process</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/21/95</i>

Coastal Management

<i>15A NCAC 7B .0101 - Purpose</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Rule Returned to Agency</i>		<i>01/16/96</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<i>Eff. 02/01/96</i>
<i>15A NCAC 7B .0201 - Contents of the Land Use Plan</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Rule Returned to Agency</i>		<i>01/16/96</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<i>Eff. 02/01/96</i>
<i>15A NCAC 7B .0204 - Goals and Objectives</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Rule Returned to Agency</i>		<i>01/16/96</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<i>Eff. 02/01/96</i>
<i>15A NCAC 7B .0206 - Data Collection and Analysis</i>	<i>RRC Objection</i>	<i>12/21/95</i>
<i>Rule Returned to Agency</i>		<i>01/16/96</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>		<i>Eff. 02/01/96</i>
<i>15A NCAC 7B .0207 - Present Conditions</i>	<i>RRC Objection</i>	<i>12/21/95</i>

<i>Rule Returned to Agency</i>		01/16/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	02/01/96
15A NCAC 7B .0210 - Constraints	RRC Objection	12/21/95
<i>Rule Returned to Agency</i>		01/16/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	02/01/96
15A NCAC 7B .0211 - Estimated Demands	RRC Objection	12/21/95
<i>Rule Returned to Agency</i>		01/16/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	02/01/96
15A NCAC 7B .0212 - Policy Statements	RRC Objection	12/21/95
<i>Rule Returned to Agency</i>		01/16/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	02/01/96
15A NCAC 7B .0213 - Land Classification	RRC Objection	12/21/95
<i>Rule Returned to Agency</i>		01/16/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	02/01/96
15A NCAC 7B .0215 - Public Participation	RRC Objection	12/21/95
<i>Rule Returned to Agency</i>		01/16/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	02/01/96
15A NCAC 7B .0401 - Land Use Plan Amendment	RRC Objection	12/21/95
<i>Rule Returned to Agency</i>		01/16/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	02/01/96
15A NCAC 7B .0402 - Public Hearing Required	RRC Objection	12/21/95
<i>Rule Returned to Agency</i>		01/16/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	02/01/96
15A NCAC 7B .0501 - Update Required	RRC Objection	12/21/95
<i>Rule Returned to Agency</i>		01/16/96
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	02/01/96
15A NCAC 7H .0208 - Use Standards	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	01/18/96
15A NCAC 7H .2205 - Specific Conditions	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	01/18/96
15A NCAC 7K .0103 - Maintenance and Repair	RRC Objection	01/18/96

Environmental Health

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

HUMAN RESOURCES

Services for the Blind

10 NCAC 19C Rules		
<i>Rules Withdrawn by Agency</i>		01/18/96
10 NCAC 19G .0501 - Benefits	RRC Objection	12/21/95
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	12/21/95
10 NCAC 19G .0502 - Economic Needs Policies	RRC Objection	12/21/95
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	12/21/95

Day Care Rules

10 NCAC 46D .0106 - Allocation	RRC Objection	01/18/96
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10 NCAC 46D .0107 - Reimbursement	RRC Objection	01/18/96
10 NCAC 46D .0202 - Review Criteria for Start-Up Funds	RRC Objection	01/18/96
10 NCAC 46E .0108 - Purchase of Care Requirements	RRC Objection	01/18/96
10 NCAC 46H .0104 - Eligibility Criteria	RRC Objection	01/18/96
Agency Revised Rule	Objection Cont'd	01/18/96
10 NCAC 46H .0105 - Support to Employment: Training for Employment	RRC Objection	01/18/96

Employment Programs

10 NCAC 39D .0304 - Alternative Work Experience	Extended Review	01/18/96
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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

<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4104 - Medical Director	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4203 - Nursing Staff	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4303 - Nursing Services Maternal Services	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4307 - Nursing Staff of Neonatal Services	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4401 - Organization	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4502 - Pharmacist	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4508 - Space		
<i>RRC Rescinded its July Approval</i>		10/18/95
<i>Rule Withdrawn by Agency</i>		10/18/95
10 NCAC 3C .4512 - Medications Dispensed	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Removed	10/18/95
10 NCAC 3C .4702 - Organization	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4703 - Sanitation and Safety	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Removed	10/18/95
10 NCAC 3C .4704 - Distribution of Food	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Removed	10/18/95
10 NCAC 3C .4705 - Nutritional Support	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4801 - Organization	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .4905 - Tissue Removal and Disposal	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Removed	10/18/95
10 NCAC 3C .5002 - Delivery of Care	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>	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 .5401 - Definitions	RRC Objection	01/18/96
10 NCAC 3C .5402 - Physician Req for Inpatient Rehabilitation Facilities or Units	RRC Objection	01/18/96
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 .5405 - Physician Services in a HIV Designated Unit	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
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 .5407 - Comprehensive Rehabilitation Personnel Administration	RRC Objection	01/18/96
10 NCAC 3C .5408 - Comprehensive Inpatient Rehabilitation Program Staffing Req.	RRC Objection	01/18/96
10 NCAC 3C .5409 - Staff Training for Inpatient Rehabilitation Facilities or Unit	RRC Objection	01/18/96
10 NCAC 3C .5412 - Additional Requirements for Traumatic Brain Injury Patients	RRC Objection	01/18/96

RULES REVIEW COMMISSION

10 NCAC 3C .5413 - Additional Requirements for Spinal Cord Injury Patients	RRC Objection	01/18/96
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.

<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
	<i>Obj. Removed</i>	<i>10/18/95</i>
<i>10 NCAC 3C .1901 - .1912, .1915 - .1932, .2001 - .2008, .2020 - .2033</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rules Returned to Agency</i>		<i>10/18/95</i>
<i>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.</i>		
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
	<i>Obj. Removed</i>	<i>10/18/95</i>
<i>10 NCAC 3L .0901 - Definitions</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1004 - Evaluation</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1102 - Nursing Services and Duties</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1103 - Physical Therapy Services</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1105 - Occupational Therapy Services</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1106 - Medical Social Work Services</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1108 - Infusion Nursing Services</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1109 - Clinical Respiratory Svcs, Including Pulmonary, or Ventilation Svcs</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1110 - Supvn/Competency/In-Home Aides/Other In-Home Care Providers</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1202 - Case Review and Plan of Care</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>12/21/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>02/01/96</i>
<i>10 NCAC 3L .1402 - Content of Record</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 3T .0202 - Application for and Issuance of a License</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>10 NCAC 3T .0601 - Acceptance of Patients for Hospice Services</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 3T .0605 - Home Care</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>10 NCAC 3T .0801 - Pharmaceutical and Medical Treatment Orders</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Objection Cont'd</i>	<i>01/18/96</i>
<i>10 NCAC 3T .0901 - Content of Medical Record</i>	<i>RRC Objection</i>	<i>01/18/96</i>

Medical Assistance

<i>10 NCAC 261 .0101 - Purpose and Scope</i>	<i>RRC Objection</i>	<i>10/18/95</i>
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<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>11/16/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>12/11/95</i>
10 NCAC 261 .0102 - Requests for Formal and Informal Appeals	RRC Objection	10/18/95
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>11/16/95</i>
10 NCAC 261 .0103 - Time Limits on Requests for Recipient/Applicant Informal Appeals	RRC Objection	10/18/95
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>11/16/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Eff.</i>	<i>12/11/95</i>
10 NCAC 261 .0106 - Payment Pending Appeals	RRC Objection	10/18/95
<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>11/16/95</i>
10 NCAC 261 .0107 - Dismissal of Appeal	RRC Objection	10/18/95
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/18/95</i>
10 NCAC 50D .0101 - Notice of Estate Recovery	Extended Review	01/18/96
10 NCAC 50D .0102 - Permanently Institutionalized	Extended Review	01/18/96
10 NCAC 50D .0103 - Age 55 and Over	Extended Review	01/18/96
10 NCAC 50D .0201 - Reconsideration Review	Extended Review	01/18/96
10 NCAC 50D .0301 - Permanently Institutionalized	Extended Review	01/18/96
10 NCAC 50D .0302 - Age 55 and Over	Extended Review	01/18/96
10 NCAC 50D .0401 - Filing Claim Against Estate	Extended Review	01/18/96
10 NCAC 50D .0402 - Collection of Claims	Extended Review	01/18/96
10 NCAC 50D .0501 - Recovery Not Cost Effective	Extended Review	01/18/96
10 NCAC 50D .0502 - Undue Hardship	Extended Review	01/18/96
10 NCAC 50D .0503 - Determination of Undue Hardship	Extended Review	01/18/96

Mental Health: General

10 NCAC 14C .1010 - Contract Requirements for Area Programs	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1013 - Recovery of Division Funds in Non-compliance Situations	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1015 - Fund Balance: Computation for Area Programs	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1133 - Funding Alcohol and Drug Education Traffic Schools	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1134 - Funds for Multidisciplinary Evaluations: Guardianship	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1136 - Funds for Assaultive Children	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1137 - Funding Drug Education Schools	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1148 - Thomas S. Community Services	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1150 - Governor's Substance Abuse Prevention Program	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1152 - Clozapine	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1153 - Communicable Disease Risk/Svcs to Intravenous (Iv) Drug Users	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1154 - Treatment Alternatives for Women	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1155 - Unit Cost Reimbursement (Ucr) Child and Adult	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1158 - Traumatic Brain Injury	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1159 - Revolving Loan	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14C .1160 - Domiciliary Care	RRC Objection	01/18/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>

10 NCAC 14D .0006 - Use of Division Funds for Inpatient Services	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0103 - General Definitions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0208 - Research Review Board	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0301 - Compliance with Building Codes	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0303 - Location and Exterior Requirements	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0402 - License Issuance	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0403 - Deemed Status	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0404 - Operations During Licensed Period	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0502 - Area Program/hospital Agreement	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0504 - Client Rights Committee	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0505 - Notification Procedures for Provision of Services	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0603 - Accreditation of the Area Program	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0604 - Denial or Revocation of Accreditation	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0605 - Interim Accreditation for New Services	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0707 - Special Requests	RRC Objection	01/18/96
10 NCAC 14V .0709 - Establishment of an Area Authority Appeals Panel	RRC Objection	01/18/96
10 NCAC 14V .0802 - Definitions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0803 - General Requirements for Infants and Toddlers	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0804 - Surrogate Parents	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0805 - Procedural Requirements	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .1403 - Operations	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .2304 - Operations	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .2306 - Client Eligibility and Admissions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .2403 - Operations	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .2404 - Physical Plant	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .3402 - Staff	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .3603 - Staff	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .3702 - Staff	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .3803 - Operations	RRC Objection	01/18/96
Agency Revised Rule	RRC Objection	01/18/96
10 NCAC 14V .3902 - Staff	RRC Objection	01/18/96

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14V .3903 - Operations	<i>RRC Objection</i>	<i>01/18/96</i>
10 NCAC 14V .4102 - Staff	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14V .5302 - Staff	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14V .5503 - Operations	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14V .5702 - Staff	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14V .5801 - Scope	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14V .5803 - Operations	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
10 NCAC 14V .6002 - Staff	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>

Vocational Rehabilitation Services

10 NCAC 20B Rules		
<i>Rules Withdrawn by Agency</i>		<i>01/18/96</i>

INSURANCE

Admission Requirements

11 NCAC 14 .0705 - Filing and Payment of Premium Taxes		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>

Agent Services Division

11 NCAC 6A .0201 - General Information		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0217 - North Carolina Notice of Cancellation		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0225 - Appointment of North Carolina Agent		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0226 - Termination of North Carolina Agent Appointment		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0235 - Corporate Surplus Lines Application		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0236 - Application for Corporate/partnership Insurance License		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0304 - Responsibility of Applicant at Examination Site		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0501 - Renewal/Agent Appts: Licenses/Limited Reps: Company Adjusters	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
11 NCAC 6A .0701 - General Requirements		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0702 - Prelicensing Education Schools		
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11 NCAC 6A .0703 - Program Directors		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0704 - Courses		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
11 NCAC 6A .0705 - Instructors		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>

Financial Evaluation Division

11 NCAC 11B .0141 - Use of Master Trust Increase Deposit Existing Companies Rule Withdrawn by Agency		01/18/96
11 NCAC 11B .0602 - Administration - All Self-insurers Rule Withdrawn by Agency		01/18/96
11 NCAC 11B .0617 - Group Assessments, Disclosure, Deviations, and Dividends Rule Withdrawn by Agency		01/18/96
11 NCAC 11C .0112 - Model Custodial Agreement Rule Withdrawn by Agency		01/18/96

Life and Health Division

11 NCAC 12 .0824 - Required Disclosure Provisions Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96
11 NCAC 12 .0839 - Medicare Select Policies and Certificates Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96
11 NCAC 12 .1707 - Solicitation Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96

Special Services Division

11 NCAC 13 .0317 - Ten-Day Notice Rule Withdrawn by Agency		01/18/96
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JUSTICE

Private Protective Services

12 NCAC 7D .0204 - Determination of Experience Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96
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LICENSING BOARDS AND COMMISSIONS

Board of Certified Public Accountant Examiners

21 NCAC 8F .0103 - Filing of Examination Applications and Fees Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96
21 NCAC 8G .0404 - Requirements for Cpe Credit Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96

Board of Dietetics/Nutrition

21 NCAC 17 .0201 - Definitions Agency Responded	RRC Objection Obj. Cont'd	12/21/95 01/18/96
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Board of Examiners of Electrical Contractors

21 NCAC 18B .0902 - Preferring Charges Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96
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Hearing Aid Dealers and Fitters Board

21 NCAC 22F .0020 - Continuing Education	Extended Review	01/18/96
21 NCAC 22I .0008 - Calibration Check for Audiometers	Extended Review	01/18/96
21 NCAC 22I .0009 - Approval of Calibrators	Extended Review	01/18/96

21 NCAC 22L .0001 - Committee on Investigations	Extended Review	01/18/96
21 NCAC 22L .0005 - Notice of Hearing	Extended Review	01/18/96
21 NCAC 22L .0006 - Who Shall Hear Contested Cases	Extended Review	01/18/96
21 NCAC 22L .0009 - Informal Procedures	Extended Review	01/18/96
21 NCAC 22L .0010 - Disqualification of Board Members	Extended Review	01/18/96
21 NCAC 22L .0011 - Failure to Appear	Extended Review	01/18/96
21 NCAC 22L .0013 - Subpoenas	Extended Review	01/18/96
21 NCAC 22L .0014 - Final Decision	Extended Review	01/18/96
21 NCAC 22L .0015 - Proposals for Decisions and Final Decision	Extended Review	01/18/96

Licensing Board of Landscape Architects

21 NCAC 26 .0307 - Continuing Education as a Condition of Annual Renewal	RRC Objection	01/18/96
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Board of Medical Examiners

21 NCAC 32N .0002 - Continuances	RRC Objection	08/10/95
Agency Responded - Agency Will Not Revise Rule	Obj. Cont'd	09/21/95
Rule Returned to Agency for Failure to Comply With Administrative Procedures Act	Obj. Cont'd	01/18/96

Board of Nursing

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

21 NCAC 40 .0314 - Apprenticeship and Internship Requirements: Registration	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96

Board of Physical Therapy Examiners

21 NCAC 48A .0001 - Name and Location	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
21 NCAC 48D .0010 - Administration of Examination	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96

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

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

Board of Professional Engineers and Land Surveyors

21 NCAC 56 .1301 - Improper Practice by a Registrant	<i>RRC Objection</i>	<i>01/18/96</i>
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Therapeutic Recreation Certification Board

21 NCAC 65 Rules		
<i>Rules Returned to Agency for Failure to Comply with OAH Filing Requirements</i>		<i>01/18/96</i>

Certification Board for Substance Abuse Professionals

21 NCAC 68 .0504 - Legal Standards and Moral Standards	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
21 NCAC 68 .0507 - Client Welfare	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>

REVENUE

Motor Fuels Tax Division

17 NCAC 9K .0201 - Exporter's License		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>

TRANSPORTATION

Division of Motor Vehicles

19A NCAC 3D .0553 - Photometer Compliance	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>

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.

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
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Fred Jackson, d/b/a Complete Cleaning Co. v. Dept. of Administration	95 DOA 0797	Gray	01/04/96	10:21 NCR 2783
<i>Division of Purchase and Contract</i>				
Senter-Sanders Tractor Corp. v. Admin., Div of Purchase & Contract	94 DOA 0803	Nesnow	03/06/95	
CMC Maintenance Co., a Div. of RDS Corp. v. Dept. of Administration, Div. of Purchase & Contract, et al.	95 DOA 0194	Phipps	06/13/95	
<i>State Construction Office</i>				
W. M. Piatt & Company v. State Construction Office, DOA	94 DOA 0738	Nesnow	04/11/95	10:03 NCR 221
Holland Group, Inc. v. Dept. of Administration, St. Construction Office	94 DOA 1565	Nesnow	06/01/95	10:07 NCR 619
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Ali Alsaras v. Alcoholic Beverage Control Commission	94 ABC 0526	Chess	05/16/95	
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Albert Stanley Tomanec v. Alcoholic Beverage Control Commission	94 ABC 1168	Becton	03/07/95	
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	
Clara and Carson Young v. Alcoholic Beverage Control Commission	94 ABC 1729	Chess	05/11/95	
Vladimir Walter Kozlik Jr. v. Alcoholic Beverage Control Commission	94 ABC 1754*12	Mann	08/02/95	10:11 NCR 960
Bryan Lynn Whitaker, Susan Ansley Whitaker v. ABC Commission	94 ABC 1784	Mann	04/19/95	
Diamond Club, Inc. v. Alcoholic Beverage Control Commission	94 ABC 1803	Mann	04/07/95	
Alcoholic Beverage Control Commission v. Weisner, Inc.	95 ABC 0068	West	06/07/95	
Robert Louis Reese v. Alcoholic Beverage Control Commission	95 ABC 0074	Chess	05/25/95	
Alcoholic Beverage Control Comm v. Thomas Henry Dodson	95 ABC 0095	Phipps	12/01/95	
Ray E. Bailey v. Alcoholic Beverage Control Commission	95 ABC 0210	Gray	05/01/95	
Legwin Z. Williams v. Alcoholic Beverage Control Commission	95 ABC 0224	Nesnow	05/31/95	10:06 NCR 417
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Kamal Fathi Abushawish v. Alcoholic Beverage Control Commission	95 ABC 0453	Becton	01/16/96	
Imran Ali Hameerah v. Alcoholic Beverage Control Commission and City of Raleigh	95 ABC 0477	Phipps	07/14/95	
Ali Mohamed Ahmed v. Alcoholic Beverage Control Commission	95 ABC 0487	Gray	10/03/95	
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Mac/Que Unlimited Inc. v. ABC Comm & City of Havelock-Local Govt.	95 ABC 0640	Becton	01/16/96	
Alcoholic Beverage Control Comm. v. Goldstar Food, Inc.	95 ABC 0678	Gray	10/30/95	
Collie Hawkins v. Alcoholic Beverage Control Commission	95 ABC 0696	Gray	10/06/95	
Alcoholic Bev Cont Comm. v. Partnership, T/A Royal Knights Soc Club	95 ABC 0711	Phipps	09/14/95	
Alcoholic Beverage Control Commission v. Lebby Rhew Allen	95 ABC 0712	Gray	10/04/95	
Alcoholic Beverage Control Comm. v. Nancy Wheeler Wolfe	95 ABC 0713	Phipps	09/14/95	
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Alcoholic Beverage Control Commission v. Entertainment Group, Inc.	95 ABC 0995	Phipps	01/31/96	10:22 NCR 2913

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
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Sticks and Stones Billiards & Cafe v. Alcoholic Beverage Control Comm.	95 ABC 0888	Chess	12/14/95	
Alcoholic Beverage Control Comm. v. The Playground, Inc.	95 ABC 0935	Phipps	12/19/95	
Alcoholic Beverage Control Comm. v. Judy Fields Salamone	95 ABC 0990	Morrison	12/29/05	
Alcoholic Beverage Control Comm. v. Ronald Shankle Hardman	95 ABC 1020	Reilly	12/19/95	
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Sandra H. Hughes v. Victims Compensation Commission	94 CPS 1600	Morrison	06/09/95	
Kristine S. Ray v. Crime Victims Compensation Commission	94 CPS 1673	Chess	04/20/95	
Shirley Moody Myers v. Crime Victims Compensation Commission	94 CPS 1674	Chess	04/20/95	
Thomasine Inman v. Crime Victims Compensation Commission	94 CPS 1731	Nesnow	03/09/95	
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Fay, Cynthia, S. Dalton v. Crime Victims Compensation Commission	95 CPS 0010*	West	05/30/95	
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Anthony Harold Stone v. Crime Victims Compensation Commission	95 CPS 0115	Chess	08/22/95	
Howard B. Peterson v. Crime Victims Compensation Commission	95 CPS 0163	Reilly	07/06/95	
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Browning-Ferris Ind. of S. Atlantic, Inc. and Sampson Cty. Disposal, Inc. v. Dept. of Environment, Health, and Natural Resources, and	95 EHR 0506	West	06/13/95	
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Duke Power Company				
Empire Power Co. and George Clark v. EHNR, Div. of Env. Mgmt. and	92 EHR 0053* ¹	Gray	04/03/95	
Duke Power Company				
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* Consolidated cases.

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Kenneth B. Whitmire v. Department of Human Resources	95 CSE 1372	Gray	01/05/96	
Dexter A. Owens v. Department of Human Resources	95 CSE 1378	Chess	12/14/95	
Terry L. Yoder v. Department of Human Resources	95 CSE 1379	Phipps	01/03/96	

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Gary Twiford Pinner v. Department of Human Resources	95 CSE 1386	Morrison	01/31/96	
Larry E. Harbaugh v. Department of Human Resources	95 CSE 1415	Gray	01/05/96	
Lee R. Jones v. Department of Human Resources	95 CSE 1434	Nesnow	01/05/96	
<i>Distribution Child Support</i>				
Lisa J. Hill v. DHR, Div. of Social Svcs., Child Support Enf. Section	95 DCS 0239	Phipps	05/02/95	
<i>Hoke County Social Services</i>				
Mr. and Mrs. William Jefferson v. Hoke Cty Soc Svcs, Linda Cromartie	95 DHR 0857	Gray	08/17/95	
<i>Rockingham County Department of Social Services</i>				
Crystein Fields v. Rockingham County DSS	95 DHR 0316	Reilly	06/01/95	
<i>Wake County Social Services</i>				
Grace A. Wright v. Wake County Social Services., Suzanne Woodell and Craig Glenn	94 DHR 1618	Chess	05/03/95	
<i>Division of Vocational Rehabilitation Service</i>				
Marcus Bryan Sloan, III v. Division of Vocational Rehabilitation Service	95 DHR 1000	Chess	11/15/95	
INSURANCE				
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	
Jean C. Millican v. Alarm Systems Licensing Board	95 DOJ 1351	Becton	01/30/96	
<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 Britu 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	
Troy Layne Millican v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 0452	Nesnow	01/19/96	
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	

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Elijah Nicholson v. Sheriff's Education & Training Standards Comm.	95 DOJ 0880	Becton	01/31/96	
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. Smithey 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. Ingles 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	
Lavell Bridges v. Private Protective Services Board	95 DOJ 1418	Becton	01/30/96	
Danielle Marie Metcalfe v. Private Protective Services Board	96 DOJ 0023	Morrison	01/26/96	
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	

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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	
<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	
Gregory Allen Jones v. Department of Correction, Supt. Bonnie Boyette	95 OSP 1290	Phipps	02/02/96	
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	

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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. Edgecome 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
<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	

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<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>Forsyth County Social Services Department</i>				
Vivica McIntyre v. Forsyth County Social Services Department	95 OSP 0425	Chess	01/24/96	
<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	
<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>Division of Vocational Rehabilitation Services</i>				
Annie D. Donaldson v. DHR, Division of Vocational Rehabilitation Svcs	95 OSP 0214* ²⁰	Nesnow	01/19/96	
Annie D. Donaldson v. DHR, Division of Vocational Rehabilitation Svcs	95 OSP 0475* ²⁰	Nesnow	01/19/96	
<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	

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<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 Public Instruction</i>				
Michael D. Thornton v. Department of Public Instruction & St Bd of Ed	95 OSP 0840	Morrison	01/22/96	10:22 NCR 2918
<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>				
Beth Ann Miller v. UNC Student Health	94 OSP 0800	Nesnow	05/25/95	
Roberta Jones v. University of North Carolina-Chapel Hill	94 OSP 1718	Chess	10/31/95	10:17 NCR 2276
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	
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	10:04 NCR 287
STATE TREASURER				
John W. Parris v. Bd. of Trustees//NC Local Gov. Emp. Retirement Sys.	91 DST 1093	Nesnow	05/04/95	
Channie S. Chapman v. Bd./Trustees//NC Local Gov. Emp. Ret Sys.	94 DST 0443	Morrison	05/15/95	
Bryan L. Baeden 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	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Tammy Evonne Ashcroft Brownv. Bd./Tr.//NC Local Gov. Emp. Ret Sys.	95 DST 0404	Phipps	07/27/95	10:10 NCR 872
Wilbert Bunch v. Teachers/St. Emp. Retirement Sys, Retirement Sys Div	95 DST 1066	Morrison	01/25/96	
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.

RECOMMENDED DECISION

10:22

4. In approximately 1989, before buying the Engelhard Hotel property, Petitioner called Respondent's telephone number at its regional office in Washington, North Carolina, 919-946-6481, and asked for someone to review the land for purposes of identifying any areas of environmental concern, including areas of wetland jurisdiction. A female individual named Allison Arnold, who apparently was employed by the U.S. Army Corps of Engineers but not employed by Respondent, came out and reviewed the Engelhard Hotel property with Petitioner.

5. Allison Arnold did not flag any areas of environmental concern on the property. Two years later, Petitioner purchased the property.

6. David Moye is a Field Representative for the Division of Coastal Management, a component division of Respondent. David Moye holds a B.S. Degree in Environmental Biology from East Carolina and had worked for Respondent for four years at the time of this hearing.

7. During December, 1992, David Moye made two site visits to Petitioner's property in Engelhard. The second visit occurred on December 14, 1992. He discovered that Petitioner had disk harrowed approximately 2,500 square feet of wetlands along the eastern side of the property. He found that Petitioner had placed sandy clay material over approximately 307 square feet of wetlands. David Moye also discovered that Petitioner had accomplished rowing and bedding and set out pine seedlings in 2.92 acres of wetlands on the property. The pine seedlings had not survived the wet conditions and had been replaced by various wetland species of vegetation and ponding water in the rows.

8. David Moye determined that Petitioner's actions with respect to the wetlands on his property constituted major development under G.S. 113A-103 (5)a of the Coastal Area Management Act and that he had violated the CAMA by not obtaining a permit prior to beginning the development. It was also determined by David Moye that Petitioner had violated provisions of the Dredge and Fill Law, including G.S. 113-229(a) because Petitioner did not obtain a permit before excavating and filling marshlands on his property.

9. On December 21, 1992, Petitioner was served with a Notice of Violation informing him that he had violated the CAMA by excavating and filling within coastal wetlands and had violated the Dredge and Fill Law by excavating and filling marshlands without a permit.

10. Petitioner signed a restoration agreement with Respondent which required him to remove the 307 square feet of fill material from the wetlands on which it had been placed and to restore the 2.92 rowed and bedded acres to its original contours and elevations. Petitioner carried out the restoration plan to the satisfaction of Respondent. He removed the 307 square feet of fill material and restored 75 percent of the rowed and bedded area. Approximately 25 percent of the area remained too wet to accomplish restoration.

11. In June, 1993, David Moye visited Petitioner's property to monitor the restoration. At the time of this visit, Petitioner had a small backhoe tractor straddling the existing eastern property line ditch. The ditch was heavily vegetated on both sides and was two to three feet wide. The ditch was observable on that date as a depression running along the eastern boundary of the property. It was not a water-filled ditch because it had mostly filled-in over the years.

12. Petitioner asked David Moye whether he could maintenance excavate the existing ditch. David Moye verbally gave Petitioner permission to maintenance excavate the ditch. David Moye and Petitioner disagree on the substance of those verbal authorizations. David Moye contends that he authorized excavation of the ditch beginning at a point just before the ditch reached Far Creek and continuing along the eastern boundary, following the depression, for approximately 200 feet. David Moye also contends that he told Petitioner that he could excavate only silt and soupy material in the ditch and not any clay. He contends that he instructed Petitioner to dig no deeper and no wider than the depth and width of the backhoe bucket, approximately two feet by two feet. David Moye further remembers that he issued instructions to Petitioner that any spoil material removed could not be placed onto any wetlands.

13. Petitioner's memory of the maintenance instructions and authorizations issued by David Moye on the site in June, 1993 differ substantially from the recollections of David Moye. None of these instructions, limitations, and authorizations were reduced to writing by David Moye.

14. When David Moye made his next visit to Petitioner's property on July 8, 1993, he found a larger tracked backhoe on the site with a larger bucket and found that Petitioner had excavated the ditch along its entire length from Far Creek to Roper Lane ditch, the eastern boundary of Petitioner's property. He contends that Petitioner dug the ditch deeper, longer, and wider than

authorized and that he placed the spoil material on top of adjacent wetlands. Petitioner contends that he followed David Moye's instructions exactly and excavated only the original ditch, which existed as a depression, from Far Creek to Roper Lane ditch to its original depth and width.

15. David Moye testified on rebuttal that the ditch was not an open-water ditch running along the entire eastern boundary of the property at the time of his visit in June, 1993 and that if it ever had been, that it had naturalized over time. David Moye based his opinion on the presence of some clay in the spoil and visible clay along the cut bank of the excavated ditch.

16. At the time of David Moye's visit to Petitioner's property in June, 1993, Petitioner's eastern boundary ditch served as the eastern property boundary, consistent with the description contained in a deed recorded at Deed Book Volume 120, page 608 of the Hyde County Registry. As of June, 1993, this ditch was not an open-water ditch but existed as a partially filled-in and partially naturalized depression running from Far Creek to Roper Lane ditch.

17. On July 14, 1993, Respondent served Petitioner with a Notice of Continuing Violation based upon David Moye's visit to the property on July 8, 1993. Respondent found Petitioner in violation of the CAMA and Dredge and Fill Law because of his excavation of the eastern boundary ditch. The Notice provides, in pertinent part:

... my onsite inspection revealed that you have continued to violate the CAMA and the State Dredge and Fill Law by undertaking ditch excavation and filling along your eastern property line which exceeds the minor maintenance of an existing section of ditch (+/-200') which we discussed. In addition, you have also excavated a new section of ditch +/- 180' long by +/-4' wide (+/- 720 ft. sq.) through Coastal Wetlands. Both the authorized and unauthorized excavation have resulted in the filling of +/-7,209 ft. sq. (+/-lang by +/-27' wide) of Coastal Wetlands, a designated Area of Environmental Concern. You have undertaken excavation and filling far beyond the scope of anything we discussed and in violation of the permit requirements of both the CAMA and the State Dredge and Fill Law.

18. Petitioner was requested by Respondent in the Notice of Continuing Violation of July 14, 1993 to restore the affected areas. Petitioner did so to the satisfaction of Respondent.

19. In a Civil Penalty Assessment document dated September 30, 1993, Respondent assessed a base civil penalty against Petitioner of \$350 for all development and all violations arising from his activities on the Engelhard Hotel property as premised by Respondent in its Notice of Violation to Petitioner dated July 12, 1993 and its Notice of Continuing Violation to Petitioner dated December 18, 1992. This base penalty of \$350 was doubled to \$700 on the grounds that the second violation was wilful and intentional under N.C. Admin. Code tit. 15A, r. 7J.0409(f)(E) because Petitioner previously had received a Notice of Violation for undertaking development, rowing, bedding, and placing fill material onto wetlands, without a permit in the Coastal Wetlands Area of Environmental Concern.

20. Respondent's rules prohibit development in coastal wetlands for nonwater-dependent uses such as drainage ditches. N.C. Admin. Code tit. 15A, r. 7H.0205(d) and r. 7H.0208(a)(1). Since Petitioner could not have gotten a major development permit, had he applied, Respondent calculated its civil penalty assessment by charging Petitioner the cost of the permit application (\$250) plus a \$100 fine. This calculation also was predicated on the fact that Petitioner satisfactorily completed restoration of the affected areas with no permanent, long term, or irreversible impacts on coastal resources.

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. As a matter of black letter law, Petitioner violated G.S. 113A-118 of the CAMA prior to December 14, 1992 by undertaking major development in the form of disk harrowing (excavating and filling) approximately 2,500 square feet of coastal wetlands; filling approximately 307 square feet of wetlands; and rowing and bedding (excavating and filling) approximately 2.92 acres of coastal wetlands, all without first obtaining a permit from Respondent. Factors in mitigation of this offense include Petitioner's good faith effort to abide by the law by soliciting a review by a government authority, which he did by calling Respondent's regional office and obtaining an on-site review by Allison Arnold, an employee of the Army Corps of Engineers. In addition, Petitioner, at his own expense, accomplished the restoration requested by Respondent to the satisfaction of Respondent leaving no long term, permanent, or irreversible harm to coastal resources. Although Respondent technically may levy a civil penalty against Petitioner for this activity, the equities involved and the positive outcome achieved heavily mitigate against such civil

penalty.

3. Petitioner's maintenance excavation of the ditch constituting his eastern property boundary does not constitute a violation of the CAMA or of the Dredge and Fill Law as contended by Respondent because Petitioner was acting under color of authorization by Respondent's Field Representative, David Moye. In this instance, again, Petitioner accomplished, at his own expense, restoration of the affected area to the satisfaction of Respondent with no long term, permanent, or irreversible harm to coastal resources.

With all the power of the State behind it in such a heavily regulated activity and with the likelihood of significant penalties for error or transgression by Petitioner, Respondent's reliance on what the evidence now shows was misunderstood or misconstrued verbal instructions is misplaced, the falacy of which should not be visited upon Petitioner alone. The divergent construction of such verbal instructions and authorizations by the regulated and the regulator is foreseeable. The evidence produced in this contested case hearing does not support the imposition of a civil penalty against Petitioner for violation of the CAMA and Dredge and Fill Law by undertaking major development in coastal wetlands without first obtaining the necessary permit.

4. Under the facts and law applicable to this contested case, Respondent has failed to carry the burden of proof by producing substantial evidence that Petitioner committed the alleged violation(s) of the CAMA and Dredge and Fill Law between June 23, 1993 and July 8, 1993 by maintenance excavation of his eastern property line ditch without first obtaining a permit.

5. Under the facts and law applicable to this contested case, Respondent has established by substantial evidence that it technically is entitled to levy a civil penalty against Petitioner for violation(s) of the CAMA and Dredge and Fill Law for activities engaged in by Petitioner prior to December 14, 1992 on his Engelhard Hotel property. There are however substantial equitable arguments arising from the evidence which mitigate for reversal of the levied civil penalty.

RECOMMENDED DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby recommended that Respondent reverse its earlier levy of a civil penalty of \$350, doubled to \$700 based on a finding of wilful and intentional, against Petitioner for alleged violations of the CAMA and Dredge and Fill Law occurring prior to December 14, 1992 and between June 23, 1993 and July 8, 1993 as being unsupported by the evidence or outweighed by the equities.

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).

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 North Carolina Department of Environment, Health, and Natural Resources.

This the 29th day of January, 1996.

Beecher R. Gray
Administrative Law Judge

V.

ENTERTAINMENT GROUP, INC., T/A RED DOGS
Respondent.

THIS MATTER came on to be heard before the undersigned administrative law judge on December 14, 1995 in Burgaw, North Carolina. The Petitioner was present and represented by Fred A. Gregory, Assistant Counsel to the North Carolina Alcoholic Beverage Control Commission. The Respondent was present and represented by William H. Potter, Jr., Attorney at Law.

1. Did the Respondent allow the licensed premises to be open to the general public by failing to limit the use of the private club to members and their guests on or about April 12, 1995 in violation of ABC Commission Rule 4 NCAC 2S.0107(a)?

2. Did the Respondent violate ABC Commission Rule 4 NCAC 2S.0232(b) when it offered free or reduced drinks for less than a full business day on or about April 12, 1995?

3. Does the ABC Commission have statutory authority to adopt Rule 4 NCAC 2S.0232(b)?

The burden of proof in this contested case is upon the Petitioner to show by the greater weight of the evidence that the Respondent violated the ABC laws and rules.

Based upon the evidence presented at the hearing, the undersigned makes the following:

1. The Office of Administrative Hearings has jurisdiction to hear this matter and the parties are properly before the court.

2. Entertainment Group, Inc. T/A Red Dogs ("Red Dogs") has an ABC permit to operate as a mixed beverage private club. It also has an on-premises beer permit and an on-premises unfortified wine permit.

3. On April 12, 1995 at approximately 9:00 p.m., Alcohol Law Enforcement Agent Kelton W. Brown entered Red Dogs. Upon entering, four people were at the entrance. One asked to see his driver's license and then stamped his hand. Another told him the fee was \$2.00 to get in and Agent Brown paid it. He was then told he needed to "sign in." He saw a notepad with "Members" written at the top on the left side and "Guests" written at the top on the right side. Agent Brown signed in under the "Members" column as "K.W. Brown." He then went in to the bar. Agent Brown is not a member of Red Dogs.

4. While Agent Brown was in Red Dogs, he observed that patrons were going to the bar and pouring beer without paying for it. Agent Brown went to the bar, asked the bartender for a cup which he was given, poured himself a drink, and went back to his seat without paying. He did this on two other occasions. At 10:15 p.m., someone announced through a sound system that someone had gone to the bathroom so the free beer was over. After that, patrons had to pay for beer. Red Dogs was having a "drink until you pee" promotion during which the patrons were given free beer until someone had to go to the restroom. Masking tape had been placed across the bathroom door.

5. Agent Brown left Red Dogs and went across the parking lot to cover agent Burnis Wilkins and explained to him what had occurred when he entered Red Dogs. Agent Wilkins then went into Red Dogs and advised the manager, Rick Porter, of the violations that had occurred. Mr. Porter told Agent Wilkins that the owner, Charles Maultsby, advised him to continue the "drink until you pee" contest despite earlier warnings. Red Dogs had already received a written warning for the same "happy hour" violation on March 31, 1995.

Based upon the foregoing findings of fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction over the parties and the subject matter.
2. A private club shall not be open to the general public but shall be limited to members of the private club and their guests. 4 NCAC 2S.0107(a). The Respondent violated this rule by allowing Agent Brown to enter the premises even though he was not a member of the club. This is also a violation of 4 NCAC 2S.0234(a)(1).
3. An on-premise permittee shall not give away a drink nor sell one at a lower price than the usual or established price charged for the drink for any period of time less than one full business day. 4 NCAC 2S.0232(b). The Respondent violated this rule by serving free beer to its patrons for less than the full business day.
4. However, the Alcoholic Beverage Control Commission exceeded its statutory authority by adopting 4 NCAC 2S.0232 regulating "happy hours" and the pricing of alcoholic beverages. G.S. 18B-207 provides the ABC Commission with the general authority to adopt rules "to carry out the provisions of this Chapter." The legislature has not directed the ABC Commission to regulate "happy hours" or the pricing of alcoholic beverages in a private club. Compare G.S. 18B-203(a)(3) where the ABC Commission is given the specific authority to set the prices of alcoholic beverages sold in local ABC stores.

Although in G.S. 18B-203(b), the ABC Commission does have implied powers which may be incidental to, or convenient for, performing the duties given to the Commission, the law does not provide for the regulation of "happy hours" or the pricing of alcoholic beverages in private clubs as one of those duties. G.S. 150B-19 provides that an agency may not adopt a rule that implements a law unless that law or another law specifically authorizes the agency to do so. Therefore, the ABC Commission has exceeded its statutory authority in violation of G.S. 150B-23(a)(1) by adopting and applying 4 NCAC 2S.0232.

Based upon the foregoing findings of fact and conclusions of law, the undersigned makes the following:

RECOMMENDED DECISION

The Respondent should be fined for the violation of 4 NCAC 2S.0107(b) in an amount to be determined by the ABC Commission. The Respondent should not be penalized for the violation of 4 NCAC 2S.0232(b) because the ABC Commission did not have statutory authority to regulate "happy hours" or the price of alcoholic beverages sold in private clubs. The Petitioner should ask the General Assembly to amend G.S. 18B-203(a) to provide the ABC Commission with the authority to regulate "happy hours" or the pricing of alcoholic beverages in private clubs should it so choose.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, PO Drawer 27447, Raleigh, NC 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).

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 North Carolina Alcoholic Beverage Control

Commission.

This the 31st day of January, 1996.

Meg Scott Phipps
Administrative Law Judge

STATE OF NORTH CAROLINA
COUNTY OF SWAIN

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
95 CSE 0388

BENJAMIN F. GROENEWOLD,
Petitioner,

v.

N.C. DEPARTMENT OF HUMAN RESOURCES
DIVISION OF SOCIAL SERVICES CHILD
SUPPORT ENFORCEMENT SECTION
Respondent.

RECOMMENDED DECISION
ENTRY OF SUMMARY
JUDGMENT FOR RESPONDENT

A Petition for a contested case hearing was filed in the North Carolina Office of Administrative Hearings on April 7, 1995. The Petitioner alleged that during the period when arrears accrued, he was under the impression that if visitation rights were being denied he did not have to make child support payments. A Notice of Contested Case and Assignment and an Order for Prehearing Statements were filed on April 28, 1995. The Respondent filed Respondent's Motion for Summary Judgment on May 26, 1995. The Petitioner filed Petitioner's Motion for Summary Judgment and Response to Respondent's Motion for Summary Judgment on July 3, 1995. The Respondent file Respondent's Response to Petitioner's Motion for Summary Judgment on August 30, 1995. On September 15, 1995 the Petitioner filed Petitioner's Reply Brief.

ISSUE

Should summary judgment be entered in favor of the Respondent?

DISCUSSION

The Petitioner argues that the Respondent cannot intercept his state tax refund to collect past due support for children who are no longer minors.

The Court of Appeals in Griffith v. Griffith, 38 N.C. App. 25, 247 S.E.2d 30, disc. review denied, 296 N.C. 106, 249 S.E.2d 804 (1978) found that even though the emancipation of a child ends a parent's support obligation, "the court nevertheless continues to have authority to compel a parent to provide that support due before emancipation." Griffith further states, "[t]he fact that a child becomes eighteen years of age does not prevent the parent having custody from having the past due payments which accrued while the child was a minor reduced to judgment." Therefore, the age argument is irrelevant in this matter.

The Petitioner further argues that the arrears are over ten years old and that the Statute of Limitations renders the arrears uncollectible.

As set out in N.C. Gen. Stat. § 1-47, the Statute of Limitations bars an action not brought within ten years of a judgment or decree. N.C. Gen. Stat. § 1-2 defines "action" as "an ordinary proceeding in a court of justice." The question then is whether an administrative agency is a "court of justice" for the purposes of the statute of limitation. The North Carolina Supreme Court addressed this issue in Ocean Hill Joint Venture v. N.C. Dept. of E.H.N.R., 333 N.C. 318, 426 S.E.2d 274 (1993) when it wrote, "the grant of limited judicial authority to an administrative agency does not transform the agency into a court for purposes of the statute of limitations." Therefore, since all matters before the Office of Administrative Hearings are administrative, the statute of limitations does not apply and this argument is without merit.

Petitioner also argues that per N.C. Gen. Stat. §105A-2(1)(d), Respondent can intercept State income tax refunds only as enabled by federal law, and federal law does not provide for interception of State tax refunds where support is owed on behalf of a non-minor child. This argument is also without merit; while support is currently owed on children who are no longer minors, all of the support (and arrears) owed by Petitioner accrued prior to the children reaching the age of majority. Support owed prior to a child reaching the age of majority is overdue support as defined by 45 CFR § 303.102(a).

The Notice of Intent to Intercept Tax Refund and Statement of Account alleged that the Petitioner owed \$6,865.00 in Non-

AFDC as of July 1, 1994. A Consent Judgment was entered on February 18, 1978 in Swain County, North Carolina ordering the Petitioner to pay \$50.00 per week beginning February 18, 1978. A Consent Order was entered May 14, 1982 ordering the Petitioner to pay \$60.00 per month current support and \$20.00 per month towards an arrearage of \$10,145.00. Petitioner's youngest child reached the age of eighteen on June 6, 1990. The total amount of current support and arrears which was due as of July 1, 1994 is \$16,025.00.

Based on the certified records filed with the Motion, the Petitioner paid a total of \$9,000.00 from April 1982 through June 1994, plus his 1988 taxes were intercepted in the amount of \$459.20.

Therefore, the Petitioner owed \$6,565.80 (the amount due minus the amount paid) as of July 1, 1994. This amount represents the balance of support and arrears owed prior to each child's eighteenth birthday.

SUMMARY JUDGMENT

IT IS THEREFORE, recommended that summary judgment under Rule 56, Rules of Civil Procedure (applicable to contested cases under 26 NCAC 03 .0101(1)), be entered in favor of Respondent because there is no genuine issue as to any material fact and, as a matter of law, the Respondent is entitled to intercept and offset Petitioner's income tax refund in any amount \$6,565.80, the amount established by the Clerk of Court's records.

MEMORANDUM

To argue that the State cannot enforce support orders for support owed prior to a child reaching the age of majority but scheduled to be paid after a child reaches the age of majority brings into question district courts giving non-custodial parents favorable payment schedules for their arrears. It is noted that in this case, the arrears, at the date of the May 14, 1982 Order, would not be retired for over forty-two years.

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 150B-36(b).

NOTICE

The final decision in this contested case shall be made by the Department of Human Resources. Each party has the right to file exceptions to the recommended decision and to present written arguments on the decision to the Department.

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision upon each party personally or by certified mail and to furnish a copy to each attorney of record and the Office of Administrative Hearings.

This the 19th day of January, 1996.

Thomas R. West
Administrative Law Judge

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
95 OSP 0840

COUNTY OF WAKE

MICHAEL D. THORNTON,
Petitioner,

v.

NORTH CAROLINA DEPARTMENT OF PUBLIC
INSTRUCTION AND STATE BOARD OF
EDUCATION,
Respondent.

RECOMMENDED DECISION

This matter was heard before Fred G. Morrison Jr., Senior Administrative Law Judge, Office of Administrative Hearings, on October 30 and 31, 1995, in Raleigh, North Carolina. Petitioner initiated this case on July 25, 1995, when he filed a petition with the Office of Administrative Hearings complaining that "Respondent has without just cause and discriminatorily transferred, demoted and denied him from the position of Director, Office of Personnel Management." Following the hearing, the parties filed proposed decisions.

APPEARANCES

For Petitioner: Marvin Schiller
UCB Plaza, Suite 220
3605 Glenwood Avenue
Raleigh, N.C. 27612

For Respondents: Edwin M. Speas, Jr.
Senior Deputy Attorney General

Barbara A. Shaw
Assistant Attorney General
N. C. Department of Justice
P. O. Box 629
Raleigh, N.C. 27602

ISSUE

Did the State Board of Education and the North Carolina Department of Public Instruction act erroneously or unlawfully discriminate against Petitioner on the basis of his handicap when Petitioner was not selected for the position of Director, Office of Personnel Relations, in the course of implementing a reorganization and downsizing of the Department of Public Instruction mandated by the General Assembly?

STATUTES & RULES INVOLVED

N.C. Gen. Stat. § 126-5(c)(3)
N.C. Gen. Stat., Chapter 115C
House Bill 7 (1995 N.C. Sess. Laws ch. 72)
Senate Bill 16 (1995 N.C. Sess. Laws ch. 6)
House Bill 229 (1995 N.C. Sess. Laws ch. 324, sec. 17.5, sec. 28.5)
25 NCAC 1D .0504

OPINION OF THE ADMINISTRATIVE LAW JUDGE

Based on competent evidence admitted at the hearing, the stipulations of the parties, matters about which this agency might take judicial notice, the pleadings and discovery conducted by the parties, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On March 9, 1995, the General Assembly enacted Chapter 6 of the 1995 Session Laws which directed the State Board to develop a plan for reducing, eliminating and/or reorganizing the Department of Public Instruction, and which required that the plan have as a goal a decrease of at least 50% in the number of employee positions assigned to DPI and a decrease of at least 50% in DPI's budget by January 1, 1996. This legislation further directed the State Board to present a preliminary plan to the General Assembly for reducing, reorganizing or eliminating DPI by March 31, 1995, and a final plan by May 1, 1995.
2. Knowing that bills had been introduced in the General Assembly which provided that the State Board would be obligated to reorganize and reduce DPI, the State Board began preparation of a plan in January of 1995.
3. The State Board received consultation and assistance from Curtis Clark, Deputy State Controller, who had previously managed the Government Performance Audit Commission Report in 1992. The State Board also received assistance and advice from the State Budget Office in planning for the downsizing and reorganization of DPI.
4. The State Board held weekly public meetings from January through March or early April of 1995 to plan for the downsizing and reorganization.
5. The State Board received and considered substantial oral and written input from local superintendents of public school systems, professional education organizations and associations, the staff and management of DPI, and various other interested citizens in planning for the downsizing and reorganization of DPI.
6. On May 1, 1995, the State Board presented a plan to the General Assembly for reorganizing DPI and reducing its size and budget by approximately 50%. The plan was titled "The New ABC's of Public Education: Accountability, Curriculum Basics, Local Control and Flexibility, Reorganization Study, Department of Public Instruction." On June 26, 1995, the General Assembly enacted Section 17.5, Chapter 324 of the 1995 Session Laws which directed the State Board to implement its plan, "Notwithstanding G.S. 143-23 or any other provision of law. . . ."
7. Anticipating the enactment of Section 17.5 of Chapter 324, the State Board, on May 31, 1995, adopted a plan for selecting the members of DPI's staff of approximately 722 employees who would fill the approximately 485 positions in the newly reorganized and downsized DPI. An official copy of the plan, titled "State Board of Education Plan for Implementing a Reduction in the Size of the Department of Public Instruction," was filed with the Director of the Office of State Personnel on June 2, 1995.
8. On June 27, 1995, the State Board amended its "Plan for Implementing a Reduction in the Size of the Department of Public Instruction."
9. On July 6, 1995, the amended plan was filed with the Director of the Office of State Personnel.
10. The State Board carried out a lengthy, systematic, and thorough study in planning for the reorganization and downsizing of DPI.
11. In accordance with its plan for reorganization and reduction, the State Board, in consultation with the State Superintendent, first appointed three Associate Superintendents to head the three principal areas in the reorganized DPI.
12. The State Board's reduction plan stated that the three Associate Superintendents would immediately begin work with the State Superintendent to identify persons to recommend to the State Board for appointment to serve as directors of the 14 divisions.
13. The State Board's reduction plan further provided that the director positions would be advertised to all DPI employees, employees would have ten calendar days to apply for a position by submitting a written application to the State Superintendent, the applications would be reviewed by the Associate Superintendents to determine the candidates they would recommend, the Associate Superintendents would present their recommendations to the State Superintendent, the State Superintendent in consultation with the Associate Superintendents would determine the candidates who should be recommended to the State Board, the State Superintendent would recommend the person to fill these positions, and the State Board would decide who to appoint to fill these positions.
14. The State Board's reduction plan further stated that immediately upon appointment the division directors would begin work with the Associate Superintendents and State Superintendent to identify persons to recommend to the State Board for appointment to all other positions in the reorganized DPI.

15. On May 31, 1995, James O. Barber was appointed by the State Board to be the Associate Superintendent of Financial and Personnel Services. In that position, his job responsibilities include supervising approximately 199 employees in the personnel and financial areas and auxiliary areas such as transportation, public school insurance, school planning, child nutrition and internal operations. In addition, he supervises the public school budget and the human resource area for public school administrators and teachers.

16. Barber graduated from Colgate University in 1968, Phi Beta Kappa, with a major in Economics. He served four years in the Navy, including a year in Vietnam. He received a Masters Degree in Business Administration from Harvard University in 1974. He was then employed for two years with an international economic development consulting company. He served for seven years as a planning coordinator in the Governor's Budget Office in Georgia. In 1983, he began working for the North Carolina State Board of Education and has been employed with the State Board or DPI since 1983. Immediately prior to his appointment as Associate Superintendent, Barber was employed as the Assistant Superintendent for Financial and Personnel Services.

17. Mr. Barber's position is an exempt policy-making position.

18. At its meeting of May 31 and June 1, the State Board directed Barber to begin the selection process for the directors under his supervision.

19. One of these division directors was the Director, Office of Personnel Relations. This director position was incorporated in the organization chart which was approved by the General Assembly as part of the State Board's reorganization plan.

20. All division director positions, including the position at issue in this contested case, were exempt policy-making positions.

21. The position of Director of the Office of Personnel Relations was advertised to all DPI employees on June 9, 1995.

22. The advertisement stated, in pertinent part, that the "primary duties of the Personnel Director position includes managing the full range of personnel services provided to agency management and staff." The State Board was seeking a senior manager, not a technician.

23. Barber made several employees in DPI aware of the job advertisement, including Clarence Willie, two white males, and one white female. He did not mention the posting to Petitioner because he assumed Petitioner would apply for the job.

24. Five persons, including Petitioner and Clarence Willie, applied for the position.

25. Mr. Barber reviewed the applications submitted by the five applicants.

26. Barber also requested that the applicants submit written responses to a set of questions he prepared, which were the questions he would have asked in an oral interview.

27. Barber did not conduct oral interviews with the applicants, because it was his judgment that having the applicants respond in writing would allow for more coherent responses.

28. Barber asked Linda Suggs, an employee of DPI who did not apply for the position of Personnel Director, to complete written responses to the written questions he posed to the applicants. He asked Suggs to do this because she had significant personnel experience. Barber used the written responses provided to him by Linda Suggs as guidance in deciding who to recommend for the position of Personnel Director.

29. Barber read the written responses submitted by the applicants several times before making a recommendation to the State Superintendent.

30. Prior to the application process, Barber had personal knowledge of and experience with the candidates. He knew their performance capabilities.

31. Barber had known Petitioner since 1987 and Clarence Willie for one year while they were employed at DPI.

32. Willie had been employed for one year in one of the sections under Barber's supervision prior to the reorganization. Barber was familiar with Willie's resume prior to making his recommendation to the State Superintendent.

33. At the time Barber made his recommendation, he knew Petitioner had a visual impairment.

34. At the time Barber made his recommendation, he believed that Petitioner had been effective as a technical administrator of personnel policies.

35. Barber testified that he was looking for qualifications that were much broader than the specific knowledge of the technical aspects of personnel administration.

36. Barber requested input from Reeves McGlohon, Assistant Superintendent for Personnel with the Gaston County School system, concerning the role of the Personnel Director in the wake of the reorganization. Barber asked McGlohon because McGlohon had previously been in charge of personnel at DPI. Barber received and considered McGlohon's input concerning the role of the Personnel Director in the context of a major reorganization.

37. In making his recommendation Barber first considered the purpose and role of the position in the reorganized and downsized DPI. Based upon the substance of the reorganization plan, his discussion with Dr. Robinson, written input from McGlohon and his own knowledge, he determined the purpose and role was to provide new leadership at the senior management level. The responsibilities of the new position were more important and broader than Petitioner's past responsibilities, because previously the Chief Consultant over Personnel or Personnel Director had not been a part of senior management.

38. Barber then considered the applications, written responses of the candidates and his own knowledge to determine which candidate would best fulfill the new purpose and role of the position as measured by the criterion adopted by the State Board for filling each position in the reorganized Department: "training, skills, experience, past performance, potential performance, attributes related to the duties of the position, and length of service."

39. Barber recommended Willie because of his extensive experience in management and leadership roles both in the military and as a professional administrator and educator in the public schools, his demonstrated success in recruitment both in the military and in the "Troops to Teachers" program, his insight into the importance of employee relations and morale in an agency, his potential to lead the office of Personnel Relations and his educational background.

40. Barber thought that Willie's experience in the public schools and particularly in the recruiting area in the "Troops to Teachers" program would make him an excellent person to help attract and retain high quality professional educators. Barber believed that DPI had a problem in recent years with retaining talented professional educators.

41. Barber's motivation in recommending Willie (and not Petitioner) was also based on his personal experience with the personnel section which was that it had sometimes failed to promote the general well-being of the employees, was simply an administrative office processing personnel actions, and he did not perceive that it had an effective role in promoting employee morale.

42. Barber testified that prior to the reorganization of DPI, there were problems with employee morale, problems with confidential personnel information maintained by the personnel section being leaked inappropriately, and problems with coordination of information from the personnel area to the budget area. He took these problems into account in choosing which applicant to recommend.

43. Barber's testimony concerning problems with coordination of information from the personnel section to the budget section was corroborated by Patricia LaBarbera who supervised the budget area. She had also conferred with Petitioner about errors in entry rates.

44. Barber's testimony concerning the Board's desire to end perceived "political favoritism" as a basis for personnel actions was corroborated by Dr. Robinson, Chairman of the State Board. He testified that on or about June 1, 1995, he told Associate Superintendent Barber that in regard to the reorganization, the State Board was concerned about the personnel area. Specifically, he told Barber he thought there was a perception that favoritism was the basis for employment with DPI rather than qualifications; and that in the future, qualifications and not connections were to be determinative in hiring. Full responsibility was delegated to the three Associate Superintendents.

45. Barber went through a deliberative process in seeking input from a number of persons concerning the importance of the personnel role in the context of a reorganization, in seeking input from Linda Suggs, in weighing the answers of the candidates to written questions, and in relying on his personal experience and knowledge of the candidates and how the personnel function had been handled in the past.

Willie's Background and Qualifications

46. Clarence Willie served 22 years in the United States Marine Corps. He retired from the military on July 1, 1991, as a Lieutenant Colonel. He last served as Assistant Chief of Staff for Telecommunications and Information Systems of the Marine Corps Air Station at Cherry Point.
47. During his military career, he was a commanding officer of various units. At different times, he had from thirty to four hundred persons working for him. As commanding officer, he was responsible for the work activities and the individual welfare of those in his unit, including pay matters and family benefits. He also served as a recruitment officer, during which time he exceeded his quota for recruitment, and his office was rated second best in the nation.
48. After retiring from the military, Willie pursued his career in educational leadership. As a principal, Willie supervised approximately 30 to 40 employees. He was responsible for hiring, evaluating, and disciplining the educators and staff working at the school as well as approving their leave and answering questions about leave and other benefits.
49. Although Willie has never been a personnel director or personnel technician in state government, he had significant and substantial experience in personnel and human resource management during his career in the military and as a public school principal.
50. Willie has an undergraduate degree from Fayetteville State University, a Masters of Education Degree from Boston University with a concentration in counseling and human services, and an Educational Specialist Degree from East Carolina University (ECU). He is currently enrolled in a doctoral program in educational leadership at ECU.
51. Willie began working for DPI during June of 1994 as an Education Consultant, pay grade 75, with a salary of \$48,000.00.
52. He served for one year as an Education Consultant prior to being selected as Personnel Director. As an Education Consultant, he wrote a grant to secure funding for the "Troops to Teachers" program. He managed the program and placed 60 former military personnel into teaching positions throughout North Carolina.
53. Willie is qualified to lead and manage the Office of Personnel Relations and appreciates having Petitioner as a member of his team.
54. Willie has replaced Ray Goodman as Petitioner's superior.
55. Willie was competent and credible in his testimony and projected an excellent demeanor.
56. Willie is African-American.

Petitioner's Background and Qualifications

57. Petitioner has an undergraduate degree from Wake Forest University in Political Science and a Masters Degree from the University of North Carolina at Greensboro in Public Administration with a concentration in personnel relations.
58. Petitioner has 17 years of continuous experience in state government, all in personnel work.
59. From 1978 to 1982, Petitioner worked in personnel with the Department of Labor. His responsibilities included recruitment, advertising position vacancies, classification, position management, salary administration, and equal employment opportunity matters. From 1982 until 1984, he worked as a Personnel Analyst I with the Department of Human Resources. His responsibilities included classification and position management and serving as the assistant personnel director. From July 1984 until July 1987, he worked as a Personnel Analyst II with the Office of State Personnel. His responsibilities included classification and position management for sixteen universities and all state agencies in the area of computing and data processing.
60. Petitioner began employment with DPI on July 8, 1987, as a Personnel Analyst III.
61. Petitioner testified that in May 1993, he became Personnel Director for DPI. He was selected for the position by Ray Goodman and met with him daily except Mondays.

62. During the entire time that Petitioner was Director or Chief Consultant, Personnel Management Section, his supervisor was Ray Goodman, Director of the Division of Internal Operations at DPI.
63. Goodman's signature was required before anyone could be hired at DPI, during the time that Petitioner was head of the Personnel Section.
64. Goodman was intimately involved with the personnel area, and all major to moderate changes in policy had to be approved by him before being implemented.
65. Petitioner's position of Director or Chief Consultant, Personnel Management Section, was not an exempt policy-making position, and he has never served in an exempt position.
66. During the time period that Petitioner served as Director or Chief Consultant, Personnel Management Section, the policy-making upper level management of DPI was known as the Senior Cabinet. The Senior Cabinet was composed of four Assistant Superintendents, the Deputy Superintendent, the Superintendent and three Division Directors.
67. Petitioner was never a member of the Senior Cabinet at DPI.
68. Ray Goodman served on the Senior Cabinet during the time period that he supervised Petitioner. Goodman is no longer employed at DPI.
69. Petitioner has extensive experience and expertise in the state personnel field and during his career with the State of North Carolina has always received performance evaluations of either "Very Good" or "Exceeds Expectations" and "Outstanding" which are the highest levels of performance which can be achieved by a state employee.
70. Petitioner is knowledgeable about the details and the practical working operation of the State Personnel Manual, and the statutes and regulations of the State of North Carolina which are applicable to the personnel field.
71. Petitioner is legally blind and is a handicapped person within the meaning of N.C. Gen. Stat. § 126-16 and 126-36 as defined by N.C. Gen. Stat. § 168A-3.

Superintendent's Role and State Board Approval

72. Barber recommended Clarence Willie to the State Superintendent for the position of Director, Office of Personnel Relations.
73. Barber and two other Associate Superintendents made recommendations to the State Superintendent as to who should be appointed to the other 13 director positions.
74. The State Superintendent raised a concern with one of the recommendations, other than the Director of Personnel Relations, and this recommendation was changed due to the State Superintendent's objection to this candidate. This change was made prior to the recommendation for the director positions being presented to the State Board by the State Superintendent.
75. The State Superintendent did not raise any objection to the recommendation of Clarence Willie by James Barber.
76. In a June 27 meeting with the State Board members and the three Associate Superintendents, the State Superintendent presented the names of the recommended candidates for the 14 director positions, including Clarence Willie, to the State Board. Petitioner testified that he did not believe that the State Superintendent discriminated against him on the basis of his handicap. He further testified that he has never heard any of Respondents' officials make any comment, joke, or slur concerning his handicap.
77. The Associate Superintendents had reviewed every individual they recommended, including their backgrounds, qualifications and reasons for hiring them. Barber told the State Board of Willie's strong background in management and leadership.
78. The State Board approved the recommendation of Clarence Willie and appointed him to be Personnel Director in the reorganized department.
79. Jim Barber, the State Superintendent, and the State Board properly followed the Board's plan in their decision-making process which resulted in the selection of Clarence Willie.

80. After Petitioner was notified that he was not selected as Personnel Director, he applied for and was employed in another position as Personnel Analyst III. Barber recommended Petitioner for this job and the State Board approved the appointment.

81. Petitioner's current salary is \$50,918.00 for essentially the same duties he previously performed. He has suffered no loss of pay as a result of the Board's reorganization, but his pay grade has been reduced from 78 to 74. The Board's plan provides that "positions may be modified from time to time as conditions warrant."

82. Petitioner's handicap did not affect his ability to testify in a competent and credible manner at the hearing. There was no evidence that he has been unable to capably perform his duties due to his visual handicap.

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

CONCLUSIONS OF LAW

1. Michael D. Thornton, Petitioner, was a career State employee with Respondent at the time of his application for the position of Personnel Director. Because Petitioner has alleged illegal discrimination because of his handicap as the basis for not being appointed, the Office of Administrative Hearings has jurisdiction to hear the matter and submit a recommendation to the State Personnel Commission which shall make the final decision in this case. N.C. Gen. Stat. §§ 126-16, 126-36, 126-37, 126-39, and 150B-23 *et seq.*

2. Where discrimination is an issue, Petitioner bears the ultimate burden of proof and must establish a *prima facie* case of discrimination by proving sufficient facts in order to raise an inference of discrimination. In his effort to establish a *prima facie* case of discrimination, Petitioner proved that he was a member of a protected class when he sought the position; that he was denied appointment to a position for which he was qualified; that the person selected for the position had fewer years of State service; and that Petitioner had more years of experience in personnel and at DPI than the successful applicant. Thus, Petitioner has established a *prima facie* case of illegal discrimination on the basis of his handicap.

3. Respondent, on the other hand, has given legitimate, non-discriminatory reasons for its decision to appoint Clarence Willie rather than the Petitioner. Jim Barber's given reasons were that Clarence Willie would best provide the leadership and management skills necessary at a senior policy-making level for the reorganized Department of Public Instruction.

4. Respondent, having given legitimate, non-discriminatory reasons for its decision, the burden is upon Petitioner to prove that such reasons were merely a pretext for illegal discrimination. In this respect, Petitioner has not convinced me that Jim Barber's reasons were fabricated or that his reasons were not worthy of credence. Barber had been at DPI for twelve years when this decision was made. He knew the performance capabilities of Willie and Petitioner. Personnel was one of the areas under his authority and he chose the person deemed best suited for the position. It is not unusual that Barber, a Navy veteran, would want a retired Marine Corps Colonel under his command.

5. Petitioner was not the victim of intentional discrimination on the basis of his handicap. This conclusion is based upon my hearing the testimony, observing the witnesses, listening to the arguments of counsel, reading the transcript, considering the parties' proposed findings and applicable case law, as well as prior decisions of the State Personnel Commission.

6. No just cause or sufficient reason was given for retaining Petitioner at the same salary while reducing his pay grade from 78 to 74. Petitioner's experience can be invaluable to Barber and Willie during the continuing reorganization. An increase to pay grade 78 would be in accord with Barber's desire to bolster employee morale. Conditions warrant this modification.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Administrative Law Judge makes the following:

RECOMMENDED DECISION

It is recommended that the State Board's decision to appoint Clarence Willie be left undisturbed, but that Petitioner's pay grade be increased from 74 to 78.

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 N.C. Gen. Stat. § 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).

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 State Personnel Commission.

This the 22nd day of January, 1996.

Fred G. Morrison Jr.
Senior 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
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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
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15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
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18	Secretary of State	Marital and Family Therapy	31
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20	Treasurer	Midwifery Joint Committee	33
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22	Administrative Procedures	Nursing Home Administrators	37
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27	NC State Bar	Pastoral Counselors, Fee-Based Practicing	45
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Note: Title 21 contains the chapters of the various occupational licensing boards.

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.0301	10:22 NCR 2860				01/26/96	Temporary Amendment
.0401 - .0402	10:02 NCR 150	07/01/95			08/01/95	
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.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			02/01/96	
.0409	10:16 NCR 2033	02/01/96			02/01/96	

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08I .0004	10:16 NCR 2033	02/01/96			02/01/96	
08J .0001	10:16 NCR 2033	02/01/96			02/01/96	
.0005	10:04 NCR 255	08/01/95			08/01/95	
.0006	10:16 NCR 2033	02/01/96			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
.0102 - .0103	10:16 NCR 2033	02/01/96			02/01/96	
.0104	10:04 NCR 255	08/01/95			08/01/95	
.0206 - .0207	10:16 NCR 2033	02/01/96			02/01/96	
.0304	10:16 NCR 2033	02/01/96			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			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			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				
.0402 - .0404	10:16 NCR 1675	06/01/96				
.0511 - .0513	10:16 NCR 1675	06/01/96				
.0516	10:16 NCR 1675	06/01/96				
.0519	10:16 NCR 1675	06/01/96				
.0525	10:16 NCR 1675	06/01/96				
.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				
.0409 - .0411	10:16 NCR 1675	06/01/96				
.0502	10:16 NCR 1675	06/01/96				
.0601 - .0602	10:16 NCR 1675	06/01/96				
.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

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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				
.0505	10:16 NCR 1698	02/01/96				
.0802	10:16 NCR 1698	02/01/96				
.0805	10:16 NCR 1698	02/01/96				
.0901	10:16 NCR 1698	02/01/96				
.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				
COMMUNITY COLLEGES						
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	
CULTURAL RESOURCES						
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				
DENTAL EXAMINERS						
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				
ELECTRICAL CONTRACTORS						
21 NCAC 18B .0103	10:15 NCR 1579	02/01/96			02/01/96	
.0207	10:15 NCR 1579	02/01/96			02/01/96	
.0303	10:15 NCR 1579	02/01/96			02/01/96	
.0402	10:15 NCR 1579	02/01/96			02/01/96	
.0601	10:15 NCR 1579	02/01/96			02/01/96	
.0902 - .0903	10:15 NCR 1579	02/01/96			02/01/96	

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.0905	10:15 NCR 1579	02/01/96			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	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES						
15 NCAC	10:22 NCR 2816					Consent Order
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				

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.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				
.1202	10:16 NCR 1867	05/01/96				
.1204 - .1206	10:16 NCR 1867	05/01/96				
.1301 - .1302	10:15 NCR 1520	04/01/96				
.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
03I .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				
.0019	10:22 NCR 2833					Change in Notice
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				
.0401	10:22 NCR 2833					Change in Notice
.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				

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		10:02 NCR 56				
04A	.0001	10:07 NCR 579			10/01/95	
	.0005	10:07 NCR 579			10/01/95	
04B	.0016	10:07 NCR 579			10/01/95	
	.0020	10:07 NCR 579			10/01/95	
	.0028	10:02 NCR 149			07/01/95	
	.0029 - .0030	10:07 NCR 579			10/01/95	
04C	.0007 - .0008	10:07 NCR 579			10/01/95	
	.0010	10:07 NCR 579			10/01/95	
04D	.0002 - .0003	10:07 NCR 579			10/01/95	
07		10:18 NCR 2317				
07B	.0101	10:09 NCR 751	12/01/95	x x	02/01/96	Rule-Making Agenda
	.0201	10:09 NCR 751	12/01/95	x x	02/01/96	Filed over RRC Objection
	.0202 - .0203	10:09 NCR 751	12/01/95	x x	01/01/96	Filed over RRC Objection
	.0204	10:09 NCR 751	12/01/95	x x	02/01/96	Filed over RRC Objection
	.0205	10:09 NCR 751	12/01/95	x x	01/01/96	
	.0206 - .0207	10:09 NCR 751	12/01/95	x x	02/01/96	Filed over RRC Objection
	.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	02/01/96	Filed over RRC Objection
	.0214	10:09 NCR 751	12/01/95	x x	01/01/96	
	.0215	10:09 NCR 751	12/01/95	x x	02/01/96	Filed over RRC Objection
	.0216	10:09 NCR 751	12/01/95	x x	01/01/96	
	.0401 - .0402	10:09 NCR 751	12/01/95	x x	02/01/96	Filed over RRC Objection
	.0403 - .0406	10:09 NCR 751	12/01/95	x x	01/01/96	
	.0501	10:09 NCR 751	12/01/95	x x	02/01/96	Filed over RRC Objection
	.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		02/01/96	
	.0208	10:15 NCR 1552	03/01/96			
	.0305	10:15 NCR 1552	03/01/96			
	.0308	10:09 NCR 751	12/01/95		02/01/96	
	.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		02/01/96	
	.2201 - .2202	10:03 NCR 204	12/01/95		02/01/96	
	.2203	10:03 NCR 204	12/01/95	x	02/01/96	
	.2204 - .2205	10:03 NCR 204	12/01/95		02/01/96	
	.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	

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	.0003	10:04 NCR 250			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	
	.0317	10:01 NCR 26			07/01/95	
	.0323 - .0324	10:11 NCR 904			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	
10I	.0001	10:22 NCR 2829				Rule-Making Proceedings
10K	.0003	10:13 NCR 1159			02/01/96	
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	
	.0019	10:13 NCR 1160			01/01/96	
13B	.0101	10:06 NCR 350			10/01/95	
	.0103	10:06 NCR 350			10/01/95	
	.0503	10:06 NCR 350			10/01/95	
	.0802 - .0829	10:06 NCR 350			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	
16		10:18 NCR 2317			N/A	Agency Did Not Adopt Rule-Making Agenda
16A	.1001 - .1005	10:07 NCR 582		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	
	.1818	10:13 NCR 1160			01/01/96	
	.2508	10:06 NCR 350			01/01/96	
	.2509	10:06 NCR 350			01/01/96	RRC Obj/Rule Withdrawn
	.2510 - .2511	10:06 NCR 350			01/01/96	
	.2516 - .2519	10:06 NCR 350			01/01/96	
	.2521 - .2524	10:06 NCR 350			01/01/96	
	.2526	10:06 NCR 350			01/01/96	
	.2528 - .2535	10:06 NCR 350			01/01/96	
	.2537	10:06 NCR 350			01/01/96	
	.2540 - .2542	10:06 NCR 350			01/01/96	
	.2543	10:06 NCR 350			N/A	Agency Did Not Adopt
	.2601 - .2602	10:13 NCR 1160			01/01/96	
	.2618	10:13 NCR 1160			01/01/96	
	.2624	10:13 NCR 1160			01/01/96	
	.2632	10:13 NCR 1160			01/01/96	
	.2635 - .2636	10:13 NCR 1160			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	
	.0406	10:06 NCR 350			10/01/95	
	.0502	10:06 NCR 350			10/01/95	
19C	.0206	10:05 NCR 305			10/01/95	
	.0601 - .0603	10:16 NCR 1977		x	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		x	N/A	Withdrawn by Agency
20		10:18 NCR 2317				Rule-Making Agenda

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.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
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.0804	10:13 NCR 1160	01/01/96				
.1101 - .1103	10:13 NCR 1160	01/01/96			01/01/96	
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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			01/01/95	
.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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10:01 NCR 02
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
10:22 NCR 2827

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21 NCAC 12	10:22 NCR 2829				Rule-Making Proceedings
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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Chapter 150B 10:13 NCR 1062

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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
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Number 81	10:08 NCR 639	06/27/95
Number 82	10:10 NCR 823	07/27/95
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
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21 NCAC 22A .0203	10:16 NCR 2053	02/01/96			02/01/96	
.0309	10:16 NCR 2053	02/01/96			02/01/96	
22F .0003 - .0004	10:16 NCR 2053	02/01/96			02/01/96	
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.0018	10:16 NCR 2053	02/01/96			02/01/96	
.0020	10:16 NCR 2053	02/01/96				
.0021	10:16 NCR 2053	02/01/96			02/01/96	
22I .0008 - .0009	10:16 NCR 2053	02/01/96				
22K .0004 - .0005	10:16 NCR 2053	02/01/96			02/01/96	
22L .0001	10:16 NCR 2053	02/01/96				
.0005 - .0006	10:16 NCR 2053	02/01/96				
.0009 - .0011	10:16 NCR 2053	02/01/96				
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10 NCAC 03	10:18 NCR 2399					Rule-Making Proceeding
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.5401	10:14 NCR 1232	03/01/96			03/01/96	
.5402	10:14 NCR 1232	03/01/96				
.5403 - .5406	10:14 NCR 1232	03/01/96			03/01/96	
.5407 - .5409	10:14 NCR 1232	03/01/96				
.5410 - .5411	10:14 NCR 1232	03/01/96			03/01/96	
.5412 - .5413	10:14 NCR 1232	03/01/96				
.5414	10:14 NCR 1232	03/01/96			03/01/96	
03D .0808	10:14 NCR 1238	02/01/96			02/01/96	
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.1401	10:08 NCR 641	11/01/95			11/01/95	
.1401 - .1403	10:14 NCR 1238	02/01/96			02/01/96	
.1501 - .1503	10:14 NCR 1238	02/01/96			02/01/96	
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.0306 - .0318	10:02 NCR 58	09/01/95			01/01/96	
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.0605 - .0609	10:02 NCR 58	09/01/95			01/01/96	
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.0810 - .0812	10:02 NCR 58	09/01/95			01/01/96	
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.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	
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.2201 - .2203	10:02 NCR 58	09/01/95			01/01/96	
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.2601 - .2607	10:02 NCR 58	09/01/95			01/01/96	
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.3101 - .3103	10:02 NCR 58	09/01/95			01/01/96	
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.3201 - .3202	10:02 NCR 58	09/01/95			01/01/96	
.3301 - .3302	10:02 NCR 58	09/01/95			01/01/96	
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.1001 - .1003	10:08 NCR 641	02/01/96			02/01/96	
.1004	10:08 NCR 641	02/01/96			02/01/96	Filed over RRC Objection
.1005 - .1007	10:08 NCR 641	02/01/96			02/02/96	
.1101	10:08 NCR 641	02/01/96			02/01/96	
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.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
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.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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.0401 - .0403	10:14 NCR 1297	02/01/96			02/01/96	
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.0601 - .0604	10:14 NCR 1297	02/01/96			02/01/96	
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.0701 - .0703	10:14 NCR 1297	02/01/96			02/01/96	
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.0710	10:22 NCR 2829					Rule-Making Proceedings
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.1133 - .1160	10:15 NCR 1435	02/01/96			02/01/96	
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.0326 - .0329	10:07 NCR 430	05/01/96			05/01/96	
.0333 - .0348	10:07 NCR 430	05/01/96			05/01/96	
.0350 - .0365	10:07 NCR 430	05/01/96			05/01/96	
.0401 - .0408	10:07 NCR 430	05/01/96			05/01/96	
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.0401 - .0407	10:07 NCR 430	05/01/96			05/01/96	
.0601 - .0606	10:07 NCR 430	05/01/96			05/01/96	
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.0701 - .0709	10:07 NCR 430	05/01/96			05/01/96	
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.0501 - .0511	10:07 NCR 430	05/01/96			05/01/96	
.0601 - .0602	10:07 NCR 430	05/01/96			05/01/96	
.0604	10:07 NCR 430	05/01/96			05/01/96	
.0606	10:07 NCR 430	05/01/96			05/01/96	
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.0617 - .0621	10:07 NCR 430	05/01/96			05/01/96	
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14N .0101 - .0107	10:07 NCR 430	05/01/96			05/01/96	
.0201 - .0207	10:07 NCR 430	05/01/96			05/01/96	
.0301 - .0307	10:07 NCR 430	05/01/96			05/01/96	
.0401 - .0406	10:07 NCR 430	05/01/96			05/01/96	
.0501 - .0507	10:07 NCR 430	05/01/96			05/01/96	
.0701	10:07 NCR 430	05/01/96			05/01/96	
.0703 - .0705	10:07 NCR 430	05/01/96			05/01/96	
.0801 - .0811	10:07 NCR 430	05/01/96			05/01/96	
.0901 - .0905	10:08 NCR 656	05/01/96			05/01/96	
14O .0301 - .0314	10:07 NCR 430	05/01/96			05/01/96	
.0401 - .0409	10:07 NCR 430	05/01/96			05/01/96	
.0411 - .0416	10:07 NCR 430	05/01/96			05/01/96	
.0501 - .0505	10:07 NCR 430	05/01/96			05/01/96	
.0601 - .0609	10:07 NCR 430	05/01/96			05/01/96	
.0611 - .0615	10:07 NCR 430	05/01/96			05/01/96	
.0617 - .0618	10:07 NCR 430	05/01/96			05/01/96	
.0701 - .0710	10:07 NCR 430	05/01/96			05/01/96	
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			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			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			05/01/96	

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.0401 - .0405	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0401 - .0405	10:13 NCR 1085	05/01/96			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			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			05/01/96	
.0701 - .0712	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0701 - .0706	10:13 NCR 1085	05/01/96			05/01/96	
.0707	10:13 NCR 1085	05/01/96				
.0708	10:13 NCR 1085	05/01/96			05/01/96	
.0709	10:13 NCR 1085	05/01/96				
.0710 - .0713	10:13 NCR 1085	05/01/96			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			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			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			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			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			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			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			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			05/01/96	
.2301 - .2306	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2301 - .2306	10:13 NCR 1085	05/01/96			05/01/96	
.2401 - .2404	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2401 - .2404	10:13 NCR 1085	05/01/96			05/01/96	
.2501 - .2505	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2501 - .2504	10:13 NCR 1085	05/01/96			05/01/96	
.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			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			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			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			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			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			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			05/01/96	
.3801 - .3803	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3801 - .3802	10:13 NCR 1085	05/01/96			05/01/96	
.3803	10:13 NCR 1085	05/01/96				
.3901 - .3903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3901 - .3902	10:13 NCR 1085	05/01/96			05/01/96	
.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			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			05/01/96	
.4201 - .4203	10:13 NCR 1085	05/01/96			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			05/01/96	
.5101 - .5104	10:07 NCR 430	05/01/96				Agency Did Not Adopt

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.5101 - .5104	10:13 NCR 1085	05/01/96			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			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			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			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			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			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			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			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			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			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			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			05/01/96	
.6301 - .6303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6301 - .6302	10:13 NCR 1085	05/01/96			05/01/96	
.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			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			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			05/01/96	
.6701 - .6702	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6701 - .6702	10:13 NCR 1085	05/01/96			05/01/96	
.6801 - .6802	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6801 - .6802	10:13 NCR 1085	05/01/96			05/01/96	
.6901 - .6903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6901 - .6903	10:13 NCR 1085	05/01/96			05/01/96	
15A .0115 - .0127	10:13 NCR 1085	01/01/96	x			
.0205 - .0228	10:13 NCR 1085	01/01/96	x			
18A .0124 - .0128	10:07 NCR 430	05/01/96			05/01/96	
.0130	10:07 NCR 430	05/01/96			05/01/96	
.0132 - .0133	10:07 NCR 430	05/01/96			05/01/96	
.0135 - .0136	10:07 NCR 430	05/01/96			05/01/96	
18D .0209	10:14 NCR 1311	01/01/96			01/01/96	
18F .0115 - .0117	10:14 NCR 1311	01/01/96			01/01/96	
18I .0114 - .0120	10:07 NCR 430	05/01/96			05/01/96	
18J .0110 - .0119	10:07 NCR 430	05/01/96			05/01/96	
.0212 - .0213	10:07 NCR 430	05/01/96			05/01/96	
.0304 - .0311	10:07 NCR 430	05/01/96			05/01/96	
.0507 - .0511	10:08 NCR 656	05/01/96			05/01/96	
.0601 - .0604	10:07 NCR 430	05/01/96			05/01/96	
.0701 - .0715	10:07 NCR 430	05/01/96			05/01/96	
.0801 - .0805	10:07 NCR 430	05/01/96			05/01/96	
.0803	10:02 NCR 118	07/01/95			07/01/95	
18K .0109 - .0116	10:07 NCR 430	05/01/96			05/01/96	
.0262 - .0263	10:08 NCR 656	05/01/96			05/01/96	
18L .0107 - .0108	10:07 NCR 430	05/01/96			05/01/96	
.0223 - .0224	10:07 NCR 430	05/01/96			05/01/96	
.0331 - .0336	10:07 NCR 430	05/01/96			05/01/96	
.0338 - .0339	10:07 NCR 430	05/01/96			05/01/96	
.0428 - .0434	10:07 NCR 430	05/01/96			05/01/96	
.0504	10:07 NCR 430	05/01/96			05/01/96	

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.0511	10:07 NCR 430	05/01/96			05/01/96	
.0513	10:07 NCR 430	05/01/96			05/01/96	
.0601 - .0607	10:08 NCR 656	05/01/96			05/01/96	
.0701 - .0705	10:07 NCR 430	05/01/96			05/01/96	
.0707	10:07 NCR 430	05/01/96			05/01/96	
.0801	10:07 NCR 430	05/01/96			05/01/96	
.0803 - .0809	10:07 NCR 430	05/01/96			05/01/96	
.0901 - .0904	10:07 NCR 430	05/01/96			05/01/96	
.1001 - .1006	10:07 NCR 430	05/01/96			05/01/96	
.1101 - .1103	10:07 NCR 430	05/01/96			05/01/96	
.1105 - .1107	10:07 NCR 430	05/01/96			05/01/96	
.1201	10:07 NCR 430	05/01/96			05/01/96	
.1203 - .1206	10:07 NCR 430	05/01/96			05/01/96	
.1301 - .1309	10:07 NCR 430	05/01/96			05/01/96	
.1401 - .1403	10:07 NCR 430	05/01/96			05/01/96	
.1501 - .1525	10:07 NCR 430	05/01/96			05/01/96	
18M .0107 - .0110	10:07 NCR 430	05/01/96			05/01/96	
.0206 - .0213	10:07 NCR 430	05/01/96			05/01/96	
.0304 - .0307	10:07 NCR 430	05/01/96			05/01/96	
.0406 - .0409	10:07 NCR 430	05/01/96			05/01/96	
.0505 - .0506	10:07 NCR 430	05/01/96			05/01/96	
.0607 - .0608	10:07 NCR 430	05/01/96			05/01/96	
.0701	10:07 NCR 430	05/01/96			05/01/96	
.0703 - .0706	10:07 NCR 430	05/01/96			05/01/96	
.0708 - .0714	10:07 NCR 430	05/01/96			05/01/96	
.0801 - .0803	10:07 NCR 430	05/01/96			05/01/96	
.0817 - .0819	10:07 NCR 430	05/01/96			05/01/96	
.0824 - .0838	10:07 NCR 430	05/01/96			05/01/96	
.0901 - .0908	10:07 NCR 430	05/01/96			05/01/96	
.1001 - .1009	10:07 NCR 430	05/01/96			05/01/96	
.1101 - .1106	10:07 NCR 430	05/01/96			05/01/96	
.1203 - .1204	10:07 NCR 430	05/01/96			05/01/96	
.1302 - .1305	10:07 NCR 430	05/01/96			05/01/96	
.1401 - .1403	10:07 NCR 430	05/01/96			05/01/96	
.1405 - .1410	10:07 NCR 430	05/01/96			05/01/96	
18N .0105 - .0110	10:07 NCR 430	05/01/96			05/01/96	
.0204 - .0212	10:07 NCR 430	05/01/96			05/01/96	
.0305 - .0306	10:07 NCR 430	05/01/96			05/01/96	
.0601 - .0605	10:08 NCR 656	05/01/96			05/01/96	
.0701 - .0709	10:08 NCR 656	05/01/96			05/01/96	
18O .0517 - .0524	10:08 NCR 656	05/01/96			05/01/96	
18P .0901 - .0903	10:07 NCR 430	05/01/96			05/01/96	
.1001 - .1004	10:07 NCR 430	05/01/96			05/01/96	
18Q .0284	10:07 NCR 430	05/01/96			05/01/96	
.0286 - .0287	10:07 NCR 430	05/01/96			05/01/96	
.0520 - .0521	10:07 NCR 430	05/01/96			05/01/96	
.0538 - .0552	10:07 NCR 430	05/01/96			05/01/96	
19C .0209	10:16 NCR 1708	02/01/96				
.0408 - .0410	10:16 NCR 1708	02/01/96				
.0504	10:16 NCR 1708	02/01/96				
.0509 - .0512	10:16 NCR 1708	02/01/96				
.0602	10:16 NCR 1708	02/01/96				
.0604	10:16 NCR 1708	02/01/96				
.0702 - .0703	10:16 NCR 1708	02/01/96				
19G .0501 - .0502	10:14 NCR 1312	01/01/96			01/01/96	
.0603	10:14 NCR 1312	01/01/96			01/01/96	
.0606 - .0612	10:14 NCR 1312	01/01/96			01/01/96	
.0803	10:14 NCR 1312	01/01/96			01/01/96	
.0806	10:14 NCR 1312	01/01/96			01/01/96	
.0817	10:14 NCR 1312	01/01/96			01/01/96	
.0823	10:14 NCR 1312	01/01/96			01/01/96	
20A .0102	10:16 NCR 1716	02/01/96			02/01/96	
20B .0204 - .0206	10:16 NCR 1716	02/01/96				

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.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		02/01/96	
.0316	10:16 NCR 1716	02/01/96	x		02/01/96	
26B .0105	10:18 NCR 2398					Rule-Making Proceeding
.0105	10:22 NCR 2831	08/01/96				
.0110	10:08 NCR 660	10/01/95			10/01/95	
.0112	10:16 NCR 1721	02/01/96			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			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
.0812	10:03 NCR 196	08/01/95			08/01/95	
.0812	10:21 NCR 2726				01/01/96	Temporary Repeal
.0813	10:21 NCR 2726				01/01/96	Temporary Adoption
41I .0100	10:17 NCR 2228					Rule-Making Proceedings
.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			02/01/96	
.0005	10:16 NCR 1724	02/01/96			02/01/96	
46C .0107	10:16 NCR 1724	02/01/96			02/01/96	
46D .0101	10:16 NCR 1724	02/01/96			02/01/96	
.0103	10:16 NCR 1724	02/01/96			02/01/96	
.0105	10:16 NCR 1724	02/01/96			02/01/96	
.0106 - .0107	10:16 NCR 1724	02/01/96			02/01/96	
.0202	10:16 NCR 1724	02/01/96				
46E .0108	10:16 NCR 1724	02/01/96				

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	.0109	10:16 NCR 1724			02/01/96	
	.0111	10:16 NCR 1724			02/01/96	
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	
	.0113	10:16 NCR 1724			02/01/96	
	.0214	10:16 NCR 1724			02/01/96	
46H	.0101	10:16 NCR 1724			02/01/96	
	.0103 - .0105	10:16 NCR 1724			02/01/96	
	.0108	10:16 NCR 1724			02/01/96	
	.0110	10:16 NCR 1724			02/01/96	
	.0201 - .0203	10:16 NCR 1724			02/01/96	
	.0206 - .0207	10:16 NCR 1724			02/01/96	
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		x		
50B	.0313	10:14 NCR 1321			01/01/96	
50D	.0101 - .0103	10:15 NCR 1479			02/01/96	
	.0201	10:15 NCR 1479			02/01/96	
	.0301 - .0302	10:15 NCR 1479			02/01/96	
	.0401 - .0402	10:15 NCR 1479			02/01/96	
	.0501 - .0503	10:15 NCR 1479			02/01/96	
INSURANCE						
11 NCAC 04	.0120 - .0121	10:15 NCR 1489			02/01/96	
	.0122	10:15 NCR 1489			02/01/96	
	.0123 - .0124	10:15 NCR 1489			02/01/96	
	.0421 - .0422	10:15 NCR 1489			02/01/96	
	.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	
	.0234	10:16 NCR 1738			02/01/96	
	.0235 - .0236	10:16 NCR 1738			02/01/96	
	.0240	10:16 NCR 1738			02/01/96	
	.0301 - .0302	10:16 NCR 1738			02/01/96	
	.0304	10:16 NCR 1738			02/01/96	
	.0305 - .0306	10:16 NCR 1738			02/01/96	
	.0402	10:16 NCR 1738			02/01/96	
	.0410	10:16 NCR 1738			02/01/96	
	.0413	10:16 NCR 1738			02/01/96	
	.0417	10:16 NCR 1738			02/01/96	
	.0501	10:16 NCR 1738			02/01/96	
	.0701 - .0705	10:16 NCR 1738			02/01/96	
	.0808 - .0810	10:16 NCR 1738			02/01/96	
	.0812	10:04 NCR 246			08/01/95	
	.0813	10:16 NCR 1738			02/01/96	
	.0901 - .0904	10:16 NCR 1738			02/01/96	
09	.0101 - .0104	10:15 NCR 1490			02/01/96	
	.0201 - .0203	10:15 NCR 1490			02/01/96	
10	.0105	10:15 NCR 1492			02/01/96	
	.0605	10:15 NCR 1492			02/01/96	
	.1102 - .1103	10:15 NCR 1492			02/01/96	
	.1110 - .1111	10:15 NCR 1492			02/01/96	
	.1603	10:15 NCR 1492			02/01/96	
11B	.0111	10:15 NCR 1503			02/01/96	
	.0114	10:15 NCR 1503			02/01/96	
	.0140	10:15 NCR 1503			02/01/96	
	.0141	10:15 NCR 1503			02/01/96	
	.0142	10:15 NCR 1503			02/01/96	
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.0302 - .0305	10:15 NCR 1503	02/01/96			02/01/96	
.0306	10:15 NCR 1503	02/01/96				
.0601	10:15 NCR 1503	02/01/96			02/01/96	
.0602	10:16 NCR 1751	02/01/96				
.0604	10:16 NCR 1751	02/01/96			02/01/96	
.0607	10:16 NCR 1751	02/01/96			02/01/96	
.0610	10:16 NCR 1751	02/01/96			02/01/96	
.0612	10:16 NCR 1751	02/01/96			02/01/96	
.0616	10:16 NCR 1751	02/01/96			02/01/96	
.0617	10:16 NCR 1751	02/01/96				
11C .0112	10:15 NCR 1503	02/01/96			02/01/96	
.0113	10:15 NCR 1503	02/01/96			02/01/96	
.0118	10:15 NCR 1503	02/01/96			02/01/96	
.0132	10:15 NCR 1503	02/01/96			02/01/96	
.0313	10:15 NCR 1503	02/01/96			02/01/96	
.0504 - .0505	10:15 NCR 1503	02/01/96			02/01/96	
11D .0108 - .0109	10:15 NCR 1503	02/01/96			02/01/96	
.0302 - .0305	10:15 NCR 1503	02/01/96			02/01/96	
11F .0401 - .0405	10:16 NCR 1756	02/01/97				
12 .0307	10:16 NCR 1764	02/01/96			02/01/96	
.0326	10:16 NCR 1764	02/01/96			02/01/96	
.0415 - .0416	10:16 NCR 1764	02/01/96			02/01/96	
.0436	10:16 NCR 1764	02/01/96			02/01/96	
.0449	10:16 NCR 1764	02/01/96			02/01/96	
.0460	10:16 NCR 1764	02/01/96			02/01/96	
.0514	10:16 NCR 1762	02/01/96				
.0551	10:18 NCR 2399					Rule-Making Proceeding
.0551	10:22 NCR 2831	08/01/96				
.0552	10:16 NCR 1764	02/01/96			02/01/96	
.0562	10:16 NCR 1764	02/01/96			02/01/96	
.0822	10:16 NCR 1764	02/01/96			02/01/96	
.0824 - .0825	10:16 NCR 1764	02/01/96			02/01/96	
.0835	10:16 NCR 1764	02/01/96			02/01/96	
.0837	10:16 NCR 1764	02/01/96			02/01/96	
.0839	10:16 NCR 1764	02/01/96			02/01/96	
.0901	10:16 NCR 1787	03/01/96				
.0918 - .0919	10:16 NCR 1787	03/01/96				
.1004	10:16 NCR 1764	02/01/96			02/01/96	
.1601 - .1604	10:16 NCR 1764	02/01/96			02/01/96	
.1701 - .1709	10:16 NCR 1764	02/01/96			02/01/96	
13 .0317	10:15 NCR 1513	02/01/96				
.0319	10:15 NCR 1513	02/01/96			02/01/96	
14 .0202	10:15 NCR 1503	02/01/96			02/01/96	
.0430 - .0432	10:15 NCR 1503	02/01/96			02/01/96	
.0603	10:15 NCR 1503	02/01/96			02/01/96	
.0705	10:15 NCR 1503	02/01/96				
16 .0602	10:15 NCR 1514	02/01/96			02/01/96	
.0703	10:18 NCR 2399					Rule-Making Proceeding
.0703	10:22 NCR 2832	08/01/96				
.0704	10:11 NCR 900	12/01/95			12/01/95	
17 .0003	10:16 NCR 1787	02/01/96				
.0006	10:16 NCR 1764	02/01/96			02/01/96	
20 .0101	10:16 NCR 1787	03/01/96				
.0201 - .0205	10:16 NCR 1787	03/01/96				
.0301 - .0304	10:16 NCR 1787	03/01/96				
.0401 - .0410	10:16 NCR 1787	03/01/96				
.0501 - .0511	10:16 NCR 1787	03/01/96				
.0601 - .0602	10:16 NCR 1787	03/01/96				
.0701 - .0703	10:16 NCR 1787	06/01/96				
21 .0101 - .0110	10:16 NCR 1787	03/01/96				
JUSTICE						
12 NCAC 04E .0104	10:07 NCR 573	10/01/95			10/01/95	

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07D .0201	10:07 NCR 575	10/01/95			12/01/95	
.0204	10:11 NCR 900	12/01/95			02/01/96	
.0301	10:07 NCR 575	10/01/95			12/01/95	
.0401	10:07 NCR 575	10/01/95			12/01/95	
.0701	10:07 NCR 575	10/01/95			12/01/95	
.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	
.0205	10:02 NCR 122	08/01/95			07/01/97	
.0206	10:02 NCR 122	08/01/95			08/01/95	
.0210	10:02 NCR 122	08/01/95			08/01/95	
.0212 - .0214	10:02 NCR 122	08/01/95			08/01/95	
.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	
.0104 - .0106	10:02 NCR 122	08/01/95			08/01/95	
09F .0101 - .0107	10:16 NCR 1797	05/01/96				
10B .0102 - .0103	10:09 NCR 723	01/01/96			01/01/96	
.0105	10:09 NCR 723	01/01/96			01/01/96	
.0204	10:09 NCR 723	01/01/96			01/01/96	
.0301	10:09 NCR 723	01/01/96			01/01/96	
.0304	10:09 NCR 723	01/01/96			01/01/96	
.0307	10:09 NCR 723	01/01/96			01/01/96	
.0401 - .0403	10:09 NCR 723	01/01/96			01/01/96	
.0405	10:09 NCR 723	01/01/96			01/01/96	
.0407 - .0409	10:09 NCR 723	01/01/96			01/01/96	
.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	
.1201 - .1205	10:09 NCR 723	01/01/96			01/01/96	
11 .0210	10:05 NCR 301	09/01/95			10/01/95	
LABOR						
13 NCAC	10:01 NCR 10	01/01/96				Notice on Subject Matter
	10:01 NCR 12	01/01/96				Notice on Subject Matter
	10:02 NCR 149	10/01/95				Notice on Subject Matter
	10:02 NCR 149	01/01/96				Notice on Subject Matter
	10:02 NCR 149	01/01/96				Notice on Subject Matter
	10:02 NCR 149	02/01/96				Notice on Subject Matter
	10:03 NCR 196	01/01/96				Notice on Subject Matter
	10:03 NCR 197	01/01/96				Notice on Subject Matter
06	10:16 NCR 1799	04/01/96				Notice on Subject Matter
07F .0101	10:16 NCR 1800	04/01/96			04/01/96	
.0201	10:16 NCR 1823	02/01/96			02/01/96	
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

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			State	Local		
18 .0101 - .0110	10:14 NCR 1323	01/01/96			01/01/96	
LANDSCAPE ARCHITECTS						
21 NCAC 26 .0307	10:15 NCR 1583	02/01/96				
LIST OF RULES CODIFIED						
	10:02 NCR 167					Rules Filed 03/95
	10:04 NCR 272					Rules Filed 04/95
	10:06 NCR 392					Rules Filed 05/95
	10:09 NCR 783					Rules Filed 06/95
	10:10 NCR 845					Rules Filed 07/95
	10:12 NCR 1017					Rules Filed 08/95
	10:15 NCR 1585					Rules Filed 09/95
	10:20 NCR 2602					Rules Filed 10/95
	10:20 NCR 2611					Rules Filed 11/95
	10:22 NCR 2562					Rules Filed 12/95
MARRIAGE AND FAMILY THERAPY LICENSURE BOARD						
21 NCAC 31 .0102	10:16 NCR 2062	03/01/96				
.0104	10:16 NCR 2062	03/01/96				
.0201 - .0203	10:16 NCR 2062	03/01/96				
.0301 - .0304	10:16 NCR 2062	03/01/96				
.0401 - .0404	10:16 NCR 2062	03/01/96				
.0501 - .0506	10:16 NCR 2062	03/01/96				
.0601 - .0609	10:16 NCR 2062	03/01/96				
.0701	10:16 NCR 2062	03/01/96				
.0801	10:16 NCR 2062	03/01/96				
.0901	10:16 NCR 2062	03/01/96				
MEDICAL EXAMINERS						
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
.0101 - .0102	10:22 NCR 2835	08/01/96				
.0102	10:02 NCR 151	07/01/96			07/01/96	
.0201	10:02 NCR 151	07/01/96			07/01/96	
.0201	10:22 NCR 2835	08/01/96				
.0203	10:02 NCR 151	07/01/96				
.0203	10:22 NCR 2835	08/01/96				
.0301 - .0303	10:22 NCR 2835	08/01/96				
.0401 - .0404	10:22 NCR 2835	08/01/96				
.0406 - .0408	10:22 NCR 2835	08/01/96				
.0408	10:02 NCR 151	07/01/96			07/01/96	
.0409	10:22 NCR 2835	08/01/96				
.0501 - .0502	10:22 NCR 2835	08/01/96				
.0504 - .0506	10:22 NCR 2835	08/01/96				
.0506	10:02 NCR 151	07/01/96			07/01/96	
.0507	10:22 NCR 2835	08/01/96				
.0601	10:02 NCR 151	07/01/95			09/01/95	
.0602	10:02 NCR 151	07/01/96			07/01/96	
.0601 - .0602	10:22 NCR 2835	08/01/96				
.0701 - .0702	10:22 NCR 2835	08/01/96				
.0801	10:02 NCR 151	07/01/96			07/01/96	
.0801	10:22 NCR 2835	08/01/96				
.0901 - .0902	10:22 NCR 2835	08/01/96				
.1001	10:02 NCR 151	07/01/96			07/01/96	
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	
.0005 - .0006	10:10 NCR 831	11/01/95			01/01/96	
.0007 - .0012	10:10 NCR 831	11/01/95			01/01/96	
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			State	Local		
21 NCAC 34B .0401	10:13 NCR 1182	01/01/96				
34D .0202	10:13 NCR 1182	01/01/96			01/01/96	
.0301	10:13 NCR 1182	01/01/96			01/01/96	
NURSING, BOARD OF						
21 NCAC 36 .0109	10:11 NCR 908	01/01/96			01/01/96	
.0202 - .0203	10:11 NCR 908	01/01/96			01/01/96	
.0209	10:11 NCR 908	01/01/96			01/01/96	
.0211	10:11 NCR 908	01/01/96			01/01/96	
.0216 - .0219	10:11 NCR 908	01/01/96			01/01/96	
.0221	10:11 NCR 908	01/01/96			01/01/96	
.0225	10:11 NCR 908	01/01/96			01/01/96	
.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	
.0320	10:11 NCR 908	01/01/96			01/01/96	
.0322	10:11 NCR 908	01/01/96			01/01/96	
.0401 - .0405	10:10 NCR 839	12/01/95			12/01/95	
NURSING HOME ADMINISTRATORS						
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
37A .0101	10:16 NCR 2069	04/01/96				
.0108	10:16 NCR 2069	04/01/96				
.0110	10:16 NCR 2069	04/01/96				
.0208	10:16 NCR 2069	04/01/96				
.0211	10:16 NCR 2069	04/01/96				
.0306	10:16 NCR 2069	04/01/96				
.0308	10:16 NCR 2069	04/01/96				
.0506	10:16 NCR 2069	04/01/96				
.0603 - .0604	10:16 NCR 2069	04/01/96				
.0702 - .0707	10:16 NCR 2069	04/01/96				
.0805	10:16 NCR 2069	04/01/96				
.0901	10:16 NCR 2069	04/01/96				
.0905	10:16 NCR 2069	04/01/96				
.0907	10:16 NCR 2069	04/01/96				
.1203	10:16 NCR 2069	04/01/96				
37B .0101 - .0103	10:16 NCR 2069	04/01/96				
.0201	10:16 NCR 2069	04/01/96				
.0203	10:16 NCR 2069	04/01/96				
.0205	10:16 NCR 2069	04/01/96				
37C .0101 - .0103	10:16 NCR 2069	04/01/96				
37D .0101 - .0102	10:16 NCR 2069	04/01/96				
.0201 - .0203	10:16 NCR 2069	04/01/96				
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.0408 - .0412	10:16 NCR 2069	04/01/96				
.0501 - .0503	10:16 NCR 2069	04/01/96				
.0601 - .0603	10:16 NCR 2069	04/01/96				
.0605	10:16 NCR 2069	04/01/96				
.0701 - .0703	10:16 NCR 2069	04/01/96				
37E .0101 - .0102	10:16 NCR 2069	04/01/96				
37F .0101 - .0102	10:16 NCR 2069	04/01/96				
37G .0101 - .0102	10:16 NCR 2069	04/01/96				
.0201 - .0202	10:16 NCR 2069	04/01/96				
.0301	10:16 NCR 2069	04/01/96				
.0401	10:16 NCR 2069	04/01/96				

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37H .0101 - .0104	10:16 NCR 2069	04/01/96				
37I .0101	10:16 NCR 2069	04/01/96				
OPTICIANS						
21 NCAC 40 .0314	10:16 NCR 2081	02/01/96			02/01/96	
PASTORAL COUNSELORS, FEE-BASED PRACTICING						
21 NCAC 45 .0101	10:16 NCR 2082	03/01/96				
.0201 - .0203	10:16 NCR 2082	03/01/96				
.0301 - .0303	10:16 NCR 2082	03/01/96				
.0401 - .0402	10:16 NCR 2082	03/01/96				
.0501	10:16 NCR 2082	03/01/96				
.0601	10:16 NCR 2082	03/01/96				
.0701	10:16 NCR 2082	03/01/96				
.0801 - .0802	10:16 NCR 2082	03/01/96				
.0901	10:16 NCR 2082	03/01/96				
.1001	10:16 NCR 2082	03/01/96				
PHARMACY, BOARD OF						
21 NCAC 46 .1204	10:16 NCR 2085	05/01/96				
.1317	10:16 NCR 2085	05/01/96				
.1401 - .1404	10:16 NCR 2085	05/01/96				
.1406	10:16 NCR 2085	05/01/96				
.1408	10:16 NCR 2085	05/01/96				
.1410 - .1417	10:16 NCR 2085	05/01/96				
.1505	10:16 NCR 2085	05/01/96				
.1601 - .1604	10:16 NCR 2085	05/01/96				
.1607	10:16 NCR 2085	05/01/96				
.1701 - .1705	10:16 NCR 2085	05/01/96				
.1810 - .1811	10:16 NCR 2085	05/01/96				
.1910	10:16 NCR 2085	05/01/96				
.2104	10:16 NCR 2085	05/01/96				
.2403	10:16 NCR 2085	05/01/96				
.2502	10:16 NCR 2085	05/01/96				
.2504	10:16 NCR 2085	05/01/96				
.2506	10:16 NCR 2085	05/01/96				
.2602	10:16 NCR 2085	05/01/96				
.2609	10:16 NCR 2085	05/01/96				
.2611	10:16 NCR 2085	05/01/96				
PHYSICAL THERAPY EXAMINERS						
21 NCAC 48A .0001	10:16 NCR 2107	02/01/96			02/01/96	
.0004	10:16 NCR 2107	02/01/96			02/01/96	
48B .0002	10:16 NCR 2107	02/01/96			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	
.0008	10:08 NCR 671	10/01/95			10/01/95	
.0009 - .0011	10:16 NCR 2107	02/01/96			02/01/96	
.0011	10:08 NCR 671	10/01/95			10/01/95	
48E .0101	10:16 NCR 2107	02/01/96			02/01/96	
.0104	10:16 NCR 2107	02/01/96			02/01/96	
.0110	10:08 NCR 671	10/01/95			10/01/95	
.0110	10:16 NCR 2107	02/01/96			02/01/96	
48F .0002	10:08 NCR 671	10/01/95			10/01/95	
.0003	10:16 NCR 2107	02/01/96			02/01/96	
48G .0501 - .0516	10:08 NCR 671	10/01/95			10/01/95	
.0504	10:16 NCR 2107	02/01/96			02/01/96	
.0509	10:16 NCR 2107	02/01/96			02/01/96	
.0601	10:08 NCR 671	10/01/95			10/01/95	
.0601	10:16 NCR 2107	02/01/96			02/01/96	
48H .0102	10:16 NCR 2107	02/01/96			02/01/96	
.0104	10:08 NCR 671	10/01/95			10/01/95	
.0701 - .0704	10:08 NCR 671	10/01/95			10/01/95	

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			State	Local		
.0701	10:16 NCR 2107	02/01/96			02/01/96	
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			02/01/96	
.0804	10:11 NCR 934	12/01/95			02/01/96	
.0902	10:11 NCR 934	12/01/95			02/01/96	
.1103	10:11 NCR 934	12/01/95			02/01/96	
.1301	10:11 NCR 934	12/01/95				
.1602	10:11 NCR 934	12/01/95			02/01/96	
.1604	10:11 NCR 934	12/01/95			02/01/96	
.1608	10:11 NCR 934	12/01/95			02/01/96	
.1707	10:11 NCR 934	12/01/95			02/01/96	
.1712 - .1713	10:11 NCR 934	12/01/95			02/01/96	
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				

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REAL ESTATE COMMISSION						
21 NCAC 58A .0101	10:22 NCR 2829					Rule-Making Proceedings
.0104	10:16 NCR 2124	03/01/96				
.0105	10:22 NCR 2829					Rule-Making Proceedings
.0107	10:16 NCR 2124	03/01/96				
.0109 - .0110	10:22 NCR 2829					Rule-Making Proceedings
.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				
.0302	10:22 NCR 2829					Rule-Making Proceedings
.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 - .0504	10:22 NCR 2829					Rule-Making Proceedings
.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				
.1501 - .1502	10:22 NCR 2829					Rule-Making Proceedings
.1601	10:22 NCR 2835					Rule-Making Proceedings
.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
06B .0612	10:22 NCR 2833	07/01/96				
.3716	10:22 NCR 2833	07/01/96				

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			State	Local		
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				
.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

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	.1607	10:15 NCR 1575				
07	.0302	10:15 NCR 1578				
09		10:16 NCR 2015				Notice on Subject Matter
	.0101 - .0108	10:19 NCR 2480				Temporary Adoption
	.0109	10:21 NCR 2738			01/01/96	Temporary Adoption
SOCIAL WORK, BOARD OF						
21 NCAC 63	.0306	10:13 NCR 1185				
	.0306	10:21 NCR 2739			01/01/96	Temporary Amendment
SOIL SCIENTISTS, BOARD FOR LICENSING						
21 NCAC 69		10:19 NCR 2507				Rule-Making Proceeding
STATE PERSONNEL						
25 NCAC 01B	.0201	10:16 NCR 2155				
	.0203 - .0207	10:16 NCR 2155				
	.0213	10:16 NCR 2155				
	.0414	10:16 NCR 2155				
	.0431	10:16 NCR 2155				
	.0437 - .0439	10:16 NCR 2155				
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	
	.0406	10:12 NCR 986			12/01/95	
	.0504	10:12 NCR 986			12/01/95	
	.0509	10:07 NCR 588			10/01/95	
	.0510 - .0511	10:12 NCR 986			12/01/95	
	.0515	10:12 NCR 986			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	
	.1001	10:04 NCR 264			08/01/95	
	.1001	10:12 NCR 986			12/01/95	
	.1005	10:12 NCR 986			12/01/95	
	.1009	10:04 NCR 264			08/01/95	
	.1009 - .1010	10:12 NCR 986			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	
	.2001	10:04 NCR 264			08/01/95	
	.2301 - .2305	10:16 NCR 2155			02/01/96	
	.2601 - .2604	10:12 NCR 986			12/01/95	
01E	.0304 - .0305	10:12 NCR 986			12/01/95	
	.0804	10:04 NCR 264			08/01/95	
	.1001 - .1002	10:12 NCR 986			12/01/95	
	.1110	10:12 NCR 986			12/01/95	
	.1402 - .1411	10:07 NCR 588			10/01/95	
01H	.0628	10:12 NCR 986			12/01/95	
01I	.2301 - .2310	10:12 NCR 986			12/01/95	
01J	.0401 - .0413	10:12 NCR 986			12/01/95	
	.0501 - .0511	10:12 NCR 986			12/01/95	
	.0604 - .0606	10:07 NCR 588			10/01/95	
	.0608	10:07 NCR 588			10/01/95	
	.0610 - .0615	10:07 NCR 588			10/01/95	
	.0801 - .0809	10:12 NCR 986			12/01/95	
01K	.0312	10:04 NCR 264			08/01/95	

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			State	Local		

	.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
	.0101 - .0102	10:22 NCR 2850	08/01/96			
	.0201 - .0213	10:22 NCR 2850	08/01/96			
	.0401 - .0407	10:22 NCR 2850	08/01/96			
	.0501 - .0511	10:14 NCR 1382	02/01/96		02/01/96	
	.0601 - .0610	10:14 NCR 1382	02/01/96		02/01/96	
	.0701 - .0709	10:22 NCR 2850	08/01/96			

THERAPEUTIC RECREATION CERTIFICATION BOARD

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	02/01/96	
		.0549	10:16 NCR 2020	02/01/96	02/01/96	
		.0551 - .0553	10:16 NCR 2020	02/01/96	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	\$56.00	\$80.00
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