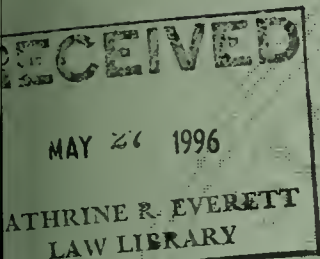


KFN
7434
.A2
U67

NORTH CAROLINA REGISTER

**VOLUME 11 • ISSUE 4 • Pages 181 - 269
May 15, 1996**



IN THIS ISSUE

Final Decision Letter
Acupuncture Licensing Board
Administration
Cultural Resources
Environment, Health, and Natural Resources
Human Resources
Justice
Medical Board
Psychologists, Board of Practicing
Revenue
Soil Scientists, Board for Licensing of
Substance Abuse Professionals Certification
List of Rules Codified
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
PO Drawer 27447
Raleigh, NC 27611-7447
Telephone (919) 733-2678
Fax (919) 733-3462*

NORTH CAROLINA REGISTER



**Volume 11, Issue 4
Pages 181 - 269**

May 15, 1996

This issue contains documents officially
filed through April 24, 1996.

Office of Administrative Hearings
Rules Division
424 North Blount Street (27601)
PO Drawer 27447
Raleigh, NC 27611-7447
(919) 733-2678
FAX (919) 733-3462

Julian Mann III, Director
James R. Scarcella Sr., Deputy Director
Molly Masich, Director of APA Services
Ruby Creech, Publications Coordinator
Teresa Kilpatrick, Editorial Assistant
Jean Shirley, Editorial Assistant

IN THIS ISSUE

I. IN ADDITION	
Environment, Health, and Natural Resources	
Wildlife Resources Commission	182
Voting Rights Act	181
II. RULE-MAKING AGENDA	
Environment, Health, and Natural Resources	
Coastal Management	183 - 187
Environmental Health/Health Services	183 - 187
Environmental Management	183 - 187
III. PROPOSED RULES	
Cultural Resources	
USS NORTH CAROLINA Battleship	188
Environment, Health, and Natural Resources	
Coastal Resources Commission	190 - 191
Wildlife Resources Commission	191 - 193
Human Resources	
Child Day Care Commission	188 - 190
IV. TEMPORARY RULES	
Administration	
State Building Commission	194 - 196
Human Resources	
Medical Assistance	196 - 199
Licensing Boards	
Soil Scientists, Board for Licensing of	200 - 204
V. APPROVED RULES	
Environment, Health, and Natural Resources	
Health Services	209 - 211
Human Resources	
Medical Assistance	207 - 208
Medical Care Commission	206 - 207
Justice	
Attorney General/Company Police	208 - 209
Licensing Boards	
Acupuncture Licensing Board	220 - 221
Medical Board	221 - 236
Psychologists, Board of Practicing	236 - 238
Substance Abuse Professionals Certification	238 - 247
Revenue	
Individual Income Tax Division	211 - 212
Sales and Use Tax	212 - 220
VI. LIST OF RULES CODIFIED	248 - 256
VII. RULES REVIEW COMMISSION	257 - 264
VIII. CONTESTED CASE DECISIONS	
Index to ALJ Decisions	265 - 268
IX. CUMULATIVE INDEX	1 - 14

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	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ol style="list-style-type: none"> (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. 	<p>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.</p> <p>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.</p>	<p>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.</p> <p>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.</p>	<p>EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p>END OF REQUIRED COMMENT PERIOD</p> <p>(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.</p> <p>(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.</p> <p>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.</p>

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

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,

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:DHH:RA:emr:lrj
DJ 166-012-3
96-0523

April 5, 1996

David A. Holec, Esq.
City Attorney
P.O. Box 1388
Lumberton, North Carolina 28359

Dear Mr. Holec:

This refers to the January 22, 1996, annexation to the City of Lumberton in Robeson 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 February 5, 1996.

The Attorney General does not interpose any objection to the specified change. However, we note that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. 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

North Carolina Wildlife Resources Commission

512 N. Salisbury Street, Raleigh, North Carolina 27604-1188, 919-733-3391

Charles R. Fullwood, Executive Director

PROCLAMATION

Charles R. Fullwood, Executive Director, North Carolina Wildlife Resources Commission, acting pursuant to North Carolina General Statute §113-292 (cl) and authority duly delegated by the Wildlife Resources Commission, hereby declares that effective at 12:00 midnight on Wednesday, April 17, 1996, the season for harvesting striped bass by hook-and-line is closed in all inland and joint waters of the Roanoke River Striped Bass Management Area.

The Roanoke River Striped Bass Management Area is defined as the inland and joint fishing waters of the Roanoke River, extending from its mouth to Roanoke Rapids Dam and all tributaries of the Roanoke River, including but not limited to, the Cashie, Middle, and Eastmost Rivers and their tributaries.

This proclamation shall remain in effect until a new proclamation reopening the described waters or portions thereof for striped bass fishing is issued.

NOTES:

- a) This Proclamation is issued under the authority of N.C.G.S. §§113-132; 113-134; 113-292; 113-304; and 113-305.
- b) The striped bass harvest quota for the hook and line sport fishery of the Roanoke River Striped Bass Management Area has been met, and the area is closed for striped bass fishing until reopened as prescribed herein.
- c) All striped bass regardless of condition taken subsequent to the effective date and time of this Proclamation shall be immediately returned to the waters where taken and no striped bass may be possessed.
- d) Any person who violates this Proclamation also violates applicable law and is subject to the sanctions provided by law.

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

by: Charles R. Fullwood
Executive Director

Date: 04/10/96

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

This supplemental agenda will serve as the notice of rule-making proceedings for the following rule-making bodies from May 15, 1996 through July 15, 1996:

Environmental Management Commission - to rules codified in 15A NCAC 2;
Coastal Resources Commission - to rules codified in 15A NCAC 7;
Commission for Health Services - to rules codified in 15A NCAC 18A;

This agenda was previously published in 10:18 NCR 2317-2397 in it's entirety.

DEHNR Regulatory Agenda Index - April 24, 1996

COASTAL MANAGEMENT

APA #	SUBJECT	RULE CITATION #
E1951	General Use Standards for Hazardous Areas	15A NCAC 7H .0306
E1952	General Permits (General Conditions)	15A NCAC 7H .1104, .1204, .1304, .1404, .1504, .1604, .1704, .1804, .1904, .2004 and .2104
E1953	Reserve Components: Reserve Use Requirements	15A NCAC 7O .0105, .0202

ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES

APA #	SUBJECT	RULE CITATION #
H6250	Child Nutrition Programs	15A NCAC 21 J .0101 (This rule may be filed as a temporary rule)
H6251	Child Nutrition Programs	15A NCAC 21 I .0101
H6259	Rules Governing the Sanitation of Lodging Places	15A NCAC 18A .1805

ENVIRONMENTAL MANAGEMENT/AIR QUALITY

APA #	SUBJECT	RULE CITATION #
E1838	Address Correction	15A NCAC 2D .0104, .0105, .0501, .0953 & .1305 15A NCAC 2Q .0104, .0307 & .0521
E1937	Incinerators	15A NCAC 2D .1204 and .1206
E1939	Visible Emissions	15A NCAC 2D .0521

DEHNR Regulatory Agenda - April 24, 1996

APA #: E1838

SUBJECT: Address Correction

RULE CITATION #: 15A NCAC 2D .0104, .0105, .0501, .0953 & .1305; 2Q .0104, .0307 & .0521

AUTHORITY: G.S. 150B-21.6; 143-215.3(a)(1); 150B-21.2(b); 143-215.107(A)(3), (7); 143-215.107(a)(5); 119-26;

143-215.108; 143-215.109; 143-215.4(b); 143-215.3(a)(1), (3); 143-215.107(a)(10); 143-215.111(4)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 4/3/96

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To change the mailing address for the Air Quality Section.

SCOPE/NATURE/SUMMARY :

The Air Quality Section has a new post office box. Eight rules need to be amended to correct the post office box. These rules are 15A NCAC 2D .0104, .0105, .0501, .0953, and .1305 and 2Q .0104, .0307, and .0521.

APA #: E1937

SUBJECT: Incinerators

RULE CITATION #: 15A NCAC 2D .1204 and .1206

AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(4), (5); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 4/3/96

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To clarify that temperature measuring devices are required to have a quality assurance program and to eliminate the primary chamber temperature requirement for medical waste incinerators.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .1204, Reporting and Recordkeeping, requires "monitoring devices and systems" to have a quality assurance program under Paragraph (d). While 15A NCAC 2D .1204(d) only uses the phrase "monitoring device and systems", it was the original intent that this phrase include and be synonymous with "measuring and recording device." (Paragraph (a) of this Rule requires continuous temperature measuring and recording devices.) This Rule needs to be revised to clarify this intent.

Under 15A NCAC 2D .1206, Operational Standards, the primary chamber of a medical waste incinerator is required to be at least 1200 degrees fahrenheit. There is some ambiguity whether material can be loaded into the incinerator and the primary chamber brought up to 1200 degrees fahrenheit or the primary chamber is to be at 1200 degrees fahrenheit before any material is loaded. The temperature requirements in the air quality rules for medical waste incinerators come from solid waste management rules. The temperature requirements are intended to be the same as those in solid waste management rules, so the owner or operator of the incinerator would have only one set of temperature requirements to meet. Although the primary chamber temperature serves a solid waste management purpose, it does not serve any air quality purpose. To eliminate the confusion that the primary chamber temperature requirement has caused in the air quality rules, it should be removed. (The rule will retain the requirement that gases in the secondary chamber are subject to at least 1800 degrees fahrenheit for least one second, which ensures that proper air pollution control is achieved.)

APA #: E1939

SUBJECT: Visible Emissions

RULE CITATION #: 15A NCAC 2D .0521

AUTHORITY: G.S. 143-215.3(a)(1); 143-215.107(a)(5)

DIVISION/SECTION: ENVIRONMENTAL MANAGEMENT/AIR QUALITY

DIVISION CONTACT: Thomas Allen

DIVISION CONTACT TEL#: (919)733-1489

DATE INITIATED: 4/3/96

DURATION OF RULE: Permanent

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

To use consistent terminology in the visible emission rule and possibly change the opacity limit.

SCOPE/NATURE/SUMMARY :

15A NCAC 2D .0521, Control of Visible Emissions, uses a different phrase to describe pre-July 1, 1971 sources and post July 1, 1971 sources. The pre-July 1, 1971 phrase is "for sources existing as of July 1, 1971." The post July 1, 1971 phrase is "for sources established after July 1, 1971." The use of two

different words has lead to confusion. The same word should be used in both phrases. Other related issues also need to be clarified. Should the date be the date that the source was manufactured or should it be the date that the source was originally installed at the facility? There are several options. One is to rewrite the phrases to read "for sources manufactured as of July 1, 1971" and "for sources manufactured after July 1, 1971." Another is to rewrite the phrases to read "for sources located at the facility as of July 1, 1971" and for sources located at the facility after July 1, 1971." Another possible option would be to eliminate the date altogether and require all sources to meet a 20% opacity standard.

APA #: E1951

SUBJECT: General Use Standards for Ocean Hazardous Areas

RULE CITATION #: 15A NCAC 7H .0306

AUTHORITY: G.S. 113A-107; 113A-113(b)(6); 113A-124

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Preston Pate

DIVISION CONTACT TEL#: (919)726-7021

DATE INITIATED: 4/23/96

DURATION OF RULE: Permanent 4/1/97

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Response to Rules Review Commission Objections.

SCOPE/NATURE/SUMMARY :

The rules involved are broadly worded to apply to all types of development on the oceanfront. The proposed changes will make some of them clearer and repeal those that are considered unnecessary.

APA #: E1952

SUBJECT: General Permits (General Conditions)

RULE CITATION #: 15A NCAC 7H .1104, .1204, .1304, .1404, .1504, .1604, .1704, .1804, .1904, .2004 and .2104

AUTHORITY: G.S. 113A-107; 113A-107(a); 113A-107(b); 113A-113(b); 113A-118.1; 113A-124; 113-229(c)

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Preston Pate

DIVISION CONTACT TEL#: (919)726-7021

DATE INITIATED: 4/23/96

DURATION OF RULE: Permanent 4/1/97

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Response to Rules Review Commission Objections.

SCOPE/NATURE/SUMMARY :

Existing general permits all have clauses explaining the discretion staff has to withhold using a general permit to approve development upon finding the potential for significant impacts to the environment, historic resources, etc. The RRC has objected to current wording of the paragraphs providing such discretion and is asking that the rules be more clearly worded. The proposed change will provide that clarity.

APA #: E1953

SUBJECT: Reserve Components: Reserve Use Requirements

RULE CITATION #: 15A NCAC 7O .0105, .0202

AUTHORITY: G.S. 113-3; 113-8; 143B-10

DIVISION/SECTION: COASTAL MANAGEMENT

DIVISION CONTACT: Rich Shaw

DIVISION CONTACT TEL#: (919)733-2293

DATE INITIATED: 4/23/96

DURATION OF RULE: Permanent 4/1/97

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Two new coastal reserve sites have been acquired by the state for inclusion in the NC Coastal Reserve. Neither of these sites is listed under the existing description of reserve components in Subchapter 70. This amendment adds these two sites to be covered by the NCAC rules governing coastal reserve sites.

SCOPE/NATURE/SUMMARY :

The purpose of these rules is to add the names of two sites that have been acquired and approved for designation as part of the NC Coastal Reserve. A second change will amend one of the current general use standards to clarify that incompatible uses are any fishing, hunting or trapping activities that are prohibited by both state and local regulations. Heretofore, the rule referred only to used prohibited by state regulations.

APA #: H6250

SUBJECT: Child Nutrition Programs

RULE CITATION #: 15A NCAC 21J .0101

AUTHORITY: G.S. 130A-29

DIVISION/SECTION: MATERNAL-CHILD HEALTH

DIVISION CONTACT: Alice Lenihan

DIVISION CONTACT TEL#: (919)715-0636

DATE INITIATED: 4/17/96

DURATION OF RULE: Temporary 6/10/96

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Pursuant to House Bill 229 (Continuation Budget Operations Appropriations Act of 1995), the 16 personnel positions in the Department of Public Instruction that have responsibility in the areas of the federal Child and Adult Care Food Program and the Summer Food Service Program are transferred from the Department of Environment, Health, and Natural Resources, effective October 1, 1995. Adoption of these regulations is required for the continued administration of these two programs by the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health.

SCOPE/NATURE/SUMMARY :

Proposal is to adopt and incorporate by reference the Federal Regulations for the Child and Adult Care Feeding Program and Summer Feeding Program. The administration of these programs was transferred from the Department of Instruction (DPI) to Department of Environment, Health, and Natural Resources, effective 10/1/95. DPI did not have APA Rules for the programs.

These rules may be filed as temporary rules.

APA #: H6251

SUBJECT: Child Nutrition Programs

RULE CITATION #: 15A NCAC 21I .0101

AUTHORITY: G.S. 130A-29

DIVISION/SECTION: MATERNAL-CHILD HEALTH

DIVISION CONTACT: Alice Lenihan

DIVISION CONTACT TEL#: (919)715-0636

DATE INITIATED: 4/17/96

DURATION OF RULE: Permanent 4/1/97

TYPE OF RULE:

STAGE OF DEVELOPMENT: Concept Stage

GOV LEVELS AFFECTED: None

SCOPE/NATURE/SUMMARY :

Proposal is to adopt and incorporate by reference the Federal Regulations for the Child and Adult Care Feeding Program and Summer Feeding Program. The administration of these programs was transferred from the Department of Public Instruction (DPI) to the Department of Environment, Health, and Natural

Resources, effective 10/1/95. DPI did not have APA Rules for the programs.

APA #: H6259

SUBJECT: Rules Governing the Sanitation of Lodging Places

RULE CITATION #: 15A NCAC 18A .1805

AUTHORITY: G.S. 130A-248

DIVISION/SECTION: ENVIRONMENTAL HEALTH/ENV. HEALTH SERVICES

DIVISION CONTACT: Malcolm Blalock

DIVISION CONTACT TEL#: (919)715-0929

DATE INITIATED: 4/24/96

DURATION OF RULE: Permanent 4/1/97

TYPE OF RULE:

STAGE OF DEVELOPMENT: Draft Rule Stage

GOV LEVELS AFFECTED: None

REASON FOR ACTION :

Rule 15A NCAC 18A .1805 (1) needs the word "places" changed to "establishment" in order for all rules to have consistent wording. This change was inadvertently left out during the previous rule process.

SCOPE/NATURE/SUMMARY :

This rule governs the sanitation of lodging places.

TITLE 7 - DEPARTMENT OF CULTURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the USS NORTH CAROLINA Battleship Commission intends to amend rules cited as 7 NCAC 05 .0202 - .0203, .0207 and repeal .0204.

Proposed Effective Date: April 1, 1997

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): Provide written request within fifteen (15) days of publication of this notice to: Director, USS NORTH CAROLINA Battleship Memorial, P.O. Box 480, Wilmington, NC 28402-0480.

Reason for Proposed Action: Due to retirement of the Sound and Light Show after 30 years of production and minor modifications to the hours of operation of the Memorial and required ratio of chaperones to students.

Comment Procedures: Provide comments in writing to the Director, USS NORTH CAROLINA Battleship Memorial, P.O. Box 480, Wilmington, NC 28402-0480. Comments must be submitted no later than 30 days after publication of this notice.

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

CHAPTER 5 - U.S.S. NORTH CAROLINA BATTLESHIP COMMISSION

SECTION .0200 - USE REGULATIONS

.0202 HOURS OF OPERATION

The U.S. S. North Carolina Battleship Memorial will be open during the following hours:

- (1) The memorial will be open every day at 8:00 am;
- (2) Closing time will be ~~approximately sunset except during the summer months. During the summer months when the sound and light show is being presented, the ship will close at 8:00 pm.~~ 5:00 pm from September 16 through May 15 and at 8:00 pm from May 16 through September 15.

Authority G.S. 143-362; 143B-73.

.0203 ADMISSION PRICES

(a) The admission price for the Battleship U.S.S. North Carolina is six dollars (\$6.00) for persons age 12 and over, three dollars (\$3.00) for children age 6 through 11, one dollar and fifty cents (\$1.50) per

student for organized school groups in grades kindergarten through 6, and three dollars (\$3.00) per student for organized school groups in grades 7 through 12.

(b) There is no charge for children under 6.

(c) Classroom teachers, aides, and chaperones accompanying students in class field trips will be admitted without charge at the rate of one teacher/aide/chaperone for each 20 10 students.

(d) Tour groups under auspices of bona fide travel agents will be offered a 20 percent discount. Tour directors and drivers will be admitted without charge.

(e) Any organized group of 20 or more will be offered a 10 percent discount when tickets are purchased by a single source.

Authority G.S. 143B-73.

.0204 SOUND AND LIGHT SHOW

~~(a) The admission price for the sound and light show at the Battleship U.S.S. North Carolina is three dollars and fifty cents (\$3.50) for adults age 12 and over and one dollar and seventy-five cents (\$1.75) for children age 6 through 11.~~

~~(b) There is no charge for children under 6 years of age.~~

~~(c) Tour groups under the auspices of bona fide travel agents will be offered a 20 percent discount. Tour directors and drivers will be admitted without charge.~~

~~(d) Any organized group of 20 or more will be offered a 10 percent discount when tickets are purchased by a single source.~~

Authority G.S. 143B-73.

.0207 PARKING LOT

The use of the parking lot, picnic shelter, picnic grove and grandstand is restricted to those interested in visiting and viewing the battleship memorial. Its use for overnight parking is prohibited. ~~Additionally, use of the parking lot during such time as the outdoor drama, "The Immortal Showboat", is being performed is restricted to individuals who have valid tickets for the performance.~~

Authority G.S. 143-362; 143B-73.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Child Day Care Commission intends to amend rules cited as 10 NCAC 03U .0704 and .0710.

Proposed Effective Date: April 1, 1997

A Public Hearing will be conducted at 4:00 p.m. - 8:00

p.m. on September 4, 1996 at the NC Child Day Care Commission, Meeting Room, 319 Chapanoke Road, Suite 120, Raleigh, NC 27603.

Reason for Proposed Action: *To recognize the NC Child Care Credential as an option for a preservice requirement for child day care teachers or administrators.*

Comment Procedures: *Comments may be presented in writing any time before or at the public hearing or orally at the hearing. Time limits for oral remarks may be imposed by the Commission Chairman. Any person may request copies of these Rules by calling Jeanne Marlowe, Division of Child Development, 319 Chapanoke Road, Suite 120, Raleigh, NC 27603, (919) 662-4535.*

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

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3U - CHILD DAY CARE STANDARDS

SECTION .0700 - HEALTH AND OTHER STANDARDS FOR CENTER STAFF

.0704 PRESERVICE REQUIREMENTS FOR ADMINISTRATORS

(a) The on-site administrator who has overall responsibility for planning and administering the child care program shall meet the following requirements:

- (1) Be at least 21 years of age, and be literate; and
- (2) Have either a high school or general education diploma; and
- (3) Have two years of full-time verifiable child day care or early childhood experience; or an undergraduate, graduate, or associate degree, with at least 12 semester hours in child development, child psychology, early childhood education or directly related field; or a Child Development Associate Credential; or completion of a community or technical college curriculum program in the area of child care or early childhood; or one year of full-time verifiable child day care or early childhood experience and have completed the North Carolina Child Care Credential course; and
- (4) Have verification of having successfully completed, or be currently enrolled in, 3 quarter hours, or 33 clock hours, of training in the area of child care program administration; or, have one year experience perform-

ing administrative responsibilities; or, have one year experience performing administrative responsibilities and have another full-time staff person, who meets Subparagraphs (1) through (3) of this Paragraph who is responsible for planning and implementing the daily program at the center to comply with Sections .0500 and .0600 of this Subchapter.

(b) The administrator of a child day care program who does not routinely work on site, or who is responsible for more than one child day care arrangement, shall have verification of having successfully completed, or be currently enrolled in, 3 quarter hours, or 33 clock hours, of training in child care program administration; or, have one year experience performing administrative responsibilities and have at least one full-time staff person on site at each center who meets the requirements of (1) through (3) of Paragraph (a) of this Rule.

(c) Any person who is at least 21 years old and literate who was employed as an on-site administrator in a day care program on or before September 1, 1986, shall be exempt from the provisions of Paragraphs (a) and (b) of this Rule.

Authority G.S. 110-91(8); 143B-168.3.

.0710 PRESERVICE REQUIREMENTS FOR TEACHERS AND AIDES

(a) The teacher-caregiver with responsibility for planning and implementing the daily program for each group of children shall be at least 18 years of age, literate, and have at least one of the following:

- (1) A high school or general education diploma and one of the following:
 - (A) One year of verifiable experience working in a child day care center; or
 - (B) Twenty additional hours of training within the first six months of employment; or
 - (C) Successful completion of the Department of Public Instruction's Child Care Services Occupational Home Economics Program; or
 - (D) A passing grade in at least the equivalent of four semester hours in child development at a regionally accredited college or ~~university~~ university; or
 - (E) Completion of the North Carolina Child Care Credential course.
- (2) A Child Development Associate Credential.
- (3) Graduation from a child care or early childhood curriculum program at a community college or technical college.
- (4) An undergraduate or graduate degree with at least the equivalent of four semester hours in child development.
- (5) Five years of verifiable experience working in child day care.

(b) An aide or person responsible to the teacher-caregiver for assisting with planning and implementing the daily program shall be at least 16 years old and literate.

Authority G.S. 110-91(8); 143B-168.3.

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

Notice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to amend rule cited as 15A NCAC 7H .0106. Subject Matter notice was published in the *Register*, Volume 10, Issue 16B, page 1921.

Proposed Effective Date: October 1, 1996.

Reason for Proposed Action: Need for consistent use and understanding of the term in CRC rules. The term "structure" is used numerous times in CRC rules but is not defined in such a way as to apply consistently throughout all Subchapters of Chapter 7H. It is proposed to define building, roads, piers, mooring pilings, breakwaters, etc. as structures.

Comment Procedures: All persons interested in this matter are invited to send written comments to be received no later than June 15, 1996. Please mail or fax comments to Kris M. Horton; DEHNR; NC Division of Coastal Management; PO Box 27687; Raleigh, NC 27611-7687; (919) 733-1495.

Editor's Note: An agency may not adopt a rule that differs substantially from the text of a proposed rule published in the *Register*, unless the agency publishes the text of the proposed different rule and accepts comments on the new text.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. Economic impact does not exceed \$5,000,000.

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0100 - INTRODUCTION AND GENERAL COMMENTS

.0106 GENERAL DEFINITIONS

The following definitions apply whenever these terms are used in this ~~Subchapter~~ Chapter:

(1) "Normal High Water" is the ordinary extent

of high tide based on site conditions such as presence and location of vegetation, which has its distribution influenced by tidal action, and the location of the apparent high tide line.

(2) "Normal Water Level" is the level of water bodies with less than six inches of lunar tide during periods of little or no wind. It can be determined by the presence of such physical and biological indicators as erosion escarpments, trash lines, water lines, marsh grasses and barnacles.

(3) Unless specifically limited, the term "structures" includes, but is not limited to, buildings, bridges, roads, piers, wharves and docks (supported on piles), bulkheads, breakwaters, jetties, mooring pilings and buoys, pile clusters (dolphins), navigational aids and elevated boat ramps.

Authority G.S. 113A-102; 113A-107.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to amend rule cited as 15A NCAC 7J .0102.

Proposed Effective Date: April 1, 1997.

A Public Hearing will be conducted at 4:00 pm on July 25, 1996 at the Crystal Coast Civic Center, 3505 Arendell Street, Morehead City, NC 28557.

Reason for Proposed Action: The term "structure" is used numerous times in CRC rules but is not defined in such a way as to apply consistently throughout all Subchapters of Chapter 7. This definition of structure is being deleted from 15A NCAC 7J .0102 and moved to 15A NCAC 7H .0106 to provide consistency in Chapter 7.

Comment Procedures: All persons interested in this matter are invited to attend the public hearing. The Coastal Resources Commission will receive mailed written comments postmarked no later than July 25, 1996. Any person desiring to present lengthy comments is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. Additional information concerning the hearing or the proposals may be obtained by contacting Kris M. Horton, Division of Coastal Management, PO Box 27687, Raleigh, NC 27611-7687, (919) 733-2293.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. Economic impact does not exceed \$5,000,000.

CHAPTER 7 - COASTAL MANAGEMENT

**SUBCHAPTER 7J - PROCEDURES FOR
HANDLING MAJOR DEVELOPMENT
PERMITS: VARIANCE REQUESTS: APPEALS
FROM MINOR DEVELOPMENT PERMIT
DECISIONS: AND DECLARATORY RULINGS**

SECTION .0100 - DEFINITIONS

.0102 GENERAL DEFINITIONS

The following definitions apply whenever these words are used in this Subchapter:

- (1) "Areas of Environmental Concern" (AECs) means geographic areas within the coastal area which the Coastal Resources Commission chooses to designate for special environmental and land use regulations. The types of areas which may be designated as AECs are described in G.S. 113A-113. Areas which have already been designated are defined in 15A NCAC 7I, "State Guidelines for Areas of Environmental Concern."
- (2) "Department" (DEHNR) means the North Carolina Department of Environment, Health, and Natural Resources.
- (3) "Excavation Project" means any moving, digging, or exposing of bottom materials, marshland substrate or root or rhizome matter in the estuarine waters, tidelands, marshlands and state-owned lakes, regardless of the equipment or method used.
- (4) "Filling Project" means the placing of any materials in estuarine waters, tidelands, marshlands and state-owned lakes so as to raise the elevation of the area upon which the material is placed. Structure placement does not constitute a filling or excavation project. The placement of shell material specifically for the purpose of oyster culture also shall not be considered a filling project.
- (5) "Local Management Program" means the local implementation and enforcement program of a coastal city or county that has undertaken to administer a permit program for minor development in areas of environmental concern located within such city or county.
- (6) "Local Permit Officer" refers to the locally designated official who will administer and enforce the minor development permit program in areas of environmental concern and all parts of the land use plan which the local government may wish to enforce over the entire planning area.
- (7) "Division" means the Division of Coastal Management.
- (8) "Permit" refers to CAMA major development permits, CAMA minor development

permits and dredge and fill permits unless the context clearly indicates a contrary interpretation.

- (9) "Secretary" refers to the Secretary of Environment, Health, and Natural Resources.
- (10) ~~"Structures" includes, but is not limited to, buildings; bridges, piers, wharves and docks (supported on piles); timber breakwaters; mooring pilings; pile clusters (dolphins); navigational aids; net stakes; or concrete steel, or wood boat ramps more than 20 feet long and 10 feet wide.~~

Authority G.S. 113-229; 113A-116; 113A-117; 113A-118.

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Resources Commission intends to repeal rule cited as 15A NCAC 101 .0001.

Proposed Effective Date: March 2, 1997.

A Public Hearing will be conducted at 10:00 am on June 5, 1996 at the Archdale Building, Room 332, 512 N. Salisbury Street, Raleigh, NC 27604.

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

Comment Procedures: Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from May 15, 1996 through June 14, 1996. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 North Salisbury Street, Raleigh, NC 27604-1188.

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

.0001 DEFINITIONS AND PROCEDURES

(a) ~~For the purposes of this Subchapter, the following definitions shall apply:~~

- (1) ~~"Best available scientific evidence" is the existing biological, chemical, and physical data on the distribution, status, abundance, and population dynamics of a wild animal species and on the sufficiency or insufficiency of the biological and physical features of a critical habitat that have been collected and analyzed by competent biologists using objective, scientific methods.~~
- (2) ~~"Biological and physical features" are the known parameters and characteristics of a critical habitat necessary to sustain essential~~

- life processes of a wild animal species.
- (3) ~~"Conservation of a protected animal species" is defined in G.S. 113-331(1).~~
- (4) ~~"Conservation plan" shall be a written plan developed by the Wildlife Resources Commission using its resources and expertise in the biological and ecological sciences with input from other agencies that documents problems in the biological and physical features of a critical habitat and identifies possible remedies.~~

(A) ~~The conservation plan shall contain the best available scientific evidence that forms the basis for designation of the critical habitat and may contain recommended actions to be taken for special conservation, protection, and management of the critical habitat.~~

(B) ~~The conservation plan may contain more than one critical habitat if the threats to the habitats and the endangered and threatened wild animal species occupying them are similar.~~

(C) ~~The conservation plan shall be available for public review and comment.~~

- (5) ~~"Critical habitat" means any habitat essential to the conservation of a protected animal species listed as endangered or threatened in Rule .0003 or .0004 of this Subchapter.~~

(A) ~~Critical habitat shall include areas within the occupied or potential geographical range of a protected animal species or other critical areas that contain or impact the biological and physical features essential to the conservation of a protected animal species and for which special conservation, protection, and management actions may be required.~~

(B) ~~Critical habitat shall not include the entire occupied or potential geographical range of a protected animal species or all areas that impact upon a protected animal species unless the best available scientific evidence indicates that special conservation, protection, and management of the area or the entire range is essential to the~~

~~conservation of a protected animal species.~~

- (C) ~~Critical habitats designations shall be listed in this Subchapter and shall include an accurate description of the habitats and their boundaries, the endangered and threatened wild animal species occupying the habitats, and the reason and basis for designation.~~

(6) ~~"Life processes" are those biological functions of a wild animal species essential to the health and survival of individual organisms and perpetuation of a wild animal species.~~

(7) ~~"Protected animal" is defined in G.S. 113-331(5).~~

(8) ~~"Special conservation, protection, and management" are measures that may be taken and restrictions that may be imposed necessary to preserve or restore the essential biological and physical features of a critical habitat.~~

(9) ~~"Species" means the taxonomic grouping of wildlife, the sexually mature members of which interbreed and reproduce their own kind.~~

(10) ~~"Wild animal" is defined in G.S. 113-331(10).~~

(b) ~~For the purposes of this Subchapter, the following procedures apply for the designation of critical habitat.~~

(1) ~~The Wildlife Resources Commission shall undertake designation of critical habitat with the advice and upon the recommendation of the Nongame Wildlife Advisory Committee and shall base any decision to designate critical habitat upon the best available scientific evidence.~~

(2) ~~Upon receiving the recommendation from the Nongame Wildlife Advisory Committee that designation of critical habitat is essential to the conservation of a protected animal species listed as endangered or threatened pursuant to Rule .0003 or .0004 of this Subchapter, and upon finding sufficient evidence in the recommendation to warrant further consideration of designation, the Wildlife Resources Commission shall publish in the North Carolina Register notice of public hearing and intent to designate the area as critical habitat.~~

(3) ~~At the time of publication of the notice of the public hearing on designation of critical habitat, the best available scientific evidence upon which the proposed designation is based shall be available for public review and shall be provided to other agencies.~~

(4) ~~The Wildlife Resources Commission shall base its decision to designate or not designate a critical habitat solely upon the best available~~

scientific evidence and information in the record of the public hearing proceedings pertinent to the determination of whether or not the critical habitat is essential for the conservation of a protected animal species. Considerations related to the appropriateness or implementation of special conservation, protection, and management actions which may be recommended in any subsequently developed conservation plan shall not bear upon the decision to designate or not designate a critical habitat.

- (5) Following the designation of a critical habitat, the Wildlife Resources Commission shall invite representatives of interested governmental agencies with jurisdiction over measures and restrictions that could effect special conservation, protection, and management of the critical habitat to participate in development of a draft conservation plan for the listed critical habitat. Each governmental agency involved in development the draft conservation plan shall consider the range of impacts of proposed special conservation, protection, and management measures in the plan that come under its jurisdiction and that affect the public interest and shall address these impacts in the plan.
- (6) Upon completion of the draft conservation plan, the Wildlife Resources Commission shall publish in the North Carolina Register notice of the availability of the draft conservation plan for public review and notice of public hearing to receive public comment on the appropriateness and various impacts of the conservation, protection, and management provisions of the draft conservation plan.
- (7) The Wildlife Resources Commission and other governmental agencies contributing to the management and conservation strategy proposed for any designated critical habitat shall provide at the time of presentation of the conservation plan an opportunity for the public and any interested party to present pertinent information and comments about economic, social, ecological or other impacts that may result from implementation of special conservation, protection, and management measures recommended in the conservation plan.
- (8) Each governmental agency affected by special conservation, protection, and

management measures contained in the conservation plan for a critical habitat shall be invited to participate in the public hearing process, to consider the best available scientific evidence and the record of the public hearing proceedings, and to take appropriate actions under the agency's jurisdictional and procedural authorities.

Authority G.S. 113-132; 113-134; 113-331; 113-333; 113-334; 113-336; 143-239.

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 unless this notice has been previously published by the agency.

TITLE 1 - DEPARTMENT OF ADMINISTRATION

Rule-making Agency: *State Building Commission*

Rule Citation: *1 NCAC 30G .0101 - .0105*

Effective Date: *July 1, 1996*

Findings Reviewed by the Codifier of Rules: *Approved*

Authority for the rule-making: *G.S. 143-135.26(9)*

Reason for Proposed Action: *These Rules are proposed to establish procedures and criteria by which the State Building Commission can evaluate requests to use alternative contracting methods in public construction, as authorized by the 1995 General Assembly.*

Comment Procedures: *All persons interested in this matter are encouraged to submit written comments to: R. Glen Peterson, Department of Administration, 116 West Jones Street, Raleigh, NC 27603-8003. Comments will be accepted through July 15, 1996.*

CHAPTER 30 - STATE CONSTRUCTION OFFICE

SUBCHAPTER 30G - STATE BUILDING COMMISSION PROCEDURES AND CRITERIA FOR AUTHORIZATION TO USE AN ALTERNATIVE CONTRACTING METHOD

SECTION .0100 - GENERAL PROVISIONS

.0101 AUTHORITY

The State Building Commission, hereinafter referred to as SBC, is a statutory body, empowered by law to perform a multiplicity of duties with regard to the State's capital facilities development and management program. In the specific area of State capital improvement project requirements for building contracts, the SBC is empowered by G.S. 143-135.26 to adopt procedures which allows a State agency or institution, a local governmental unit, or any other entity subject to the provisions of G.S. 143-129 to use a method of contracting not authorized under G.S. 143-128. The use of any other alternative method shall be approved in advance by the SBC for any single project.

*History Note: Authority G.S. 143-135.26;
Temporary Adoption Eff. July 1, 1996.*

.0102 POLICY

To assure that the public trust is carefully exercised, the

North Carolina General Assembly has enacted a number of special procedures for the letting and administration of public construction contracts. They also help to assure that public owners receive good value in their expenditure of the public funds and that they do not pay excessive prices for construction. Therefore, it is the policy of the SBC that the public's interest is typically best served by the letting of public construction contracts pursuant to these special statutory procedures, particularly the provisions of G.S. 143-128. Nevertheless, the SBC recognizes that extraordinary circumstances do arise which justify an exemption from the methods of contracting authorized under G.S. 143-128. The categories of exemptions and other criteria set forth herein are designed to provide a fair and uniform means by which the SBC can determine that the requisite justifications to obtain an exemption have been adequately demonstrated.

*History Note: Authority G.S. 143-135.26;
Temporary Adoption Eff. July 1, 1996.*

.0103 DEFINITIONS

For the purposes of these Procedures and Criteria, the following definitions shall apply:

- (1) "Alternative contracting method" includes by way of example, but not limited to:
 - (a) the single-prime contracting system, not otherwise authorized under G.S. 143-128,
 - (b) the design-build delivery system, or
 - (c) the construction management delivery system.
- (2) "Chairman" means the Chairman of the State Building Commission.
- (3) "Construction management delivery system" means the alternative contracting method where the public owner contracts for a fee with a single person, but not the project general contractor, who administers contracts with separate contractors for the construction of the project and who is responsible as agent to the public owner for the coordination and management of the project, but where the public owner remains liable to the separate contractors.
- (4) "Design-build delivery system" means that the public owner contracts for a fee with a single person for the design, management and construction of a project.
- (5) "Director" means the Director of the State Construction Office.
- (6) "Exemption" means the grant of authorization by the SBC for the use of a method of contracting not otherwise authorized under G.S. 143-128.
- (7) "Person" means a person, firm or corporation.

- (8) "Project" means the building or facility for which an exemption is requested by the public owner, and upon which the work will be performed.
- (9) "Public owner" means a state agency or institution, a local government unit, or any other entity subject to the provisions of G.S. 143-129.
- (10) "SBC" means the State Building Commission.
- (11) "Work" means the erection, repair, construction, renovation or alteration to be performed upon a building or facility.

*History Note: Authority G.S. 143-135.26;
Temporary Adoption Eff. July 1, 1996.*

.0104 GENERAL PROCEDURES

(a) Application Form - The SBC shall establish a form of application, along with a copy of the rules for application approved by the SBC, to be used by public owners requesting an exemption, which shall upon request be provided to public owners. A completed application shall contain all of the information necessary to enable the SBC to determine the appropriateness and merits of approving an exemption.

(b) Rules for Application - The SBC shall establish rules for application to be used by public owners requesting an exemption, which shall upon request be provided to public owners.

(c) Review of Application:

(1) The public owner shall submit the application to the State Construction Office, Attention: Director, Department of Administration, New Education Building, Suite 450, 301 North Wilmington Street, Raleigh, North Carolina 27601-2827. The Director shall review the application upon its receipt. If the Director determines that the application is not complete, he shall return the application to the public owner along with a written notice of the reasons for the return. Despite the return of an application, a public owner may request in writing to the Director that the SBC consider the application as originally submitted, and the notice of return to the public owner shall so state this option. An application shall be considered abandoned if it is returned pursuant to this Section, and no further action is taken by the public owner to satisfy the reasons for its return.

(2) The SBC shall generally meet once per month to review applications and to conduct its other business. Completed applications shall be considered within 60 days of receipt by the Director of the completed application. Once scheduled for consideration by the SBC, the public owner shall be given notice of the date, time and location of the SBC meeting at which the application shall be considered.

- (3) The SBC shall only accept written applications. After due consideration of these applications, the SBC shall take one of the following actions:
 - (A) Delay consideration of the application;
 - (B) Deny the application; or
 - (C) Approve the application.

Within five days of the SBC's action upon the application, notice of the same shall be sent to the public owner, and to the Director. Upon a delay of consideration pursuant to Paragraph (a) of this Rule, the SBC shall immediately request from the public owner or other person further information required in order to make a determination, or provide the public owner with notice of other good cause existing for the delay.

(d) Approval of an Application - Approval of an application authorizes the public owner to utilize only the alternative contracting method as proposed by the public owner and no other method of contracting. Approval of an application shall be effective for a period to be determined by the SBC but not exceeding 12 months, unless that effective time period is extended by the SBC upon good cause shown by the public owner. The extension of an effective time period shall be for no more than 12 months and shall run from the last day of the prior effective time period. The effective time period shall run from the date the SBC approves the application.

(e) Voting - The authorization for an alternative contracting method shall be approved by two-thirds of the members of the SBC present and voting. A member of the SBC is not qualified to vote upon any matter or influence any other member's vote upon any matter in which he has a conflict of interest. A conflict of interest, as related to members of the SBC, is defined in G.S. 143-135.28.

(f) Public Records - The Director shall maintain a list of applications which states the name of the public owner, the name of the project, the project amount, a brief description of the category for which the exemption is sought, and a record of the SBC's action upon those applications, shall be available for public inspection.

*History Note: Authority G.S. 143-135.26;
Temporary Adoption Eff. July 1, 1996.*

.0105 CRITERIA FOR CONSIDERATION

(a) General Considerations - Applications shall be subject to the following general considerations which the SBC shall utilize in reviewing all applications:

- (1) Whether the public owner has adequately justified that the requested exemption is applicable to the project.
- (2) Whether under the circumstances presented the project can be reasonably completed under the methods authorized under G.S. 143-128, and if not, whether the public owner has adequately demonstrated that the proposed alternative con-

tracting method is necessary.

- (3) Whether the exemption sought is appropriate and in the public's interest.
- (4) Whether the public owner has been responsible in the pre-planning stages of the project.

(b) Criteria for Exemptions - The following criteria describe circumstances where the SBC recognizes that a project may not be able to be reasonably completed under the methods authorized by G.S. 143-128, and where the use of an alternative contracting system, not otherwise authorized by G.S. 143-128, may be appropriate and in the public's interest:

- (1) Special Technology or Equipment - The project involves the erection or construction of special or unique technology or equipment whose vendor requires that its services be purchased in conjunction with the technology or equipment; or the vendor guarantees the technology or equipment only if its services are purchased in conjunction with the technology or equipment.
- (2) Unusual Complexity - The project involves one or more of the following conditions:
 - (A) very specialized or complex type of construction involving unconventional construction techniques or materials, or unusual working conditions;
 - (B) major renovations or an addition to an existing facility requiring continuous coordination of occupied programs or operations necessary for the protection of public health or safety; or
 - (C) extensive repairs, renovations or an addition to a major building or facility listed either in the North Carolina or Federal Register of Historic Properties.
- (3) Accelerated Schedule - A fast track schedule is required due to actual or impending judicial intervention by means of a State or Federal court order, or to address actual or impending regulatory mandates or citation for noncompliance.

*History Note: Authority G.S. 143-135.26;
Temporary Adoption Eff. July 1, 1996.*

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Rule-making Agency: DHR-Division of Medical Assistance

Rule Citation: 10 NCAC 50D .0101 - .0103, .0201, .0301 - .0302, .0401 - .0402, .0501 - .0503

Effective Date: Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

Findings Reviewed by the Codifier of Rules: *Approved*

Authority for the rule-making: G.S. 108A-70.5; 42 U.S.C. 1396p.

Reason for Proposed Action: *These rules are necessary to implement Medicaid estate recovery. OBRA 1993 mandated estate recovery and enabling state legislation to effect this mandate was needed. G.S. 108A-70.5 was passed in July 1994 and authorizes estate recovery. These rules were published in NC Register 10:15. These rules have already undergone public comment and revision. At the February 15, 1996 Rules Review Commission meeting, the Commission voted to return these rules for failure to prepare a fiscal note in compliance with G.S. 150B-21.4(b). These rules have been revised as a result of the public hearing process. Revisions are shown with strike through and underline.*

Comment Procedures: *Written comments concerning these rule-making actions must be submitted by July 15, 1996 to Portia Rochelle, APA Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.*

CHAPTER 50 - MEDICAL ASSISTANCE

SUBCHAPTER 50D - ESTATE RECOVERY

SECTION .0100 - RECIPIENTS SUBJECT TO ESTATE RECOVERY

.0101 NOTICE OF ESTATE RECOVERY

(a) An individual who applies ~~or reapplies on or after October 1, 1994 under for~~ Medicaid ~~disabled or aged categories coverage for cost of care~~ shall be given a written notice ~~at the time of application~~ that a claim may be filed against their estate, if one exists, to recover Medicaid payments made on his behalf.

(b) Notice shall be on a form prescribed by the Division of Medical Assistance and shall explain:

- (1) The types of Medicaid payments subject to estate recovery; ~~and~~
- (2) That recovery will not be claimed if the individual is survived by a legal spouse, child(ren) under age 21 or blind or disabled child(ren) of any age who became blind or disabled before age 21 and still live on the property of the ~~individual~~ ~~individual~~;
- (3) That estate recovery is limited to recipients age 55 and over who receive certain Medicaid services or to recipients who are permanently institutionalized; and
- (4) That recovery may be waived in the case of undue hardship.

History Note: Authority G.S. 108A-70.5; 42 U.S.C.

1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

.0102 PERMANENTLY INSTITUTIONALIZED

Recovery shall apply to the estates of individuals under age 55 who seek Medicaid coverage for costs of care in a medical institution and who cannot reasonably be expected to be discharged to return home.

- (1) For purposes of estate recovery, medical institution means licensed nursing facilities, intermediate care for the mentally retarded facilities, nursing facility level of care in hospitals, or psychiatric inpatient care in a general hospital, or psychiatric hospital hospital, or mental institution.
- (2) A determination that an individual cannot reasonably be expected to be discharged to return home is made when the individual seeks placement in or has been admitted to a medical institution using the following evidence:
 - (a) Admission forms for level of care, physician written statement of discharge plans, or plans of care which indicate care needs are not of temporary permanent or of indefinite duration, or
 - (b) Individual continues to be a resident of a medical institution at the end of a temporary stay predicted by his physician at the time of admission to be no longer than six months in duration.
- (3) Notice of the determination that the individual is residing in a medical institution on a permanent or indefinite basis shall be given to the individual, or to his parent/guardian/responsible person if the individual is incompetent, within three work days after the determination. The notice shall explain the right to request a reconsideration review, and the time limits and procedures for doing so.
- (4) The individual or his parent/guardian/responsible person may request a reconsideration review of the determination under Section .0200 of this Subchapter.

History Note: Authority G.S. 108A-70.5; 42 U.S.C. 1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

.0103 AGE 55 AND OVER

(a) Recovery shall apply to the estates of individuals who on or after reaching age 55 seek receive Medicaid coverage for nursing facility level of care in a medical institution or under a home and community based alterna-

tive program for individuals who would otherwise qualify for ~~ea~~ to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later. ~~re in a medical institution nursing facility level of care.~~

(b) Written notice that the state may file a claim against their estate to recover the payments made by the Medicaid Program on their behalf shall be given to individuals at the time of approval of eligibility for nursing facility level of care in a medical institution or approval for home and community based alternatives services.

History Note: Authority G.S. 108A-70.5; 42 U.S.C. 1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

SECTION .0200 - RECONSIDERATION REVIEW

.0201 RECONSIDERATION REVIEW

(a) The recipient or his parent/guardian/responsible person acting on behalf of the recipient may request reconsideration of the determination that the individual cannot reasonably be expected to be discharged to return home based on relevant evidence stated in Rule .0101 of this Subchapter.

(b) A reconsideration review shall be requested in writing to the Division of Medical Assistance estate recovery administrator within 30 calendar days of the determination and written notice provided by the county department of social services.

(c) Within 30 calendar days of a written request for reconsideration of the determination of permanent institutionalization, the estate recovery administrator shall establish a reconsideration date and conduct a review of:

- (1) All evidence considered by the county department of social services in making a determination of permanent institutionalization, and
- (2) Information provided in writing or by telephone conference with the recipient or an individual acting on behalf of the recipient.

(d) The review shall be conducted in the Division of Medical Assistance offices and may include a telephone conference with the recipient or an individual acting on behalf of the recipient if oral testimony is requested.

(e) A decision shall be made and provided in writing to the recipient or an individual acting on behalf of the recipient within 15 calendar days of the date of the reconsideration review.

(f) If the recipient disagrees with the decision of the reconsideration review, he may appeal to the Office of Administrative Hearings (OAH) within ~~30~~ 60 calendar days of receipt of the reconsideration review decision. If no appeal to OAH is filed, the reconsideration review decision is final.

History Note: Authority G.S. 108A-70.5; 42 U.S.C.

1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

SECTION .0300 - MEDICAID PAYMENTS SUBJECT TO RECOVERY

.0301 PERMANENTLY INSTITUTIONALIZED

(a) Recovery shall be claimed for all Medicaid payments, including cost sharing charges for Medicare services and Medicare premiums, made on behalf of individuals for the period of time the individual received care in a medical institution, including the period of time prior to the date the recipient is determined permanently institutionalized whether or not such periods were consecutive. The amount of recovery is shall be limited to the amount of Medicaid payments for services and benefits described herein.

(b) No recovery will shall be claimed for any period of time the recipient was discharged from a medical institution and lived in the community for a period of 30 or more consecutive days.

(c) No recovery will shall be claimed if the recipient is survived by one or more of the relatives listed in Section .0100 of this Subchapter.

(d) No recovery will shall be claimed if the Division of Medical Assistance determines under provisions of Section .0500 of this Subchapter that it is not cost effective or if recovery would create undue hardship to a survivor.

History Note: Authority G.S. 108A-70.5; 42 U.S.C. 1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

.0302 AGE 55 and OVER

(a) Recovery shall be claimed for Medicaid payments for the following services and benefits:

- (1) Nursing facility level of care;
- (2) Home and community based alternatives services;
- (3) ~~Hospital inpatient and outpatient~~ Related hospital care received during approved care under either Subparagraph (1) or (2) of this Paragraph;
- (4) Prescription drugs received during approved care under either Subparagraph (1) or (2) of this Paragraph; and
- (5) Medicare premiums paid during the time of approved care under either Subparagraph (1) or (2) of this Paragraph.

(b) The amount of recovery is shall be limited to the amount of Medicaid payments and benefits described in Paragraph (a)(1)-(5) of this Rule.

(c) No recovery will shall be claimed if the recipient is survived by one or more relatives listed in Section .0100

of this Subchapter.

(d) No recovery will shall be claimed if the Division of Medical Assistance determines under provisions of Section .0500 of this Subchapter that it is not cost effective or if recovery would create undue hardship to a survivor.

History Note: Authority G.S. 108A-70.5; 42 U.S.C. 1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

SECTION .0400 - FILING AND COLLECTION OF CLAIMS AGAINST ESTATE

.0401 FILING CLAIM AGAINST ESTATE

(a) Within 60 days after the date of a recipient's death, the Division of Medical Assistance or its fiscal agent shall produce a claim document summarizing all Medicaid payments subject to recovery as stated in Rules .0301 and .0302 of this Subchapter.

(b) The claim shall be mailed to the county department of social services from which the individual received Medicaid.

(c) Following a determination that the recipient is not survived by any of the relatives listed in Section .0100 of this Subchapter, the county department of social services shall file the claim by certified mail with the individual who has been named to administer the estate and shall send a copy to the clerk of court for his records. At the time the claim is filed the administrator shall be notified that recovery will be waived if the assets in the estate are below five thousand dollars (\$5,000), and of the procedures for requesting a determination of undue hardship.

(d) The claim shall be filed regardless of whether an appeal or determination of permanent institutionalization status has been decided.

(e) (d) If an administrator of the decedent's estate has not been appointed at the time the claim is received in the county, within 30 calendar days the county shall request the name of the administrator from the clerk of court and shall file the claim directly with the clerk of court if no appointment has been made.

(f) (e) At any time that the county department of social services determines that the decedent is survived by any of the relatives listed in Section .0100 of this Chapter or that the decedent does not have an estate, it shall notify the Division of Medical Assistance to cease recovery efforts.

History Note: Authority G.S. 108A-70.5; 42 U.S.C. 1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

.0402 COLLECTION OF CLAIMS

(a) Estate for purposes of recovery of Medicaid pay-

ments is defined under G.S. 28A-15-1.

(b) Unless the Division of Medical Assistance waives or reduces its claim, recovery under rules in Section .0500 of this Subchapter, recovery shall be claimed in full for the amount of the Medicaid claim to the extent that assets in the estate are sufficient to meet the state's claim as a fifth class creditor.

(c) All recoveries for Medicaid claims shall be remitted to the Division of Medical Assistance by the administrator of the decedent's estate, any individual or entity designated by the clerk of court or by the clerk of court.

(d) Amounts recovered shall be shared by the federal, state and county governments in proportion to the financial share of program costs borne by each at the time recovery is received.

History Note: Authority G.S. 108A-70.5; 42 U.S.C. 1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

SECTION .0500 - WAIVER OF RECOVERY

.0501 RECOVERY NOT COST EFFECTIVE

Recovery shall be deemed to not be cost effective and shall be waived when:

- (1) The amount of Medicaid payments for services and benefits subject to recovery is less than three thousand dollars (\$3,000), or
- (2) The assets in the estate are below five thousand dollars (\$5,000).

History Note: Authority G.S. 108A-70.5; 42 U.S.C. 1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

.0502 UNDUE HARDSHIP

(a) Recovery is shall be waived if enforcement of the claim will cause undue or substantial hardship to the surviving heirs of the decedent.

(b) Undue or substantial hardship is shall be deemed to exist when:

- (1) Real or personal property included in the estate is the sole source of income for a survivor and the net income derived is below 75 percent of the federal poverty level for the dependents of the survivor(s) claiming hardship, or
- (2) Recovery would result in forced sale of the residence of a survivor who lived in the residence for at least 12 months immediately prior to and on the date of the decedent's death and who would be unable to obtain an alternate residence because the net income available to the survivor and his spouse is below 75 percent of the federal

poverty level and assets in which the survivor or his spouse have an interest are valued below twelve thousand dollars (\$12,000).

(c) Undue hardship ~~does~~ shall not include loss of a pre-existing standard of living nor the establishment of a source of maintenance that did not exist prior to the decedent's death.

(d) A claim of undue hardship to a survivor shall be made in writing to the Division of Medical Assistance estate recovery administrator within ~~90~~ 30 days after the surviving heir claiming undue hardship has been notified of the Medicaid claim, claim has been filed with the administrator or clerk of court. The claim of hardship ~~must~~ shall describe the financial circumstances of the heir and the basis for his dependence on assets in the decedent's estate.

History Note: Authority G.S. 108A-70.5; 42 U.S.C. 1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

.0503 DETERMINATION OF UNDUE HARDSHIP

(a) The estate recovery administrator shall evaluate each claim of hardship within 60 calendar days of the request to make a determination to waive recovery of the claim in part or in full. In making this determination, the administrator may request documentation to support the survivor's claim of hardship including prior year's income tax returns, bank statements, wage and earnings files, real and personal property records, utility records, tax records, medical bills, or other documents offered by the survivor to support his claim.

(b) If documentation necessary to evaluate the claim of hardship is not provided or the survivor requests additional time to obtain the documentation, the administrator may extend the review for an additional 30 days.

(c) The claim of hardship shall be denied if the necessary documentation is not provided within the time frames stated in Paragraphs (a) and (b) of this Rule.

(d) The administrator shall notify in writing the survivor claiming hardship, the administrator and the clerk of court of his decision within 10 calendar days after completing the review of the request and documentation supporting the claim of hardship. The notice shall explain the right to appeal to the Office of Administrative Hearings (OAH) and the time limit and procedure for doing so.

(e) If the survivor disagrees with the decision, he may appeal to the Office of Administrative Hearings (OAH) within ~~30~~ 60 calendar days of receipt of the decision. If no appeal to OAH is filed, the decision is shall be final.

History Note: Authority G.S. 108A-70.5; 42 U.S.C. 1396p.;

Temporary Adoption Eff. May 6, 1996 to expire on July 1, 1996, or the last day of the 1996 session of the General Assembly, whichever is later.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 69 - BOARD FOR LICENSING OF SOIL SCIENTISTS

Rule-making Agency: *North Carolina Board for Licensing of Soil Scientists*

Rule Citation: 21 NCAC 69 .0101 - .0104, .0201 - .0202, .0301 - .0308, .0401 - .0402, .0501

Effective Date: May 15, 1996

Findings Reviewed by the Codifier of Rules: *Approved*

Authority for the rule-making: G.S. 89F

Reason for Proposed Action: *Passage of G.S. 89F in July, 1995 established licensing of soil scientists. The licensing board created by this statute requires rules for its function especially with respect to allowing licensing without examination prior to November, 1996. Notice of rule-making proceedings was published in the Register on January 2, 1996.*

Comment Procedures: *All persons interested in this matter are encouraged to submit written comments or questions to H.J. Kleiss, NC Board for Licensing of Soil Scientists, PO Box 5316, Raleigh, NC 27650-5316. Comments will be accepted through June 14, 1996.*

Instructions on How to Demand a Public Hearing: *Contact the NC Board for Licensing of Soil Scientists, PO Box 5316, Raleigh, NC 27650-5316. A request for a hearing must be received by the Board within 15 days from the publication of this notice.*

SECTION .0100 - STATUTORY AND ADMINISTRATIVE PROVISIONS

.0101 AUTHORITY: NAME AND LOCATION OF BOARD

The "North Carolina Soil Scientist Licensing Act", G.S. 89F, establishes and authorizes the "North Carolina Board for Licensing of Soil Scientists", hereafter called the "Board". Unless otherwise directed all communications shall be addressed to the North Carolina Board for Licensing of Soil Scientists at PO Box 5316, Raleigh, North Carolina 27650-5316.

History Note: Authority G.S. 89F-4; 89F-5; Temporary Adoption Eff. May 15, 1996.

.0102 DUTIES OF OFFICERS

(a) Chairman. The Chairman shall, when present,

preside at all meetings, appoint committees, sign all certificates issued and perform all duties pertaining to his office.

(b) Vice-Chairman. The Vice-Chairman, in the absence of the Chairman, shall perform all of the duties of the Chairman.

(c) Secretary-Treasurer:

- (1) The Secretary-Treasurer, with the assistance of other officers or employees that may be approved by the Board, shall conduct and care for all correspondence of the Board, keep minutes of all meetings, and keep all books and records. He shall have charge, care and custody of the official documents by order of the Board. He shall provide notice to each member of the Board of the time and place of all meetings of the Board.
- (2) The Secretary-Treasurer, with the assistance of other officers or employees that may be approved by the Board, shall receive all monies from applicants for annual renewal or other fees and deposit them in an authorized depository of the Board.
- (3) The Secretary-Treasurer shall mail a copy of G.S. 89F and the rules of this Chapter to each applicant for a license.

History Note: Authority G.S. 89F-5; Temporary Adoption Eff. May 15, 1996.

.0103 SEAL OF THE BOARD

The official seal of the Board is the Seal of the State of North Carolina.

History Note: Authority G.S. 89F-5; Temporary Adoption Eff. May 15, 1996.

.0104 FEES

Each completed application form shall be accompanied by the prescribed fee. Application fees shall not be refunded regardless of Board approval or disapproval of the application.

- | | | |
|-----|---|----------------|
| (1) | <u>application forms for licensing as a Soil Scientist, including a copy of the Licensing Act and rules</u> | <u>\$ 5.00</u> |
| (2) | <u>application for license</u> | <u>50.00</u> |
| (3) | <u>examination</u> | <u>125.00</u> |
| (4) | <u>license</u> | <u>85.00</u> |
| (5) | <u>renewal of license</u> | <u>50.00</u> |
| (6) | <u>restoration of license</u> | <u>110.00</u> |
| (7) | <u>replacement of license</u> | <u>50.00</u> |
| (8) | <u>licensed soil scientist seal</u> | <u>30.00</u> |

History Note: Authority G.S. 55B-10; 55B-11; 89F-25; 150B-19; Temporary Adoption Eff. May 15, 1996.

SECTION .0200 - LICENSING OF SOIL SCIENTISTS

.0201 APPLICATION PROCEDURE

(a) All applicants for licensing shall furnish the following:

- (1) A legible official copy of their college transcript(s), and verification of graduation sent directly from the institution to the Board;
- (2) A record of experience in the practice of soil science including any of the applicant's written reports, maps, published articles or other materials the Board determines are appropriate to document the applicant's experience as a soil scientist;
- (3) Four references as defined in G.S. 89F-10(a)(1);
- (4) Signed copy of Code of Professional Conduct;
- (5) A notarized copy of a completed application form; and
- (6) The application fee as prescribed in Rule .0104 of this Chapter.

(b) Applicants for licensing under comity shall submit an application form along with the prescribed fee. The Board may require the submittal of additional information if necessary to determine if the applicant meets the requirements of G.S. 89F.

(c) Applicants for reinstatement of an expired license shall submit a reinstatement application and the prescribed fee.

(d) Applicants for reinstatement of a revoked or suspended license shall submit such information as is required by the Board, on a case-by-case basis, to determine their eligibility for reinstatement, and shall submit the prescribed fee.

(e) Applicants who do not meet the minimum qualification for education as defined in G.S. 89F-10 but have a specific record of 15 years or more experience in the practice of soil science of a grade and character that indicates to the Board that the applicant is competent to practice soil science shall be admitted to the written examination. The applicant shall show evidence of the practicing experience. Upon passing such examination, the applicant shall be granted a license to practice soil science in this State, provided other requirements of G.S. 89F and the rules in this Chapter are met.

History Note: Authority G.S. 89F-5; 89F-9; 89F-10; 89F-12;

Temporary Adoption Eff. May 15, 1996.

.0202 EXPIRATIONS AND RENEWALS OF CERTIFICATES

(a) The annual renewal fee of fifty dollars (\$50.00) shall be payable to the Board. The Board shall send to each licensed soil scientist a form that requires the registrant to provide the Board with his business and residential address and to affix the registrant's North Carolina Licensed Soil

Scientist seal thereupon. An applicant for renewal shall document continuing education as provided in Section .0300 of this Chapter. The completed forms along with the required fee shall be forwarded to the Board.

(b) All licenses will expire on July 1. Licenses that have not been renewed by September 1st may only be renewed by filing a restoration application and submitting a restoration fee.

(c) The Soil Scientist-in-Training certificate shall not expire and therefore does not have to be renewed.

History Note: Authority G.S. 89F-5;

Temporary Adoption Eff. May 15, 1996.

SECTION .0300 - CONTINUING PROFESSIONAL COMPETENCY

.0301 INTRODUCTION

Every licensee shall meet the continuing professional education requirements of this Section as a condition for license renewal.

History Note: Authority G.S. 89F-5;

Temporary Adoption Eff. May 15, 1996.

.0302 DEFINITIONS

Terms used in this Section are defined as follows:

- (1) Professional Development Hour (PDH) - One contact hour (nominal) of instruction or presentation.
- (2) College/Unit Semester/Quarter Hour - Credit assigned by a college or university for a completed course.
- (3) Course/Activity - Any course or activity with a clear purpose and objective that maintains, improves, or expands the skills and knowledge of the licensee.
- (4) Sponsor - Organization or individual that has supplied information on a form furnished by the Board with respect to the organization or individual's ability to provide instruction in "for credit" courses. Courses offered by those designated as "Sponsor" shall contain a clear purpose and objective, and result in the maintenance, improvement, or expansion of skills and knowledge relevant to a licensee's field of practice. Courses offered by "Sponsors" are acceptable for PDH credit without scrutiny of individual course content.
- (5) Renewal Period for Continuing Professional Education - The period for accumulating the required PDH units shall be three years.

History Note: Authority G.S. 89F-5;

Temporary Adoption Eff. May 15, 1996.

.0303 REQUIREMENTS

Every licensee shall obtain 45 PDH units during each three year period of licensing. If a licensee exceeds the required number of units in any triennial period, a maximum of 15 PDH units may be carried forward into the subsequent period. Selection of courses and activities which meet the requirements of Rule .0302(3) of this Section shall be the responsibility of the licensee. Licensees have the option of selecting courses other than those offered by sponsors. Post evaluation of courses offered by other than sponsors as defined in Rule .0302(4) of this Section may result in non-acceptance. PDH units may be earned as follows:

- (1) Completion of college courses.
- (2) Completion of continuing education courses.
- (3) Completion of correspondence, televised, video-taped, audio taped, and other short courses/tutorials.
- (4) Presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences.
- (5) Teaching or instructing in Items (1) through (4) of this Rule.
- (6) Authoring published papers, articles, or books.
- (7) Active participation in professional or technical societies.
- (8) Patents.

History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996.

.0304 UNITS

The conversion of other units of credit to PDH units is as follows:

- (1) 1 College or unit semester hour 15 PDH;
- (2) 1 College or unit quarter hour 10 PDH;
- (3) 1 Hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions or conference 1 PDH;
- (4) For teaching in Items (1) - (4) of this Rule, PDH credits are doubled*;
- (5) Each published paper, article or book 10 PDH;
- (6) Active participation in professional and technical society. (Each organization.) 2 PDH;
- (7) Each patent 10 PDH.

*Teaching credit is valid for teaching a course or seminar for the first time only.

History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996.

.0305 DETERMINATION OF CREDIT

The Board for Licensing of Soil Scientists shall have final authority with respect to approval of courses, sponsors, credit, PDH value for courses, and other methods of earning credit. PDH credits are not earned until the

activity is completed or until the end of each year of service is completed. The following criteria will be used in determining PDH credits:

- (1) Credit for college or community college courses will be based upon course credit established by the college.
- (2) Credit for seminars and workshops, shall be based on one PDH unit for each hour of attendance.
- (3) Attendance at programs presented at professional and technical society meetings shall earn PDH units for the actual time of each program with a maximum of 15 for a given meeting.
- (4) Credit determination for published papers, articles and books and obtaining patents is the responsibility of the licensee with final approval by the Board.
- (5) Credit for active participation in professional and technical societies (limited to 2 PDH per organization), requires that a licensee serve as an officer or actively participate in a committee of the organization. PDH credits shall not be earned until the end of each year of service is completed.

History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996.

.0306 RECORDKEEPING

(a) Each licensee shall maintain records to be used to support credits claimed. Records required include, but are not limited to:

- (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned;
- (2) attendance verification records in the form of completion certificates, or other documents supporting evidence of attendance.

(b) These records shall be maintained for a period of three years and copies may be requested by the board for audit verification purposes.

History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996.

.0307 EXEMPTIONS

A licensee shall be exempt from the continuing professional development educational requirements for one of the following reasons:

- (1) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the continuing professional education hours required during that year.
- (2) Licensees experiencing physical disability (as

defined in G.S. 168A), illness, or other circumstances beyond the control of the licensee as reviewed and approved by the Board may be exempt. Supporting documentation shall be furnished to the Board.

- (3) Licensees who list their occupation as "Inactive" on the renewal form and who further certify that they are no longer receiving any remuneration from providing professional soil services shall be exempt from the continuing professional education hours required. In the event such a person elects to return to active soil science practice, professional development hours shall be earned in accordance with the requirements of Rule .0308 in this Section before returning to active practice.

*History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996.*

.0308 REINSTATEMENT

A licensee may bring an inactive license to active status by obtaining all delinquent PDH units and paying the restoration fee. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

*History Note: Authority G.S. 89F-5;
Temporary Adoption Eff. May 15, 1996.*

SECTION .0400 - STANDARDS OF PROFESSIONAL CONDUCT

.0401 CODE OF PROFESSIONAL CONDUCT

(a) A soil scientist shall conduct his practice in order to protect the public health, safety and welfare. The soil scientist shall at all time recognize his primary obligation to protect the safety, health, and welfare of the public in the performance of his professional duties.

(b) A soil scientist shall perform his services only in areas of his competence and:

- (1) shall undertake to perform assignments only when qualified by education or experience in the specific technical field of soil science involved.
- (2) shall not affix his signature or seal to any document dealing with subject matter to which he lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his direct supervisory control except that the soil scientist may affix his seal and signature to documents depicting the work of two or more professionals provided he designates by note under his seal the specific subject matter for which he is responsible.

(c) A soil scientist shall issue public statements only in an objective and truthful manner and:

- (1) shall be completely objective and truthful in all

professional reports, statements or testimony. He shall include relevant and pertinent information in such reports, statements or testimony.

- (2) when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.

- (3) shall issue no statements, criticisms, or arguments on soil science matters connected with public policy which are inspired or paid for by an interested party, or parties unless he has prefaced his comment by explicitly identifying himself, by disclosing the identities of the parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.

- (4) shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another soil scientist, nor shall he indiscriminately criticize another soil scientist's work in public. If he believes that another soil scientist is guilty of misconduct or illegal practice, he shall present such information to the proper authority for action.

(d) A soil scientist shall avoid conflicts of interest and:

- (1) shall promptly inform his employer or client of any business association, interest, or circumstances, which could influence his judgment or the quality of his services.

- (2) shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products without full disclosure.

- (3) shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible.

- (4) when in public service as a member, advisor, or employee of a governmental body or department, the soil scientist shall abstain from voting on matters involving services provided by him or his organization in private soil science practices.
- (5) shall not solicit or accept a contract from a governmental body on which a principal or officer of his organization serves as a member without full disclosure to affected parties.

- (6) shall not attempt to supplement another soil scientist in a particular employment after becoming aware that the other has been selected for the employment.

(e) A soil scientist shall solicit or accept work only on the basis of his qualifications and:

- (1) shall disclose to affected parties any payment, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.
- (2) shall compete for professional employment on the basis of qualification and competence for proper accomplishment of the work. He shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered.
- (3) shall not falsify or permit misrepresentation of his, or his associates', academic professional qualification. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.
- (4) shall not knowingly associate with or permit the use of his name or firm name in a business venture by any person or firm which he knows, or has reasons to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.
- (5) if the soil scientist has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of the North Carolina Soil Scientist Licensing Act, he shall present such information to the Board and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

(f) A soil scientist whose professional registration is revoked or suspended by another jurisdiction, shall be subject to disciplines by the Board if the registrant's actions violate G.S. 89F or the rules in this Chapter. Conviction of a felony without restoration of civil rights, or the revocation or suspension of the license of a soil scientist by another jurisdiction, if for a cause which in the State of North Carolina would constitute a violation of G.S. 89F or of these Rules, shall be grounds for a charge of violation of the rules in this Chapter.

*History Note: Authority G.S. 89F-17;
Temporary Adoption Eff. May 15, 1996.*

.0402 RULES OF CONDUCT OF ADVERTISING

(a) A soil scientist shall not make exaggerated, misleading, deceptive or false statements or claims about his professional qualifications, experience or performance in

his brochures, correspondence, listings or other public communications.

(b) The prohibitions listed in Paragraph (a) of this Rule include, but are not limited to, the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified expectation; statements containing prediction of future success; or statements containing an opinion as to the quality of services.

(c) Consistent with the foregoing, a soil scientist may advertise for recruitment of personnel.

(d) Consistent with the foregoing, a soil scientist may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

*History Note: Authority G.S. 89F-17;
Temporary Adoption Eff. May 15, 1996.*

SECTION .0500 - DISCIPLINARY ACTION AND PROCEDURE

.0501 IMPROPER PRACTICE BY LICENSEE

(a) Duty of the Board. When the Board becomes aware of an alleged violation, it shall send a "letter of inquiry" to the soil scientist allegedly involved and to the complainant. The soil scientist shall reply to this and any other inquiry of the Board within 30 calendar days. Failure to respond will constitute violation of the rules in this Chapter. After receiving and considering the response from the soil scientist, the Board may send additional letters of inquiry to the soil scientist and other persons allegedly involved.

(b) Findings of the Board. Upon consideration of responses to inquiries, the Board shall determine what action shall be taken:

- (1) if the Board determines that no disciplinary action is necessary, all parties previously contacted shall be so informed;
- (2) if the Board determines that the infraction is deemed minor, then the licensee may be offered a "letter of warning". This "letter of warning" shall note the licensee's acceptance of such action by the Board and shall specify the Board's cause for concern. Other persons previously contacted shall be informed that the Board has acted upon the matter;
- (3) if the Board determines that a formal hearing should be held, G.S. 150B is applicable;
- (4) if the Board determines that another person allegedly involved is licensed by the State, relevant information shall be sent by letter to the respective professional board.

*History Note: Authority G.S. 89F-5; 89F-18; 89F-20; 89F-22;
Temporary Adoption Eff. May 15, 1996.*

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of April 18, 1996 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or rules which notice in the Register was not required. The rules published in full text are identified by an * in the listing of approved rules.*

APPROVED RULE CITATION

**REGISTER CITATION TO THE
NOTICE OF TEXT**

10	NCAC	03C	.6208 *	Not Required, G.S. 150B-21.5
10	NCAC	26B	.0105 *	10:22 NCR 2831
12	NCAC	02I	.0101 *	Not Required, G.S. 150B-21.5(a)(4)
12	NCAC	02I	.0206 *	Not Required, G.S. 150B-21.5(a)(4)
12	NCAC	02I	.0210 *	Not Required, G.S. 150B-21.5(a)(4)
15A	NCAC	18A	.1814 *	Not Required, G.S. 150B-21.5
15A	NCAC	20D	.0243 *	Not Required, G.S. 150B-21.5(a)(5)
17	NCAC	06B	.0612 *	10:22 NCR 2833 - 2834
17	NCAC	06B	.3716 *	10:22 NCR 2834
17	NCAC	07B	.1101 *	10:21 NCR 2689 - 2690
17	NCAC	07B	.1105	10:21 NCR 2690
17	NCAC	07B	.1108 - .1110	10:21 NCR 2690
17	NCAC	07B	.1112	10:21 NCR 2690 - 2691
17	NCAC	07B	.1114	10:21 NCR 2691
17	NCAC	07B	.1123 *	10:21 NCR 2691
17	NCAC	07B	.1602 *	10:21 NCR 2691 - 2692
17	NCAC	07B	.1701 - .1702 *	10:21 NCR 2692 - 2693
17	NCAC	07B	.1802 *	10:21 NCR 2693 - 2694
17	NCAC	07B	.2401 *	10:21 NCR 2694 - 2695
17	NCAC	07B	.2601	10:21 NCR 2695
17	NCAC	07B	.4002	10:21 NCR 2695 - 2696
17	NCAC	07B	.4004	10:21 NCR 2696
17	NCAC	07B	.4008 *	10:21 NCR 2696
17	NCAC	07B	.4301 *	10:21 NCR 2696 - 2698
17	NCAC	07B	.4408 *	10:21 NCR 2698
17	NCAC	07B	.4902 *	10:21 NCR 2698
21	NCAC	01	.0705 *	10:22 NCR 2834 - 2835
21	NCAC	01	.0709 *	10:22 NCR 2834 - 2835
21	NCAC	32H	.0101 *	10:22 NCR 2835
21	NCAC	32H	.0102 *	10:22 NCR 2835 - 2837
21	NCAC	32H	.0201 *	10:22 NCR 2837
21	NCAC	32H	.0301 - .0303 *	10:22 NCR 2838 - 2839
21	NCAC	32H	.0401 - .0404 *	10:22 NCR 2839 - 2842
21	NCAC	32H	.0406 *	10:22 NCR 2842 - 2843
21	NCAC	32H	.0407 - .0408	10:22 NCR 2843
21	NCAC	32H	.0409 *	10:22 NCR 2843
21	NCAC	32H	.0501 - .0502 *	10:22 NCR 2843 - 2845
21	NCAC	32H	.0504 - .0506 *	10:22 NCR 2845 - 2848
21	NCAC	32H	.0507 *	10:22 NCR 2848
21	NCAC	32H	.0601 *	10:22 NCR 2848 - 2849
21	NCAC	32H	.0602	10:22 NCR 2849
21	NCAC	32H	.0701 *	10:22 NCR 2849
21	NCAC	32H	.0801 *	10:22 NCR 2849
21	NCAC	32H	.0901 *	10:22 NCR 2849

21	NCAC	32H	.0902	10:22 NCR 2850
21	NCAC	54	.2704 *	Not Required, G.S. 150B-21.5(5)
21	NCAC	54	.2706 *	Not Required, G.S. 150B-21.5(5)
21	NCAC	68	.0101 *	10:22 NCR 2850
21	NCAC	68	.0102	10:22 NCR 2850
21	NCAC	68	.0201	10:22 NCR 2850
21	NCAC	68	.0202 - .0206 *	10:22 NCR 2850
21	NCAC	68	.0207	10:22 NCR 2850
21	NCAC	68	.0208 - .0213 *	10:22 NCR 2850
21	NCAC	68	.0401 - .0403 *	10:22 NCR 2850
21	NCAC	68	.0404	10:22 NCR 2850
21	NCAC	68	.0405 - .0407 *	10:22 NCR 2850
21	NCAC	68	.0701 - .0703 *	10:22 NCR 2850
21	NCAC	68	.0704 - .0705	10:22 NCR 2850
21	NCAC	68	.0706 - .0707 *	10:22 NCR 2850
21	NCAC	68	.0708	10:22 NCR 2850
21	NCAC	68	.0709 *	10:22 NCR 2850

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3C - LICENSING OF HOSPITALS

SECTION .6200 - CONSTRUCTION REQUIREMENTS

.6208 OBSTETRICAL DEPARTMENT REQUIREMENTS

(a) The obstetrical unit shall be located so as to prevent unrelated traffic through the unit and to provide for reasonable protection of mothers from infection and from cross-infection.

(b) An emergency communication system connected to the operations and control station shall be provided by the facility.

(c) Resuscitation facilities for neonates shall be provided within the obstetrical unit and convenient to the delivery room.

(d) A labor room shall be provided and shall meet the following requirements:

- (1) A minimum of 80 sq. ft. of area shall be provided per labor bed;
- (2) The labor rooms shall be located so as to permit visual observation of each room from the nurses' work station;
- (3) Labor rooms shall afford privacy, and shall be conveniently located with reference to the delivery room;
- (4) If labor rooms also serve as birthing rooms, they shall be equipped to handle obstetric and neonatal emergencies;
- (5) A labor room shall contain facilities for medication, hand washing, charting, and storage for supplies and equipment;
- (6) At least one shower with direct access from

within the delivery unit shall be provided;

- (7) At least two labor beds with adjacent toilet shall be provided for each delivery room; and

- (8) No more than two labor beds may be located in one labor room.

(e) A toilet with hand-washing facilities shall be provided for the staff.

(f) A separate recovery room may be omitted in facilities with less than 1500 births per year. When provided, the recovery room shall meet the following requirements:

- (1) A recovery room shall contain not less than two beds and shall have charting facilities located so as to permit visual observation of all beds;
- (2) Provisions for medicine dispensing, hand washing, clinical sink with bedpan washer, and storage for supplies and equipment shall be provided; and
- (3) A toilet with hand washing facilities shall be provided for staff.

(g) When a facility elects to provide labor, delivery and recovery room (LDR) service as a part of its total services, the following requirements shall be met:

- (1) Each LDR room shall have a minimum of 250 square feet of floor space exclusive of toilet room, closet, or vestibule;
- (2) A toilet directly accessible from each LDR room shall be provided for use by that room only and equipped with a clinical sink or other suitable flushing device for emptying bed pans;
- (3) Each LDR room shall be provided with directly accessible shower for use by that room only;
- (4) Each LDR room shall be equipped with oxygen, suction, medical air, and electrical outlets; and
- (5) Each LDR room shall contain facilities for medication storage, hands-free hand washing, charting, and storage for supplies and equipment.

- (h) When a facility elects to provide labor, delivery,

recovery and postpartum (LDRP) service as a part of its total services the following requirements shall be met:

- (1) Each LDRP room shall meet the requirements listed in ~~Rule .6208(h) of this Section;~~ Paragraph (g) of this Rule; and
- (2) Each LDRP room shall be counted as a single patient room for purposes of determining the facility's bed capacity.
- (i) The following shall be provided:
 - (1) If analgesia is used, beds shall be equipped with side rails; and
 - (2) There shall be facilities for examination and preparation of patients.
- (j) The obstetrical (OB) unit shall be provided with the following services either in individual rooms, alcoves, or other open spaces not subject to traffic:
 - (1) Scrub facilities with stations located adjacent to each pair of delivery rooms and arranged to minimize incidental splatter on nearby personnel or supply carts;
 - (2) A storage room for equipment and supplies;
 - (3) One delivery room with support services meeting the requirements of a surgical operating room and support services referenced in Rule .6206 of this Section if caesarean sections are to be performed in the obstetrical delivery unit; and
 - (4) One janitor's closet exclusively for use by the obstetrics unit.
- (k) The obstetrical unit shall be provided with the following services either in individual rooms, alcoves, or other open spaces not subject to traffic, however, they may be located either in the obstetrics unit or may be shared with the surgical unit if arranged so as to avoid cross traffic between the surgical and obstetrics units:
 - (1) Delivery unit control station located so as to permit visual surveillance of all traffic which enters the obstetrical unit;
 - (2) Supervisor's office or station;
 - (3) Medicine dispensing facilities;
 - (4) Scrub facilities with stations located adjacent to each pair of delivery rooms and arranged so as to minimize incidental splatter on nearby personnel or supply carts;
 - (5) Soiled workroom or a soiled holding room as a part of a system for the collection and disposal of soiled materials:
 - (A) A soiled workroom may not be shared with the surgical unit and shall contain a flushing device, a work counter and sink equipped for hand washing, a waste receptacle, and a linen receptacle; and
 - (B) A soiled holding room may be shared with the surgical unit and shall be similar to the soiled workroom except that the flushing device and work counter may be omitted.
 - (6) Fluid waste disposal facilities convenient to the delivery rooms; the flushing device in a soiled

- (7) Staff clothing change areas appropriate for male and female personnel working within the obstetrics unit including lockers, shower, toilet, and lavatory, and space for donning scrub suit and boots;
- (8) Lounge and toilet facilities for obstetrical staff;
- (9) Stretcher storage provisions out of direct line of traffic;
- (10) Clean workroom, or clean supply room:
 - (A) A clean workroom or supply room is required when clean materials require assembly prior to use and this assembly is performed within the obstetrics unit; and
 - (B) Clean workroom shall contain a work counter, a sink equipped for hand washing, and space for clean and sterile supplies;
- (11) Anesthesia workroom for the cleaning, testing, and storage of anesthesia equipment with a work counter and sink;
- (12) Space for storage of nitrous oxide and oxygen cylinders;
- (13) A storage room for equipment and supplies used in a surgical unit;
- (14) Delivery room(s) used for no other purpose than for the completion of labor and delivery and including a minimum clear area of 300 square feet, exclusive of fixed and movable cabinets and shelves. The minimum room dimension shall be 16 feet; and
- (15) One delivery room meeting the following requirements if caesarean sections are to be performed in the obstetrics unit:
 - (A) The delivery room shall meet the requirements for surgical operating rooms; and
 - (B) Support services required for surgical operating rooms shall be provided.

History Note: Authority G.S. 131E-79;

Eff. January 1, 1996;

Amended Eff. May 1, 1996.

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; more than one refraction every two years for any person aged 25 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).

History Note: Authority G.S. 108A-25(b); 108A-54; 42 C.F.R. 440.120;
Eff. February 1, 1976;
Readopted Eff. October 31, 1977;
Amended Eff. August 1, 1996; January 1, 1984.

TITLE 12 - DEPARTMENT OF JUSTICE

CHAPTER 2 - OFFICE OF THE ATTORNEY GENERAL

SUBCHAPTER 2I - COMPANY AND RAILROAD POLICE

SECTION .0100 - GENERAL PROVISIONS

.0101 LOCATION

The administrative office for the commissioning of company police officers and the certification of company police agencies is located in the office of the Criminal Justice Standards Division. Correspondence shall be directed to:

Company Police Administrator
~~Criminal Justice Standards Division~~
~~Post Office Drawer 149~~
~~Raleigh, North Carolina 27602-0149~~
Company Police Program
Post Office Drawer 310
Raleigh, North Carolina 27602-0310
Telephone: (919) 733-2530

History Note: Authority G.S. 74E; 143A-54;
Eff. February 1, 1976;
Amended Eff. September 9, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. August 1, 1996; August 2, 1993; November 1, 1984; September 1, 1981.

SECTION .0200 - COMMISSIONING

.0206 FEE

(a) Upon notification that an application for a company police agency certification or a company police officer commission has been approved, the applicant shall forward a certified check or money order made out to the North Carolina Department of Justice to the:

Company Police Administrator

~~Criminal Justice Standards Division~~
~~Post Office Drawer 149~~
~~Raleigh, North Carolina 27602-0149~~
Company Police Program
Post Office Drawer 310
Raleigh, North Carolina 27602-0310
Telephone: (919) 733-2530

(b) The following fees shall be due and payable prior to the issuance of company police agency certification or a company police officer commission.

- (1) Application for certification as a company police agency - \$250.00.
- (2) Annual renewal of certification as a company police agency - \$200.00.
- (3) Application for reinstatement of certification as a company police agency - \$1,000.00.
- (4) Application for commission as a company police officer - \$100.00.
- (5) Annual renewal of commission as a company police officer - \$50.00.
- (6) Application for reinstatement of commission as a company police officer - \$150.00.

(c) Currently commissioned company police officers will be required to submit the Application for Commission as a company police officer fee as set forth in Subparagraph (b)(4) of this Rule.

History Note: Authority G.S. 74E-12;
Eff. February 1, 1976;
Amended Eff. September 9, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. August 2, 1993; September 1, 1981;
Recodified from 12 NCAC 21 .0205 Eff. August 2, 1993;
Amended Eff. August 1, 1996.

.0210 LIABILITY INSURANCE

(a) Any applicant for a non-public company police agency certification must file with the Company Police Administrator, either a copy of the liability insurance policy or a certificate of self insurance, at the following address:

Company Police Administrator
~~Criminal Justice Standards Division~~
~~Post Office Drawer 149~~
~~Raleigh, North Carolina 27602-0149~~
Company Police Program
Post Office Drawer 310
Raleigh, North Carolina 27602-0310
Telephone: (919) 733-2530

(b) Any notice of cancellation by an insurance carrier shall be delivered by certified mail, return receipt requested, to the following address:

Company Police Administrator
~~Criminal Justice Standards Division~~
~~Post Office Drawer 149~~
~~Raleigh, North Carolina 27602-0149~~
Company Police Program

Post Office Drawer 310
 Raleigh, North Carolina 27602-0310
 Telephone: (919) 733-2530

History Note: Authority G.S. 74E-3;
 Eff. August 2, 1993;
 Amended Eff. August 1, 1996.

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

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1800 - SANITATION OF LODGING PLACES

.1814 DISPOSAL OF GARBAGE AND TRASH: PREMISES

(a) All garbage and trash shall be collected and stored in covered containers in such a manner as not to create a nuisance. Garbage and trash storage containers shall be kept clean and in good repair.

(b) There shall be no fly- or mosquito-breeding places, rodent harborages, or undrained areas on the premises. The premises shall be kept neat and clean. Rubbish, litter and other items not used in the operation of the establishment shall not be permitted to accumulate on the premises.

(c) Facilities shall be provided for the washing and storage of garbage and trash containers, mops, mop buckets, mop wringers, and any other equipment used in the cleaning of the lodging establishment. Cleaning facilities shall include combination faucet, hot and cold water, hose bibb with a backflow prevention device and ~~curved~~ curbed impervious pad sloped to drain or other equivalent facilities or methods. Where dumpsters are used, a contract for off-site cleaning shall constitute compliance with the provision for cleaning facilities for such units. A current copy of the dumpster cleaning contract shall be made available at the time of inspection.

History Note: Authority G.S. 130A-248;
 Eff. February 1, 1976;
 Readopted Eff. December 5, 1977;
 Amended Eff. August 1, 1996; January 1, 1996; September 1, 1990.

CHAPTER 20 - LABORATORY SERVICES

SUBCHAPTER 20D - CERTIFICATION AND IMPROVEMENT

SECTION .0200 - LABORATORY CERTIFICATION

.0243 CHEMISTRY QUALITY ASSURANCE

(a) The following general requirements for chemistry quality assurance (QA) shall be met:

- (1) All quality control information shall be available for inspection by the certification officer;
- (2) A manual of analytical methods and the laboratory's QA plan shall be available to the analysts;
- (3) Class S weights or higher quality weights shall be available to make periodic checks on the accuracy of the balances. Checks shall be within range of the manufacturer's guidelines. A record of these checks shall be available for inspection. The specific checks and their frequency ~~are to~~ shall be as prescribed in the laboratory's QA plan or the laboratory's operations manual. These checks shall be performed at least once a month.
- (4) Color standards or their equivalent, such as built-in internal standards, shall be available to verify wavelength settings on spectrophotometers. These checks shall be within the manufacturer's tolerance limits. A record of the checks shall be available for inspection. The specific checks and their frequency shall be as prescribed in the laboratory's QA plan or the laboratory's operations manual. These checks shall be performed at least every six months.

(b) The laboratory shall analyze performance samples as follows:

- (1) United States Environmental Protection Agency performance samples shall be analyzed semi-annually. Results shall be within control limits established by EPA for each analyte for which the laboratory is or wishes to be certified.
- (2) Double blind and blind samples shall be analyzed when submitted to a certified laboratory and results shall be within established control limits; these data shall be of equal weight to the EPA performance sample data and on site quality control sample data in determining the laboratory's certification status.
- (3) On-site quality control samples shall be analyzed when presented to the laboratory by the certification evaluator and results shall be within established control limits. These data shall be of equal weight to the EPA performance evaluation sample data and the double blind sample data in determining the laboratory's certification status.
- (4) A laboratory shall have correctly analyzed two out of the last three performance samples for each analyte for which it is certified. In the event that a laboratory is decertified for failing to correctly analyze two out of the last three performance samples, the laboratory shall correctly analyze two consecutive performance samples to have their certification reinstated. The performance samples shall be analyzed no

less than 30 days apart. A laboratory with less than three performance samples shall have successfully analyzed a minimum of two performance samples before their certification status may be determined.

- (5) Unacceptable performance on any of the samples in Paragraph (b) of this Rule shall be corrected and explained in writing within 30 days and submitted to the certification evaluator.

(c) The minimum daily quality control (QC) for chemistry shall be as follows:

(1) Inorganic Contaminants:

- (A) At the beginning of each day that samples are to be analyzed, a standard curve composed of at least a reagent blank and three standards covering the sample concentration range shall be prepared. A standard curve is not required on each day of analysis for samples analyzed for Nitrate by manual cadmium reduction or for Cyanide. The standard curve shall be verified each day by analyzing a calibration standard and a reagent blank. The calibration standard must be within ± 10 percent of its true value in order to use the standard curve. If it is not within 10 percent of the true value, a new standard curve shall be prepared.
- (B) The laboratory shall analyze a QC sample (EPA QC sample or equivalent) at the beginning of the sample run, at the end of the sample run, and every 20 samples, with recoveries not to exceed ± 10 percent of the true concentration. The source of this QC sample shall be different from the source used for the calibration standards in Part (c)(1)(A) of this Rule.
- (C) The laboratory shall run an additional standard or QC check at the laboratory's lowest detectable limit for the particular analyte. The laboratory shall not report a value lower than the lowest standard or QC check analyzed.
- (D) The laboratory shall add a known spike to a minimum of 10 percent of the routine samples (except when the method specifies a different percentage, i.e. furnace methods) to determine if the entire analytical system is in control. The spike concentration shall not be substantially less than the background concentration of the sample selected for spiking. The spike recoveries shall not exceed ± 10 percent of the true value.
- (E) All compliance samples analyzed by graphite furnace shall be spiked to determine absence of matrix interferences with

recoveries ± 10 percent of the true value of the spike concentration.

- (F) The laboratory shall run a duplicate sample every 10 samples with duplicate values within ± 10 percent of each other.
- (G) Precision and accuracy data may be computed from the analyses of check samples of known value used routinely in each analytical procedure. This data shall be available for inspection by the laboratory evaluator.

(2) Organic Contaminants:

- (A) Quality control specified in the approved methods referenced in Rule .0241 of this Section shall be followed.
- (B) Analysis for regulated volatile organic chemicals under 15A NCAC 18C .1515 shall only be conducted by laboratories that have received conditional approval by EPA or the Department according to 40 C.F.R. 141.24(g)(10) and (11) which is hereby incorporated by reference including any subsequent amendments and editions. A copy is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Laboratory Services, 306 North Wilmington Street, Raleigh, North Carolina. Copies of 40 C.F.R. 141-143 may be obtained by contacting the EPA Drinking Water Hotline at 800-426-4791 at no charge.
- (C) Analysis for unregulated volatile organic chemicals under 15A NCAC 18C .1516 shall only be conducted by laboratories approved under Part (c)(2)(B) of this Rule. In addition to the requirements of Part (c)(2)(B) of this Rule, each laboratory analyzing for EDB and DBCP shall achieve a method detection limit for EDB of 0.00001 mg/l and DBCP of 0.00002 mg/l, according to the procedures in Appendix B of 40 C.F.R. Part 136 which is hereby incorporated by reference including any subsequent amendments and editions. A copy may be obtained at no charge by contacting the Department of Environment, Health, and Natural Resources, Division of Laboratory Services, 306 North Wilmington Street, Raleigh, North Carolina.
- (D) The laboratory shall achieve the method detection limits as listed in 40 CFR 141.24(f)(18) according to the procedures in Appendix B of 40 CFR Part 136 which is hereby incorporated by reference including any subsequent amendments and

editions. A copy may be obtained at no charge by contacting the Department of Environment, Health, and Natural Resources, Division of Laboratory Services, 306 North Wilmington Street, Raleigh, North Carolina.

History Note: Authority G.S. 130A-315;

Eff. December 1, 1991;

Amended Eff. August 1, 1996; January 1, 1996; October 1, 1994; April 1, 1993.

TITLE 17 - DEPARTMENT OF REVENUE

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 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 shall 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 corporation 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.~~

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

Eff. September 1, 1992;

Amended Eff. July 1, 1996; May 1, 1994.

SECTION .3700 - ESTATES AND TRUSTS

.3716 INCOME TAX RETURN FOR ESTATES AND TRUSTS

(a) ~~The federal taxable income of the fiduciary is shall be the starting point for preparing a North Carolina Fiduciary Return, Income Tax Return for Estates and Trusts, Form D-407. 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 shall 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.~~

~~(e) 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.~~

History Note: Authority G.S. 105-160.5; 105-160.6; 105-262;

Eff. February 1, 1976;

Amended Eff. July 1, 1996; June 1, 1993; October 1, 1991; June 1, 1990; April 12, 1981.

CHAPTER 7 - SALES AND USE TAX

SUBCHAPTER 7B - STATE SALES AND USE TAX

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

.1101 FARM MACHINES: MACHINERY: BULK TOBACCO BARNS

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

state and any applicable local sales or use tax without limit.

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

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

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

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

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

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

(b) The following are examples of sales of machines and machinery and the parts therefor and accessories thereto, which qualify for the one percent rate of tax with the eighty dollars (\$80.00) maximum when sold to ~~general~~ farmers for use by them in planting, cultivating, harvesting or curing farm crops:

- (1) tractors,

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

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

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

(d) The lists in Paragraphs (b) and (c) of this Rule are not intended to be exclusive, but are for illustrative purposes only. If there is any question whatever as to the tax status of any item which does not appear therein, such question shall be submitted to the secretary, together with a detailed statement of the business of the purchaser, the design and structure of the article, and its use, to the end

that the applicable rate of tax may be correctly determined.

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

History Note: Authority G.S. 105-164.4; 105-164.6; 105-262;

Eff. February 1, 1976;

Amended Eff. August 1, 1996; April 1, 1995; July 1, 1994; October 1, 1993.

.1123 CERTAIN SALES TO COMMERCIAL ANIMAL FARMERS

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

History Note: Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262;

Eff. February 1, 1976;

Amended Eff. August 1, 1996; May 1, 1995; October 1, 1993; June 1, 1992.

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

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

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

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

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

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

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

(e) The refund provisions set forth in this Rule apply only to the nonprofit entities ~~institutions and organizations~~ described in G.S. 105-164.14(b), but do not apply to nonprofit fraternal, civic or patriotic organizations, notwithstanding that such organizations may perform certain charitable functions. The refund provisions set forth in this Rule do not apply to nonprofit entities ~~organizations, corporations and institutions~~ which are owned and controlled by the United States, the state or a unit of local government except ~~hospital facilities~~ hospitals and medical accommodations created under the Hospital Authorities Law, Article 42 2 of Chapter 131E ~~134~~ of the General Statutes and nonprofit hospitals owned and controlled by a unit of local government that elect to receive semiannual refunds under G.S. 105-164.14(b) instead of annual refunds under G.S. 105-164.14(c). Any nonprofit hospital owned and controlled by a unit of local government may submit a written request to receive semiannual refunds under G.S. 105-164.14(b) instead of annual refunds under G.S. 105-164.14(c). The request ~~is~~ shall be effective beginning with the six-months refund period following the date of the request and applies to sales or use taxes paid on or after the first day of the refund period for which the request is effective.

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

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

History Note: Authority G.S. 105-164.14; 105-262; 105-264;

Eff. February 1, 1976;

Amended Eff. August 1, 1996; October 1, 1993; September 1, 1993; March 1, 1993.

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

.1701 GOVERNMENTAL SALES AND PURCHASES

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

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

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

(b) When the State of North Carolina, counties, cities, towns, and political subdivisions or any agencies thereof, with the exception of the Department of Transportation, make taxable purchases of tangible personal property from a North Carolina supplier or registered out-of-state supplier who charges the North Carolina and any applicable local sales or use tax thereon, such governmental unit or agency ~~must~~ shall remit the tax on such purchases to the supplier. Any such governmental unit or agency making taxable purchases of tangible personal property from an out-of-state supplier who does not collect the North Carolina and any applicable local sales or use tax thereon ~~is required to~~ shall register with the department and remit monthly the tax due on such purchases. Any governmental unit or agency so required to register which

does not owe any tax for a given month shall file a report reflecting no tax due.

(c) If any governmental unit or agency referred to in Paragraph (b) of this Rule makes taxable retail sales of tangible personal property, it ~~must~~ shall register with the department and collect and remit the tax due on such sales. The refund provisions contained in G.S. 105-164.14(c) do not apply to the tax on such sales and no part thereof shall be refunded or claimed as a refund. Governmental units and agencies ~~properly~~ registered for sales and use tax purposes may purchase the tangible personal property which they resell without paying tax thereon to their suppliers provided they have furnished such suppliers with properly executed Certificates of Resale, Form E-590. Certificates of resale ~~may~~ shall not be used by any governmental unit or agency herein referred to, or by any other vendee, in making purchases of tangible personal property to be used or consumed by such purchaser.

History Note: Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-164.14; 105-262;

Eff. February 1, 1976;

Amended Eff. August 1, 1996; October 1, 1993; October 1, 1991; May 1, 1990.

.1702 REFUNDS TO COUNTIES: CITIES: ETC.

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

building or structure being erected, altered or repaired under contract with such governmental entities which is owned or leased by such governmental ~~entities~~, entities for their use.

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

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

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

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

mental entity ~~entities~~ as defined by G.S. 105-164.14(c). Examples of property on which sales or use tax has been paid by the contractor and which shall not be included in the contractor's statement are scaffolding, forms for concrete, fuel for the operation of machinery and equipment, tools, equipment repair parts, equipment rentals and blueprints.

History Note: Authority G.S. 105-164.14; 105-262;

Eff. February 1, 1996;

Amended Eff. August 1, 1996; October 1, 1993; October 1, 1991; May 1, 1990.

SECTION .1800 - HOSPITALS AND SANITARIUMS

.1802 REFUNDS TO HOSPITALS: ETC.

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

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

(c) Sales ~~and/or~~ and use taxes paid by hospitals, sanitariums, charitable nursing homes and charitable rest homes which are agencies of counties and incorporated

cities and towns on their direct purchases of tangible personal property, including medicines and drugs, and by their contractors on purchases of building materials, supplies, fixtures and equipment becoming a part of or annexing to a building or structure being erected, altered or repaired under contract with such institutions that is owned or leased by such institutions for their own use are also refundable; however, such refund ~~must~~ shall be included in the claim filed by the county or incorporated city or town which is to be filed within six months after the close of the claimant's fiscal year. The documentary proof as explained in Paragraph (b) of this Rule shall be submitted to the county or incorporated city or town filing the claim. The refund provisions are not applicable to hospitals, sanitariums, charitable nursing homes and charitable rest homes which are agencies of the state or any political subdivisions thereof other than counties and incorporated cities and towns. Nonprofit hospitals owned and controlled by a unit of local government may file for a refund on a semiannual basis under G.S. 105-164.14(b) rather than file annually as a part of the local government unit. In order to file semiannually, the institution ~~must~~ shall submit a written request to do so to the Secretary of Revenue and the request is effective beginning with the six-months refund period following the date of the request and applies to sales and use tax paid on or after the first day of the refund period for which the request is effective.

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

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

History Note: Authority G.S. 105-164.14; 105-262; 105-264;

Eff. February 1, 1996;

Amended Eff. August 1, 1996; October 1, 1993; October 1, 1991; May 1, 1990.

SECTION .2400 - VETERINARIANS

.2401 SALES TO VETERINARIANS

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

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

(c) Sales to veterinarians of medical supplies, including such items as cotton, gauze, adhesive tape, bandages and other dressings and medical instruments and equipment, such as knives, needles, scissors, microscopes, x-ray machines and other laboratory equipment used for testing

and diagnosis, and for the prevention, treatment or cure of diseases in animals are subject to the four percent state tax and any applicable local sales or use tax.

History Note: Authority G.S. 105-164.4; 105-164.6; 105-164.13; 105-262;

Eff. February 1, 1976;

Amended Eff. August 1, 1996; April 1, 1995; October 1, 1993; October 1, 1991.

SECTION .4000 - FERTILIZER: SEEDS: FEED AND INSECTICIDES

.4008 BREAD USED FOR FEED

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

History Note: Authority G.S. 105-164.13; 105-262;

Eff. February 1, 1976;

Amended Eff. August 1, 1996.

SECTION .4300 - REFUNDS TO INTERSTATE CARRIERS

.4301 REFUNDS TO INTERSTATE CARRIERS

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

~~provisions of this Rule~~ and the fee levied on new motor vehicle tires by the Scrap Tire Disposal Act are ~~is~~ not refundable under the provisions of this Rule.

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

- (1) (A) antennas;
- (2) (B) antifreeze;
- (3) (C) bedding for motor vehicle sleeping compartments;
- (4) (D) charts for tachographs;
- (5) (E) decals for motor vehicles;
- (6) (F) emergency flares and reflectors;
- (7) (G) fire extinguishers;
- (8) (H) freon or nitrogen used in refrigerating and cooling motor vehicles;
- (9) (I) furniture pads;
- (10) (J) lifeboats and oxygen masks;
- (11) (K) load jacks and chains;
- (12) (L) mobile CB radios;
- (13) (M) motor vehicle seat cushions;
- (14) (N) paints for decals;
- (15) (O) polyethylene liners (used to waterproof trailers);
- (16) (P) pouches for registration cards and permits;
- (17) (Q) radios;
- (18) (R) ramp equipment (aircraft steps used to embark or disembark aircraft);
- (19) (S) ropes and chains to tie down cargo (adapted for use on motor vehicles; otherwise not allowed);
- (20) (T) signs (metal signs attached to trucks);
- (21) (U) tarpaulins;
- (22) (V) tire chains;
- (23) (W) tire and tubes;
- (24) (X) welding rods for repair of motor vehicles;
- (25) (Y) windshield solvents;
- (26) (Z) zipped covers for grills.

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

- (1) (A) drivers' gloves;
- (2) (B) drivers' uniforms;
- (3) (C) food trays (airplanes);
- (4) (D) fork lift tires and parts;
- (5) (E) gauges for testing equipment;
- (6) (F) hand trucks;
- (7) (G) license and inspection fees;
- (8) (H) pallets;
- (9) (I) pillows (airplanes);
- (10) (J) repair labor;
- (11) (K) road service charges;
- (12) (L) security seals;
- (13) (M) sixty percent on recapped tires where forty percent of the combined price is taxed (17 NCAC 7B .1901);
- (14) (N) tire volume discounts;

(15) ~~(O)~~ tools, shop supplies;

(16) ~~(P)~~ trip logs;

(17) ~~(Q)~~ wax and washing supplies.

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

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

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

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

(h) ~~(e)~~ The application for refund shall show, in addition to all other required information, the total number of miles of operation of motor vehicles, railroad cars, locomotives and airplanes within and without this state, the total number of miles of operation of motor vehicles, railroad cars, locomotives and airplanes in this state, the total purchase price of lubricants, repair parts and accessories for motor vehicles, railroad cars, locomotives and airplanes and the total amount of North Carolina state and county sales and use tax paid on such purchases. Any sales or use tax paid to state or local taxing authorities ~~must~~ shall be excluded from total purchases as shown on ~~line 4~~ of the application for refund. The amount of purchases of accessories attached to motor vehicles at the time of purchase on which the highway use tax was paid shall not be included in total purchases on ~~line 4~~ of the refund form. The application for refund form ~~contains~~

shall contain the procedure prescribed for computing the amount of the refund and the information necessary to complete such application. Records, upon which the application for refund is based, ~~must~~ shall be maintained in such manner as to enable a representative of the Department of Revenue to accurately and conveniently verify the correctness of the applicant's statements. The application for refund shall be completed in triplicate and two copies returned to the North Carolina Department of Revenue, Office Examination Division, Raleigh, North Carolina, within the time prescribed herein. After a representative of the Department has verified the correctness of the application for refund, a voucher for the amount due, if any, will be issued.

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

History Note: Authority G.S. 105-164.14; 105-262;

Eff. February 1, 1976;

Amended Eff. August 1, 1996; October 1, 1993; July 1, 1990; February 1, 1987.

SECTION .4400 - LEASE OR RENTAL

.4408 LEASES: OUT OF STATE NEGOTIATIONS

Lessors of motor vehicles may elect to pay the highway use tax to the Commissioner of Motor Vehicles when applying for a certificate of title for a motor vehicle purchased for lease or rental or they may collect and remit to the Secretary of Revenue the alternate gross receipts tax on the lease or rental receipts derived therefrom. G.S. 105-187.1 through G.S. 105-187.11 contains the provisions of the highway use tax and alternate gross receipts tax rates on motor vehicles. To make the election to collect and remit the tax on rental receipts, the lessor ~~must~~ shall complete a Form MVR 608 (~~Rev. 10-90~~) provided by the Division of Motor Vehicles at the time of applying for a certificate of title. Once made, an election is irrevocable for that motor vehicle. If North Carolina Lessors lease motor vehicles to out-of-state lessees to be located, domiciled or assigned in this state for use in interstate operations, the lessors ~~are required to~~ shall remit the highway use tax to the Commissioner of Motor Vehicles when applying for a certificate of title for the vehicles or collect and remit the alternate gross receipts tax on the lease or rental receipts notwithstanding that the lease may be negotiated outside North Carolina or that the vehicles are delivered to the lessees at a point outside this state or are registered outside this state. If North Carolina lessors lease motor vehicles to out-of-state lessees for use exclusively in a state other than North Carolina and deliver the vehicles to the lessees at a point outside this state, the lessor is not liable for the highway use tax on the vehicle

or the alternate gross receipts tax on the lease receipts.

History Note: Authority G.S. 105-164.4; 105-164.13; 105-187.5; 105-262;

Eff. February 1, 1976;

Amended Eff. August 1, 1996; October 1, 1993; July 5, 1980.

SECTION .4900 - TRANSPORTATION CHARGES

.4902 SHIPMENTS FROM WITHIN NORTH CAROLINA

(a) Freight, delivery or other transportation charges made or paid in connection with the sale or purchase of tangible personal property are subject to the applicable ~~four percent~~ state ~~tax~~ and any applicable local sales or use tax when the shipment originates within this state unless title to the transported property passes to the vendee at the point of origin, or the sale of the property being transported is exempt from sales and use tax. Except as provided by Paragraph (c) of this Rule, or unless the terms of the sale dictate otherwise, title to property being transported is deemed to have passed to the purchaser at the point of origin only when:

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

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

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

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

~~must~~ shall be computed on the total sales or purchase price of the property before any allowance for transportation charges is deducted.

History Note: Authority G.S. 105-164.12; 105-262;

Eff. February 1, 1976;

Amended Eff. August 1, 1996; October 1, 1993; October 1, 1991.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 1 - NORTH CAROLINA ACUPUNCTURE LICENSING BOARD

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 shall 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.

History Note: Authority G.S. 90-456; 150B-38(h); Eff. August 1, 1996.

.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) shall be taken.

(b) The Board shall provide the person with a copy of the written charges and notify the person that it shall take the determined action(s) unless the person, within 60 days of receipt of notice, initiates administrative proceedings under G.S. 150B, Article 3A. The notice will be sent certified mail, return receipt requested.

(c) If the person initiates administrative proceedings the North Carolina Acupuncture Licensing Board shall defer final action on the matter until the proceedings are completed. If the person does not initiate administrative proceedings within 60 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 requirements.

History Note: Authority G.S. 90-456; 150B-38(h);
Eff. August 1, 1996.

CHAPTER 32 - BOARD OF MEDICAL EXAMINERS

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 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 and the Department of Human Resources in establishing these rules is the provision of the best and most economical delivery of emergency medical care.~~

History Note: Authority G.S. 143-514;
Eff. October 31, 1980;
Amended Eff. April 1, 1993; May 1, 1989; May 1, 1988;
Repealed Eff. August 1, 1996.

.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~~ shall 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~~ shall 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.

*History Note: Authority G.S. 143-514;
Eff. October 31, 1980;
Amended Eff. August 1, 1996; July 1, 1996; April 1, 1993;
May 1, 1989; May 1, 1988.*

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~~ shall 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~~ shall have 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)

- (c) 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.

*History Note: Authority G.S. 143-514;
Eff. October 31, 1980;
Amended Eff. August 1, 1996; July 1, 1996; April 1, 1993;
May 1, 1989; May 1, 1988.*

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~~ shall 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.

*History Note: Authority G.S. 143-514;
Eff. October 31, 1980;*

Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989; May 1, 1988; October 1, 1985.

.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~~ shall 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.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989; May 1, 1988.

.0303 SPONSOR HOSPITAL

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

- (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~~ shall meet the requirements set forth in the "Guidelines for the Selection and Performance of the Emergency Medical Services Nurse Liaison" dated October 1990; 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~~ shall 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~~; hospital who participate in the program;
- (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~~ shall 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.

*History Note: Authority G.S. 143-514;
Eff. October 31, 1980;
Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989;
May 1, 1988; October 1, 1985.*

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 shall~~ be approved by the Office of Emergency Medical Services. Proposals for educational programs ~~must shall~~ 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~~ physician, MDA 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 program approved at the same or higher

certification level of the educational program.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

*Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989;
May 1, 1988; October 1, 1985.*

.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~~ a fashion via ~~an appropriate~~ a route approved by the local program medical director any of the following medications:

ADVANCED CARDIAC LIFE SUPPORT MEDICATIONS:

- (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 approved by the local program medical director for intraosseous infusion;
 - (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 contacting 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 shall 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 approved by the local medical program director for intraosseous infusion;
 - (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.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; April 1, 1993; October 1, 1991; October 1, 1990; March 1, 1990.

.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~~ a fashion via ~~an appropriate~~ a route approved by the local program medical director 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;
 - (xiii) Epinephrine 1:10,000; and
 - (xiv) Glucagon (Intramuscular or Subcutaneous);
 - (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~~ shall 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.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; April 1, 1993; October 1, 1990; March 1, 1990; May 1, 1989.

.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~~ shall be co-signed by a physician.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989; May 1, 1988; October 1, 1985.

.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, 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~~ a fashion via an appropriate a route approved by the local program medical director 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;
 - (xix) Isoetharine (by inhalation); and
 - (xx) Glucagon (Intramuscular or Subcutaneous);
 - (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 intra-venous fluid or medications approved by the Board of Medical Examiners North Carolina Medical Board for use by EMT-AIs and approved by the local program medical director for intraosseous infusion;
 - (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 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-AI ~~must~~ shall 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 and approved by the local program medical director for intraosseous infusion;
- (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.

History Note: Authority G.S. 143-514;

Eff. October 1, 1985;

Amended Eff. August 1, 1996; April 1, 1993; October 1, 1991; October 1, 1990; March 1, 1990.

.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 shall be co-signed by a physician.

History Note: Authority G.S. 143-514;

Eff. August 1, 1996.

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. ~~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~~ shall 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~~ shall 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)(4) 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; ~~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 ~~(e)(1)~~ (c)(1)(A) and ~~(e)(2)~~ (c)(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.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989; May 1, 1988; October 1, 1985.

.0502 CERTIFICATION REQUIREMENTS: EMT-INTERMEDIATE

(a) To become certified as an EMT-I a person ~~must~~ 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-I educational program meeting the requirements of the "North Carolina EMT-I Curriculum Outline" dated November 1990. ~~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~~ shall 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~~ shall 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; ~~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 ~~(e)(1)~~ (c)(1)(A) and ~~(e)(2)~~ (c)(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-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.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989; May 1, 1988; October 1, 1985.

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

(a) To become certified as an EMT-AI a person ~~must~~ 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-AI educational program meeting the requirements of the "North Carolina EMT-AI Curriculum Outline" dated November 1990. ~~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~~ shall 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 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~~ shall 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; ~~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 ~~(e)(1)~~ (c)(1)(A) and ~~(e)(2)~~ (c)(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.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989; May 1, 1988; October 1, 1985.

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

(a) To become certified as an EMT-D a person ~~must~~ 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, 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. ~~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~~ shall 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~~ shall 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; ~~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)(+) the criteria specified in Subparagraph ~~(e)(1)~~ (c)(1)(A) and ~~(e)(2)~~ (c)(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.

EMERGENCY MEDICAL DISPATCHER

(a) To become certified as an EMD, a person ~~must~~ shall 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. ~~1995 incorporated herein by reference editions.~~ If the educational program was completed over one year prior to application, a person ~~must~~ shall 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 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~~ shall 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 Development and Operation of

History Note: Authority G.S. 143-514;

Eff. May 1, 1988;

Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989.

0506 CERTIFICATION REQUIREMENTS:

Emergency Medical Dispatch Programs" dated March 1995; 1995 incorporated herein by reference 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 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)(1) the criteria specified in Subparagraph (e)(1) (c)(1)(A) and (e)(2) (c)(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 examination.

History Note: Authority G.S. 143-514;

Eff. July 1, 1996;

Amended Eff. August 1, 1996.

**.0507 APPROVAL REQUIREMENTS:
MEDICAL DIRECTION ASSISTANT**

(a) To be approved as a MDA, a person shall 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. If the educational program was completed over one year prior to application, a person shall 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.

History Note: Authority G.S. 143-514;

Eff. August 1, 1996.

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 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; this Subchapter;
- (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; 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;~~
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;~~ 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;~~ 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;~~ 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.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; September 1, 1995; April 1, 1993; May 1, 1989; May 1, 1988.

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 may 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 North Carolina Medical Board~~ 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.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989; May 1, 1988.

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;~~ incorporated herein by reference including subsequent amendments and editions. Copies of these documents are available free of charge from the Office of Emergency Medical Services, PO Box 29530, Raleigh, NC 27626-0530:

- (1) "North Carolina EMT-P Curriculum ~~Outline~~"; Outline dated November 1990;
- (2) "North Carolina EMT-AI Curriculum ~~Outline~~"; Outline dated November 1990;
- (3) "North Carolina EMT-I Curriculum ~~Outline~~"; Outline dated November 1990;
- (4) "North Carolina EMT-D Curriculum ~~Outline~~"; Outline dated November 1990;
- (5) "North Carolina MICN Curriculum ~~Outline~~"; Outline dated November 1990;
- (6) "Guidelines for Continuing Education and Performance Evaluation of Emergency Medical Services Advanced Life Support ~~Personnel~~"; Personnel" dated February 1988;
- (7) "Guidelines for Reapproval of Mobile Intensive Care ~~Nurses~~"; and Nurses" dated November 1993;
- (8) "Guidelines for the Selection and Performance of the Emergency Medical Services Nurse ~~Liaison~~"; Liaison" dated October 1990;
- (9) "Guidelines for Development and Operation of Emergency Medical Dispatch ~~Programs~~"; Programs" dated March 1995;
- (10) "North Carolina MDA Curriculum Outline" dated November 1995; and
- (11) "Guidelines for Reapproval of Medical Direction Assistants" dated November 1995.

History Note: Authority G.S. 143-514;

Eff. October 31, 1980;

Amended Eff. August 1, 1996; July 1, 1996; April 1, 1993; May 1, 1989; May 1, 1988.

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~~ shall 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~~ shall be a part of an approved ALS program.

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

History Note: Authority G.S. 143-514;

Eff. February 1, 1982;

Amended Eff. August 1, 1996; April 1, 1993; May 1, 1989; May 1, 1988; October 1, 1985.

CHAPTER 54 - BOARD OF PRACTICING PSYCHOLOGISTS

SECTION .2700 - HEALTH SERVICES PROVIDER CERTIFICATION

.2704 HSP-P REQUIREMENTS

(a) To be certified as a health services provider psychologist (HSP-P), a licensed psychologist holding permanent North Carolina licensure shall be qualified by education as defined in Paragraph (b) of this Rule and shall have completed two years of supervised experience, of which at least one year shall be post-doctoral. These two years of experience shall meet the criteria specified in Paragraphs (c) and (d) of this Rule, or in Paragraph (e) of this Rule. An applicant shall submit a completed, notarized application form and provide documentation of meeting health services provider requirements.

(b) An applicant shall demonstrate that he/she is qualified by education to provide health services by meeting one of the following criteria:

- (1) is currently approved for listing, or is currently listed, in the National Register of Health Service Providers in Psychology;
- (2) is a diplomate in good standing of the American

Board of Professional Psychology in Clinical Psychology, Counseling Psychology, or School Psychology;

- (3) is a graduate from a doctoral program which was accredited at the time of the applicant's graduation by the American Psychological Association in Clinical Psychology, Counseling Psychology, School Psychology, or Combined Professional-Scientific Psychology; or
- (4) has an academic foundation in the provision of health services as defined in Rule .2701(a) of this Section.

(c) Except as provided in Paragraph (e) of this Rule, an applicant shall demonstrate one year of supervised experience which meets the following requirements for an organized health services training program:

- (1) The training shall be a planned and directed program in the provision of health services, in contrast to "on the job" training, and shall provide the trainee with a planned, programmed sequence of training experience.
- (2) The training site shall have a written statement or brochure which describes its training program and is made available to prospective trainees.
- (3) Trainees shall be designated as "interns," "fellows," or "residents," or hold other designation which clearly indicates training status.
- (4) The training shall be completed within 24 months.
- (5) The training shall consist of at least 1500 hours of practice.
- (6) At least 25% of the training shall be spent in the provision of direct health services, as defined in Rule .2701(a) of this Section, to patients or clients seeking assessment or treatment.
- (7) Up to 25% of the training may be comprised of research activities.
- (8) There shall be a minimum of two doctorally trained licensed, certified, or license eligible psychologists at the training site as supervisors who have ongoing contact with the trainee.
- (9) The training shall be under the direction of a licensed, certified, or license eligible doctorally trained psychologist who is on the staff of the training site, who approves and monitors the training, who is familiar with the training site's purposes and functions, who has ongoing contact with the trainee, and who agrees to assume responsibility for the quality, suitability, and implementation of the training experience.
- (10) The training shall provide a minimum of two hours per week of individual face-to-face discussion of the trainee's practice, with the specific intent of overseeing the health services rendered by the trainee. Supervision may be provided in part by psychiatrists, social workers, or other mental health professionals qualified by the

training site, but at least 50% of supervision shall be provided by licensed, certified, or license-eligible doctorally trained psychologists.

- (11) In addition to individual supervision, the training site shall provide a minimum of two hours per week of instruction which may be met by group supervision, assigned reading, seminars, and similarly constituted organized training experiences.

This specified year of supervised experience may be obtained at a predoctoral level, provided that an additional year of supervised experience as defined in Paragraph (d) of this Rule is obtained at a post-doctoral level. Internships accepted for listing in the National Register of Health Service Providers in Psychology and internships accredited by the American Psychological Association in Clinical Psychology, Counseling Psychology, or School Psychology shall be deemed to meet the requirements in this Paragraph.

(d) An applicant shall demonstrate one year of supervised experience which meets the following requirements:

- (1) The experience shall consist of a minimum of one calendar year and include 1500 hours of supervised experience.
- (2) The experience shall be completed within a consecutive four-year period.
- (3) The supervision shall be for the direct provision of health services in psychology, as defined in Rule .2701(a) of this Section, by the applicant to individuals or groups of clients/patients.
- (4) At least one hour per week of formal, face-to-face, individual supervision shall have been provided, except that individual supervision provided up until January 1, 1996, may have been provided in two, two-hour sessions per month.
- (5) The supervisor shall have been an appropriately licensed or certified psychologist, whose license or certificate was in good standing, in the state where the practice occurred.
- (6) The supervisor, at the time of supervision, shall not have been in a dual relationship with the supervisee, e.g., spouse, other close relative, close personal friend, or therapist.

This specified year of supervised experience may be obtained at a predoctoral level, provided that an additional year of supervised experience as defined in Paragraph (c) of this Rule is obtained at a post-doctoral level.

(e) An applicant who holds a provisional license as a Licensed Psychologist in North Carolina on the effective date of this Rule shall not be required to have had one year of supervised experience which meets the requirements of an organized health services training program as specified in Paragraph (c) of this Rule, but shall have completed two years of supervised experience, of which at least one year shall be post-doctoral, as defined in Paragraph (d) of this Rule.

(f) An applicant who documents that he/she meets any one of the following criteria shall be deemed to meet all requirements of this Rule for certification as a health services provider psychologist (HSP-P):

- (1) is currently approved for listing, or is currently listed, in the National Register of Health Service Providers in Psychology;
- (2) is a diplomate in good standing of the American Board of Professional Psychology in Clinical Psychology, Counseling Psychology, or School Psychology;
- (3) is a graduate from a doctoral program which was accredited at the time of the applicant's graduation by the American Psychological Association in Clinical Psychology, Counseling Psychology, School Psychology, or Combined Professional-Scientific Psychology and which included an internship accredited by the American Psychological Association, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule;
- (4) if applying before January 1, 2001, is a graduate from a doctoral program which was fully accredited at the time of the applicant's graduation by the American Psychological Association in School Psychology and which included an internship meeting the guidelines of the Council of Directors of School Psychology Programs as documented by the program chair, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule; or
- (5) is a graduate who received a doctoral degree prior to 1979 from a program which included course work which demonstrates an academic foundation in the provision of health services as defined in Rule .2701(a) of this Section, and which included the equivalent of a one year supervised internship in an American Psychological Association accredited program providing health services, in a Veterans Administration setting providing health services, or at a site providing health services which was specifically acceptable to the applicant's doctoral training program, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule; or
- (6) is approved for licensure under senior psychologist requirements specified in 21 NCAC 54 .1707 and demonstrates that at least 25% of his/her qualifying practice has been in the provision of direct health services, as defined in Rule ~~.2401(a)~~ .2701(a) of this Section.

(g) An applicant applying under Subparagraph (f)(1) of this Rule, and who has not yet been approved for listing in the National Register of Health Service Providers in

Psychology, shall be permitted to file an affidavit verifying that he/she qualifies for listing in the Register. Upon receipt of this affidavit, the Board may issue a health services provider certificate, conditioned upon receipt of a letter from the Register within 60 days of receipt of the affidavit which confirms approval for, or listing in, the Register. An extension of the 60 days may be granted upon showing that additional time is needed for application review by the National Register of Health Service Providers.

(h) An applicant for health services provider certification who knowingly provides false or fraudulent information to the Board with respect to his/her application, or who fails to provide the notification from the National Register of Health Service Providers in Psychology where required, shall be subject to disciplinary action by the Board, including revocation of licensure and the health services provider certificate.

History Note: Temporary Adoption Eff. December 19, 1994;

Authority G.S. 90-270.9; 90-270.15(a)(3); 90-270.15(a)(22); 90-270.20(b);

RRC Objection due to lack of statutory authority Eff. May 18, 1995;

Eff. June 21, 1995;

Amended Eff. August 1, 1996; January 1, 1996.

.2706 HSP-PA REQUIREMENTS

(a) To be certified as a health services provider psychologist psychological associate (HSP-PA), a North Carolina licensed psychological associate shall be qualified by education. An applicant shall submit a completed, notarized application form and provide documentation of meeting health services provider requirements.

(b) An applicant shall demonstrate that he/she holds a master's, specialist, or doctoral degree which provides an academic foundation in the provision of health services as defined in Rule .2701(a) of this Section. Psychological Associates who receive their degrees during or after 1997 shall document that their degree program included an internship, externship, or practicum at a site providing health services which meets all the following criteria:

- (1) The internship, externship, or practicum shall have been in a planned and directed program of training in health services, in contrast to on-the-job training, and shall have provided the trainee with a planned and directed sequence of training integrated with the educational program in which the individual was enrolled.
- (2) The internship, externship, or practicum site shall have had a clearly designated and appropriately licensed psychologist who was responsible for the integrity and quality of the training program.
- (3) Typically, the internship, externship, or practicum shall have been comprised of the

equivalent of at least one semester's training and shall have been a minimum of 12 weeks and 200 hours of supervised training.

- (4) The internship, externship, or practicum shall have had a written program description detailing its functioning and shall have been approved by the applicant's training program prior to its occurrence.
- (5) The internship, externship, or practicum shall have provided a minimum of one hour per week of individual face-to-face, regularly scheduled supervision with the specific intent of overseeing the health services rendered by the trainee.
- (6) At least 50% of the training shall have been spent in the provision of direct health services to patients or clients seeking assessment of treatment, and shall have been comprised of a range of assessment and treatment interventions.
- (7) Supervision may have been provided in part by psychiatrists, social workers, or other mental health professionals qualified by the training site, but at least 50% of supervision shall have been provided by an appropriately licensed or certified psychologist or psychological associate, or other psychologist who is exempt from licensure under the North Carolina Psychology Practice Act.
- (8) Persons enrolled in the internship, externship or practicum shall have been designated as "interns," "externs," or "practicum students" or hold other designation which clearly indicated training status.

(c) An applicant who is approved for licensure as a Psychological Associate under senior psychologist requirements specified in 21 NCAC 54 .1707 and demonstrates that at least 25% of his/her qualifying practice has been in the provision of direct health services, as defined in Rule ~~.2101(a)~~ .2701(a) of this Section, shall be deemed to meet all requirements of this Rule for certification as a health services provider psychological associate (HSP-PA).

History Note: Temporary Adoption Eff. December 19, 1994;

Authority G.S. 90-270.9; 90-270.13(c); 90-270.20(c);

RRC Objection due to lack of statutory authority Eff. May 18, 1995;

Eff. June 21, 1995;

Amended Eff. August 1, 1996; January 1, 1996.

CHAPTER 68 - CERTIFICATION BOARD FOR SUBSTANCE ABUSE PROFESSIONALS

SECTION .0100 - GENERAL

.0101 DEFINITIONS

(a) "Approved Supervisor" means a person who fulfills or is in the process of fulfilling the requirements for the

Board designation pursuant to Rule .0211 of this Chapter by completing its academic, didactic and experiential requirements.

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

(c) "Board" means the North Carolina Substance Abuse Professionals Certification Board.

(d) "Complainant" means a person who has filed a complaint pursuant to these rules.

(e) "Consultation" means a meeting for discussion, decision-making and planning with other service providers for the purpose of providing substance abuse services.

(f) "Crisis" means a decisive, crucial event in the course of treatment that threatens to, either directly or indirectly related to alcohol or drug use, compromise or destroy the rehabilitation effort.

(g) "Form" means an written instrument approved by the Board.

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

(i) "President" means the President of the North Carolina Substance Abuse Professionals Certification Board.

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

(k) "Reprimand" means a formal written warning from the Board to a person certified by the Board.

(l) "Respondent" means a person who is certified by the 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 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 substance abuse professionals at a ratio of one hour of supervision to every 10 hours of practice for 300 practice hours.

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

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40; Eff. August 1, 1996.

SECTION .0200 - CERTIFICATION

.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 shall 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 provided by the Board 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.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40; Eff. August 1, 1996.

.0203 CERTIFICATION AS SUBSTANCE ABUSE COUNSELOR INTERN

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

(b) To be designated 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 provided by the Board documenting the continuing supervision process by a Board approved supervisor.
- (5) Documentation provided by the Board verifying the successful completion of 300 hours of Supervised Practical Training.

- (6) Successful completion of the written examination.
- (7) Payment of a non-refundable, one hundred dollar (\$100.00) 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 of one hundred dollars (\$100.00) after the period of three months from the date of the test.

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

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.38; 90-113.39; 90-113.40; 90-113.41; Eff. August 1, 1996.

.0204 SUPERVISED PRACTICAL TRAINING FOR SUBSTANCE ABUSE COUNSELOR CERTIFICATION

(a) The process of supervision utilized to train the Substance Abuse Counselor shall be provided by an 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 supervised practice shall 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 shall take place within a setting whose primary focus is the treatment of alcohol and drug abuse.

History Note: Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.34; 90-113.39; 90-113.40; Eff. August 1, 1996.

.0205 CERTIFIED SUBSTANCE ABUSE COUNSELOR CERTIFICATION

Requirements for certification as a Certified Substance Abuse Counselor shall be as follows:

- (1) At least 6000 hours of paid or volunteer supervised experience earned in not less than three years, 300 hours of which shall be supervised practice. 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 include but are not limited to individuals or groups with specific ethnic, cultural, sexual orientation, and gender characteristics as well as persons dealing with HIV, co-occurring disabilities and perinatal issues;
 - (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) Traditions and philosophies of 12-step and other 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 one hundred dollar (\$100.00) 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 from the date of test;
- (4) Successful completion of the ICRC/AODA written exam;
- (5) Successful completion of an ICRC/AODA 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 a supervised experience of 6000 hours.

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

Eff. August 1, 1996.

.0206 PROCESS FOR PREVENTION CONSULTANT CERTIFICATION

(a) This certification shall be offered to those persons whose primary responsibilities are to provide substance abuse 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 shall be as follows:

- (1) 6000 hours which is the equivalent of three years full-time experience in the field;
- (2) 270 hours of board approved academic and didactic training divided in the following manner:
 - (A) 170 hours in the area of primary and secondary prevention and life skills training; and
 - (B) 100 hours in substance abuse specific studies;
- (3) A minimum of 300 supervised practice hours documented by a Board approved alcohol, drug or substance abuse professional;
- (4) Evaluations from a supervisor on this practice as well as two evaluations from colleagues or co-workers;
- (5) Successful completion of an ICRC/AODA written examination;
- (6) A signed form attesting to the applicant's adherence to the Ethical Standards of the Board;
- (7) A registration and testing fee of two hundred twenty-five dollars (\$225.00), twenty-five dollars (\$25.00) of which is due when the request is made for the application packet and the remain-

der at the time of filing.

History Note: Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.34; 90-113.40; 90-113.41;
Eff. August 1, 1996.

.0208 CONTINUING EDUCATION REQUIRED FOR COUNSELOR AND PREVENTION CONSULTANT RECERTIFICATION

(a) Each certified Counselor and Prevention Consultant shall receive 60 hours of Board approved education during the current certification period which shall be documented. A minimum of 30 hours shall 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 clinical supervision and providing workshops.

(b) 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.
- (2) No more than 25 percent or 15 hours receiving supervision with two hours of supervision translating to one hour of education.
- (3) No more than 25 percent or 15 hours of workshop presentation with two hours of presentation translating to one hour of education. Workshop presentation shall be a part of an event pre-approved by the Board.
- (4) No more than 25 percent or 15 hours of Alcohol/Drug Education Traffic School (ADETS) and Drug Education School (DES) events.
- (5) An applicant shall include documentation of each event submitted.
- (6) All applicants shall include six hours of HIV/AIDS training and education and three hours of professional ethics training and education for each recertification.

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

- (1) A completed application form with continuing education documented; and
- (2) A non-refundable one hundred dollar (\$100.00) recertification fee.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37; 90-113.38;
Eff. August 1, 1996.

.0209 RECIPROCITY

(a) If a counselor, prevention consultant or clinical supervisor holds a certification in an ICRC/AODA member state as a certified substance abuse counselor (to include alcohol and other drugs), certified prevention consultant, or certified clinical supervisor, the person may transfer this certification to North Carolina by applying a transfer fee as

assessed 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, the Board shall accept the member's former State recertification requirements for the purpose of reciprocal recertification. At the end of this recertification period, it shall be the individual's responsibility to conform to the recertification requirements of North Carolina in effect at the time of recertification.

History Note: Authority G. S. 90-113.30; 90-113.33; 90-113.37; 90-113.38;
Eff. August 1, 1996.

.0210 CONVERSION

(a) Alcoholism and drug abuse counselors may 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 shall not be eligible for reciprocity or the international certificate through the ICRC/AODA.

(c) The conversion fee shall be two hundred twenty-five dollars (\$225.00) with twenty-five dollars (\$25.00) of this fee due when the application packet is requested.

History Note: Authority G.S. 90-113.30; 90-113.33;
Eff. August 1, 1996.

.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 shall be:

- (1) Applicant shall obtain and maintain substance abuse counselor certification in order to be eligible for Clinical Supervisor Certification with the exception of those supervisors holding a masters degree and certified pursuant to a written exam prior to July 1, 1994;
- (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 level of education);
- (4) Thirty hours of substance abuse clinical supervision specific education or training for initial

certification and 15 hours of substance abuse clinical or training supervision specific education for 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 substance abuse professional who can attest to supervisory competence and two from either substance abuse counselors who have been supervised by the candidate or substance abuse professionals who can attest to the applicant's competence;
- (6) Successful completion of an ICRC/AODA 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 two hundred dollars (\$200.00) shall be submitted to the Board when the application packet is completed and mailed (one hundred dollars (\$100.00) shall be the registration and processing fee and one hundred dollars (\$100.00) is the written test fee); and
- (8) A fee of one hundred dollars (\$100.00) shall be required as a recertification fee.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.38; 90-113.40; 90-113.41;
Eff. August 1, 1996.

.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 certified as a 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 two hundred twenty-five dollars (\$225.00), twenty-five dollars (\$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 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.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.35; 90-113.38; 90-113.39; 90-113.40;
Eff. August 1, 1996.

.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 shall be responsible for supplying all of the required information for each session at the time of request for certification or recertification or conversion. The Standards and Credentials 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 training 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, seminar, 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).

(c) The Board reserves the right to 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.

(d) Certification hours may be awarded only for actual hours completed.

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

(f) Providers of Board approved events are 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 by ICRC member boards shall be accepted with appropriate documentation of completion.

(i) 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.

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

- (1) Banquet speakers unless the content meets the requirements in this Rule;
- (2) Case presentation; or
- (3) Registration time.

(k) Presenters shall be given one hour of credit for every two hours presented.

(l) 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.

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

Eff. August 1, 1996.

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 shall 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.

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.40;

Eff. August 1, 1996.

.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, seminar, 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 may include a copy of the objective evaluation tool to be used;
- (6) The summary of evaluations may be submitted to the Board within 45 days following the program date(s);

(c) The Certification Board shall have the right to 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 Board 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 by International Certification and Reciprocity Consortium (ICRC) member boards shall be accepted with documentation of completion.

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.40;

Eff. August 1, 1996.

.0403 EMPLOYER INSERVICE EVENT

(a) An employer inservice event shall be a training session that shall be provided by the applicant's employer for the purpose of professional certification and it shall be approved by the Board for this purpose as with other training events.

(b) An applicant's military employment shall be considered inservice training.

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.40;

Eff. August 1, 1996.

.0405 SPONSOR GUIDELINES

(a) Sponsors or presenters shall submit requests for approval prior to the event and shall allow the 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 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 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 Board shall impose a fee of twenty-five dollars (\$25.00);
- (2) For 11-20 hours of instruction the Board shall impose a fee of fifty dollars (\$50.00);
- (3) For 21-30 hours of instruction the Board shall impose a fee of seventy-five dollars (\$75.00);
- (4) For 31-40 hours of instruction the Board shall impose a fee of one hundred dollars (\$100.00);
- (5) For 41-50 hours of instruction the Board shall impose a fee of one hundred twenty-five dollars (\$125.00);
- (6) For 51-100 hours of instruction the Board shall impose a fee of one hundred fifty dollars (\$150.00).
- (7) For greater than 100 hours of instruction the Board shall impose a fee greater than one hundred fifty dollars (\$150.00) and those additional charges shall be imposed in incremental amounts as set forth in Subparagraphs (e)(1) through (6) of this Rule, not to exceed three hundred dollars (\$300.00).

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.38; 90-113.40;

Eff. August 1, 1996.

.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 25% of 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.

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.38; 90-113.40;

Eff. August 1, 1996.

.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; or
- (2) Training cards or sheets signed by a sponsor or presenter.

(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 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.

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

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37; 90-113.40;

Eff. August 1, 1996.

SECTION .0700 - APPEALS PROCESS

.0701 HEARING BEFORE BOARD; TIME REQUIREMENT

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

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

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. August 1, 1996.

.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 of this Section, except that attempts at informal resolution shall not be 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.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. August 1, 1996.

.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 deter-

mine certification or recertification.

(b) Before an applicant or certified 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 complainant.

(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 applicant or certified individual;
- (2) Concise statement of the action taken by the Board which is challenged;
- (3) Concise statement of the way in which the applicant or certified individual 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.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. August 1, 1996.

.0706 WHO SHALL HEAR CONTESTED CASES

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

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. August 1, 1996.

.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 intervention 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.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. August 1, 1996.

.0709 DISQUALIFICATION OF BOARD MEMBER

(a) Self-disqualification of Board Member. If for any reason the Board member determines that 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.

(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 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 President 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 such assistance 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.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. August 1, 1996.

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

Key:

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

NORTH CAROLINA ADMINISTRATIVE CODE

MARCH 96

TITLE	DEPARTMENT	TITLE	DEPARTMENT
2	Agriculture	21	Occupational Licensing Boards
10	Human Resources	4	- Auctioneers
11	Insurance	22	- Hearing Aid Dealers and Fitters
13	Labor	36	- Nursing
15A	Environment, Health, and Natural Resources	37	- Nursing Home Administrators
18	Secretary of State	56	- Professional Engineers and Land Surveyors
		26	Office of Administrative Hearings

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
2	NCAC	9L	.1806	✓			✓			04/01/96
10	NCAC	3R	.2012					✓		
		3U	.0604					✓		
		14C	.1123					✓		
			.1151					✓		
			.1155					✓		
		26H	.0506		✓				✓	04/22/96
		46D	.0101					✓		
		46H	.0203					✓		
11	NCAC	4	.0501 - .0506	✓			✓			01/01/97
			.0507	✓						01/01/97
			.0508 - .0509	✓			✓			01/01/97
		6	.0901	✓						04/01/96
			.0902	✓			✓			04/01/96

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
11	NCAC	6	.0903	✓						04/01/96
			.0904	✓			✓			04/01/96
13	NCAC	7F	.0101					✓		
			.0101		✓				✓	04/01/96
			.0101		✓					04/01/96
15A	NCAC	2B	.0224 - .0225		✓		✓			04/01/96
			.0304		✓		✓			04/01/96
		2Q	.0401		✓		✓			04/01/96
			.0402		✓					04/01/96
			.0403 - .0418			✓				04/01/96
		3J	.0403						EXPIRED	
		7H	.0208					✓		
			.0309 - .0310		✓		✓			04/01/96
			.2204					✓		
		10K	.0001		✓		✓			04/01/96
		16A	.1002					✓		
		18A	.2601		✓				✓	04/08/96
			.2700					✓		
18	NCAC	4	.0308					✓		
			.0312 - .0314					✓		
			.0501					✓		
			.0504					✓		
		9	.0101 - .0116	✓			✓			04/01/96
21	NCAC	4B	.0103		✓					04/01/96
			.0201 .0202		✓		✓			04/01/96
			.0403		✓		✓			04/01/96
			.0505		✓					04/01/96
			.0601 - .0602		✓		✓			04/01/96
		22L	.0001		✓		✓			04/01/96
		36	.0228	✓			✓			04/01/96
		37A	.0101			✓				04/01/96
			.0108			✓				04/01/96

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
21	NCAC	37A	.0110			✓				04/01/96
			.0208			✓				04/01/96
			.0211			✓				04/01/96
			.0306			✓				04/01/96
			.0308			✓				04/01/96
			.0506			✓				04/01/96
			.0603 - .0604			✓				04/01/96
			.0702 - .0707			✓				04/01/96
			.0805			✓				04/01/96
			.0901			✓				04/01/96
			.0905			✓				04/01/96
			.0907			✓				04/01/96
			.1203			✓				04/01/96
	37B		.0101 - .0103	✓						04/01/96
			.0201	✓			✓			04/01/96
			.0203	✓						04/01/96
			.0205	✓			✓			04/01/96
	37C		.0101		✓		✓			04/01/96
			.0102	✓			✓			04/01/96
			.0103		✓					04/01/96
	37D		.0101 - .0102	✓						04/01/96
			.0201		✓		✓			04/01/96
			.0203		✓					04/01/96
			.0301 - .0303	✓						04/01/96
			.0402		✓		✓			04/01/96
			.0403 - .0406		✓					04/01/96
			.0408 - .0410		✓		✓			04/01/96
			.0411			✓	✓			04/01/96
			.0412		✓		✓			04/01/96
			.0501		✓		✓			04/01/96
			.0502 - .0503		✓					04/01/96
			.0601	✓			✓			04/01/96

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
21	NCAC	37D	.0602 - .0603	✓						04/01/96
			.0605		✓					04/01/96
			.0701 - .0703	✓						04/01/96
	37E		.0101 - .0102		✓		✓			04/01/96
	37F		.0101		✓		✓			04/01/96
			.0102		✓					04/01/96
	37G		.0101		✓		✓			04/01/96
			.0201		✓		✓			04/01/96
			.0202		✓					04/01/96
			.0301		✓		✓			04/01/96
			.0401		✓					04/01/96
	37H		.0101	✓						04/01/96
			.0103		✓					04/01/96
			.0104	✓						04/01/96
	37I		.0101		✓		✓			04/01/96
	56		.1602					✓		
			.1604					✓		
26	NCAC	2A	.0101 - .0102			✓				04/01/96
			.0201 - .0212			✓				04/01/96
			.0301			✓				04/01/96
			.0303			✓				04/01/96
			.0401 - .0406			✓				04/01/96
			.0501 - .0507			✓				04/01/96
	2B		.0101			✓				04/01/96
			.0103 - .0104			✓				04/01/96
			.0201 - .0204			✓				04/01/96
			.0301 - .0303			✓				04/01/96
			.0401			✓				04/01/96
	2C		.0101	✓						04/01/96
			.0102 - .0103	✓			✓			04/01/96
			.0104 - .0105	✓						04/01/96
			.0106	✓			✓			04/01/96

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
26	NCAC	2C	.0107	✓						04/01/96
			.0108 - .0109	✓			✓			04/01/96
			.0110	✓						04/01/96
			.0201 - .0205	✓						04/01/96
			.0206 - .0207	✓			✓			04/01/96
			.0301 - .0302	✓						04/01/96
			.0303 - .0304	✓			✓			04/01/96
			.0305	✓						04/01/96
			.0306	✓			✓			04/01/96
			.0401	✓						04/01/96
			.0402 - .0403	✓			✓			04/01/96
			.0404	✓						04/01/96
			.0405 - .0407	✓			✓			04/01/96
			.0408 - .0409	✓						04/01/96
			.0410	✓			✓			04/01/96
			.0501	✓						04/01/96
			.0502	✓			✓			04/01/96
			.0503	✓						04/01/96
			.0504	✓			✓			04/01/96

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

Key:

Citation = Title, Chapter, Subchapter and Rule(s)

AD = Adopt

AM = Amend

RP = Repeal

With Chgs = Final text differs from proposed text

Corr = Typographical errors or changes that requires no rulemaking

Temp. = Rule was filed as a temporary rule

Eff. Date = Date rule becomes effective

NORTH CAROLINA ADMINISTRATIVE CODE

APRIL 96

TITLE	DEPARTMENT	TITLE	DEPARTMENT
1	Administration	21	Occupational Licensing Boards
2	Agriculture	31	Marital and Family Therapy Certification
4	Commerce	32	Medical Examiners
10	Human Resources	45	Fee-Based Practicing Pastoral Counselors
12	Justice	54	Practicing Psychologists
15A	Environment, Health, and Natural Resources	66	Veterinary Medical Board
18	Secretary of State	69	Soil Scientists

RULE CITATION	AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
1 NCAC 30G .0101 - .0105	✓					✓	07/01/96
2 NCAC 9L .1806					✓		
4 NCAC 2T .0604		✓					06/01/96
10 NCAC 3C .5401 - .5402	✓			✓			05/01/96
.5407 - .5409	✓						05/01/96
.5412 - .5413	✓						05/01/96
.6102					✓		
.6209					✓		
.6225					✓		
3U .0102					✓		
14C .1123					✓		
19C .0209		✓		✓			05/01/96
.0408 - .0409		✓					05/01/96

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
10	NCAC	19C	.0410		✓		✓			05/01/96
			.0504		✓		✓			05/01/96
			.0509 - .0512		✓		✓			05/01/96
			.0602		✓		✓			05/01/96
			.0604		✓		✓			05/01/96
			.0702 - .0703		✓		✓			05/01/96
	26H		.0213					✓		
	37		.7003					✓		
	39D		.0304	✓			✓			05/01/96
	41F		.0813					✓		
	42D		.1409					✓		
	50D		.0101 - .0103	✓					✓	05/06/96
			.0201	✓					✓	05/06/96
			.0301 - .0302	✓					✓	05/01/96
			.0401 - .0402	✓					✓	05/01/96
			.0501 - .0503	✓					✓	05/01/96
12	NCAC	9F	.0101	✓			✓			05/01/96
			.0102	✓						05/01/96
			.0103	✓			✓			05/01/96
			.0104 - .0107	✓						05/01/96
15A	NCAC	3J	.0202					✓		
		7B	.0210					✓		
			.0212					✓		
	7H		.0208		✓		✓			05/01/96
			.0309					✓		
	10C		.0205		✓		✓			07/01/96
			.0301		✓		✓			07/01/96
			.0302		✓		✓			07/01/96
			.0305		✓		✓			07/01/96
			.0401		✓					07/01/96
			.0404		✓		✓			07/01/96
			.0407		✓					07/01/96

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
15A	NCAC	10D	.0004		✓					07/01/96
		10K	.0003	✓			✓			05/01/96
		11	.0349		✓		✓			05/01/96
		13B	.0901 - .0905			✓				05/01/96
			.1401 - .1402		✓		✓			05/01/96
			.1403		✓					05/01/96
			.1404 - .1405		✓		✓			05/01/96
		18A	.1720		✓		✓			05/01/96
			.1722 - .1723		✓		✓			05/01/96
			.1725 - .1726		✓		✓			05/01/96
			.2702		✓		✓			05/01/96
		19C	.0601 - .0603		✓		✓			07/01/96
			.0605 - .0608		✓		✓			07/01/96
			.0609		✓					07/01/96
			.0611	✓			✓			07/01/96
		25	.0213		✓		✓			05/01/96
18	NCAC	9	.0117	✓			✓			05/01/96
21	NCAC	31	.0102			✓	✓			05/01/96
			.0104			✓	✓			05/01/96
			.0502		✓		✓			05/01/96
		32H	.0203	✓			✓			07/15/96
		45	.0201	✓			✓			05/01/96
			.0301	✓			✓			05/01/96
			.0402	✓			✓			05/01/96
			.0501	✓			✓			05/01/96
			.0601	✓			✓			05/01/96
			.0701	✓			✓			05/01/96
		54	.1604			✓				05/01/96
			.1608		✓		✓			05/01/96
			.1704		✓					05/01/96
			.1801			✓				05/01/96
			.1904		✓		✓			05/01/96

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
21	NCAC	54	.2101		✓		✓			05/01/96
			.2103		✓		✓			05/01/96
			.2204			✓				05/01/96
66			.0101		✓		✓			05/01/96
			.0105 - .0106		✓		✓			05/01/96
			.0108		✓		✓			05/01/96
			.0201 - .0203		✓		✓			05/01/96
			.0205 - .0208		✓		✓			05/01/96
			.0209 - .0210	✓			✓			05/01/96
			.0301		✓		✓			05/01/96
			.0303 - .0308		✓		✓			05/01/96
			.0310 - .0311	✓			✓			05/01/96
			.0601		✓		✓			05/01/96
			.0606		✓		✓			05/01/96
			.0703		✓		✓			05/01/96
69			.0101 - .0104	✓					✓	05/01/96
			.0201 - .0202	✓					✓	05/01/96
			.0301 - .0308	✓					✓	05/01/96
			.0401 - .0402	✓					✓	05/01/96
			.0501	✓					✓	05/01/96

***T**his 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
 Vernice B. Howard
 Teresa L. Smallwood
 Charles H. Henry
 Philip O. Redwine - Vice Chairman

Appointed by House
 Jennie J. Hayman - Chairman
 Bill Graham
 Paul Powell
 Ed Shelton

LOG OF FILINGS
MEETING DATE: MAY 16, 1996

RULES SUBMITTED: MARCH 20, 1996 THROUGH APRIL 22, 1996

FOLLOW MATTERS:

JUSTICE/Private Protective Services Board -	12 NCAC 7D .0808
EHNR/Environmental Management Commission -	15A NCAC 2H .0219
EHNR/Commission for Health Services -	15A NCAC 13B .1406, .1407, .1408, .1409
PUBLIC INSTRUCTION/State Board of Education -	16 NCAC 6D .0106
Medical Board -	21 NCAC 32H .0702

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DHR/CMH/DD/SAS			
	Scope	10 NCAC 15A .0115	Amend
	Explanation of Terms	10 NCAC 15A .0116	Amend
	Authorization	10 NCAC 15A .0117	Amend
	Authorization	10 NCAC 15A .0118	Amend
	Written Evaluation	10 NCAC 15A .0119	Amend
	Additional Information	10 NCAC 15A .0120	Amend
	Communication	10 NCAC 15A .0121	Amend
	General Criteria	10 NCAC 15A .0122	Amend
	Coordination	10 NCAC 15A .0123	Amend
	Notification	10 NCAC 15A .0124	Amend
	Placement of Clients	10 NCAC 15A .0125	Amend
	Resolution of Differences	10 NCAC 15A .0126	Amend
	Referrals of Minors	10 NCAC 15A .0127	Adopt
	Scope	10 NCAC 15A .0205	Repeal
	Definitions	10 NCAC 15A .0206	Repeal
	Written Consent	10 NCAC 15A .0207	Repeal
	Written Application	10 NCAC 15A .0208	Repeal
	Mandatory Screening	10 NCAC 15A .0209	Repeal
	Telephone Notification	10 NCAC 15A .0210	Repeal

Referrals	10 NCAC 15A .0211	Repeal
Referrals	10 NCAC 15A .0212	Repeal
Use of Form	10 NCAC 15A .0213	Repeal
Screening	10 NCAC 15A .0214	Repeal
Written Agreements	10 NCAC 15A .0215	Repeal
Information	10 NCAC 15A .0216	Repeal
Notification	10 NCAC 15A .0217	Repeal
Sharing of Information	10 NCAC 15A .0218	Repeal
Ongoing Information	10 NCAC 15A .0219	Repeal
Failure of Area Program	10 NCAC 15A .0220	Repeal
Emergency Involuntary Commitment	10 NCAC 15A .0221	Repeal
Emergency Admissions	10 NCAC 15A .0222	Repeal
Area Program Procedures	10 NCAC 15A .0223	Repeal
Discharge Planning	10 NCAC 15A .0224	Repeal
Participants	10 NCAC 15A .0225	Repeal
Discharge of Minor	10 NCAC 15A .0226	Repeal
Discharge Planning	10 NCAC 15A .0227	Repeal
Discharge Plan Implementation	10 NCAC 15A .0228	Repeal

DEPARTMENT OF INSURANCE

Cancer Insurance	11 NCAC 12 .0551	Amend
Organizational Structure	11 NCAC 12 .0901	Adopt
Written Utilization Review Plan	11 NCAC 12 .0918	Adopt
Telephone Accessibility	11 NCAC 12 .0919	Adopt
Claim Reserve	11 NCAC 16 .0703	Amend
Application	11 NCAC 21 .0101	Adopt
Financial Statements	11 NCAC 21 .0102	Adopt
Determination	11 NCAC 21 .0103	Adopt
Service Contracts	11 NCAC 21 .0104	Adopt
Adjusting Claims	11 NCAC 21 .0105	Adopt
Payment of Claims	11 NCAC 21 .0106	Adopt
General Administration	11 NCAC 21 .0107	Adopt
Claims Administration	11 NCAC 21 .0108	Adopt
Marketing and Sales	11 NCAC 21 .0109	Adopt
Member Services	11 NCAC 21 .0110	Adopt

DEHNR/ENVIRONMENTAL MANAGEMENT COMMISSION

Fresh Surface Water Quality	15A NCAC 2B .0216	Amend
-----------------------------	-------------------	-------

DEHNR/MARINE FISHERIES COMMISSION

Prohibited Fishing Activity	15A NCAC 3I .0019	Adopt
Fishing Gear	15A NCAC 3J .0401	Amend

DEHNR/COASTAL RESOURCES COMMISSION

Purpose	15A NCAC 7H .2301	Adopt
Approval Procedures	15A NCAC 7H .2302	Adopt
Permit Fee	15A NCAC 7H .2303	Adopt
General Conditions	15A NCAC 7H .2304	Adopt
Specific Conditions	15A NCAC 7H .2305	Adopt

DEHNR/WILDLIFE RESOURCES COMMISSION

Permitted Archery Equipment	15A NCAC 10B .0116	Amend
Prohibited Taking	15A NCAC 10B .0201	Amend
Deer (White-Tailed)	15A NCAC 10B .0203	Amend
Quail	15A NCAC 10B .0208	Amend
Wild Turkey	15A NCAC 10B .0209	Amend
Wildcat (Bobcat)	15A NCAC 10B .0214	Amend

RULES REVIEW COMMISSION

Nutria	15A NCAC 10B .0220	Amend
Open Seasons	15A NCAC 10B .0302	Amend
Bag Limits	15A NCAC 10B .0303	Amend
General Regulations	15A NCAC 10D .0002	Amend
Hunting on Game Lands	15A NCAC 10D .0003	Amend

STATE BOARD OF EDUCATION

Definitions	16 NCAC 1A .0001	Amend
Organization of Department	16 NCAC 1A .0003	Amend
School Calendar	16 NCAC 6A .0001	Repeal
Suspension	16 NCAC 6A .0002	Repeal
School Bus Drivers	16 NCAC 6B .0001	Repeal
School Bus Maintenance	16 NCAC 6B .0005	Repeal
School Bus Inspections	16 NCAC 6B .0006	Repeal
Definitions	16 NCAC 6C .0101	Amend
Criminal History Checks	16 NCAC 6C .0313	Amend
Basic Education Program	16 NCAC 6D .0102	Repeal
Exit Documents	16 NCAC 6D .0104	Repeal
Testing Requirements	16 NCAC 6D .0301	Amend
Test Administration	16 NCAC 6D .0302	Amend
Attendance Defined	16 NCAC 6E .0101	Amend
Attendance Excused	16 NCAC 6E .0102	Amend
Involuntary Suspensions	16 NCAC 6E .0104	Amend
Interscholastic Athletics	16 NCAC 6E .0202	Amend
Local School	16 NCAC 6G .0301	Repeal
Differentiated Pay	16 NCAC 6G .0302	Repeal
Flexible Funding	16 NCAC 6G .0303	Amend
Definitions	16 NCAC 6H .0001	Amend
Non-Instructional Special Education	16 NCAC 6H .0006	Amend
Special Education Assessment	16 NCAC 6H .0007	Amend
Surrogate Parents	16 NCAC 6H .0008	Amend

DEPARTMENT OF REVENUE

Dissolutions	17 NCAC 5C .2101	Amend
--------------	------------------	-------

RULES REVIEW OBJECTIONS**ACUPUNCTURE LICENSING BOARD**

21 NCAC 1 .0709 - Procedure of Revocation of Licensure	RRC Objection	04/18/96
Agency Revised Rule	Obj. Removed	04/18/96

AGRICULTURE**Pesticide Board**

2 NCAC 9L .1806 - Crop Advisor Exemption	RRC Objection	03/21/96
Agency Revised Rule	Obj. Removed	03/21/96

AUCTIONEERS COMMISSION

21 NCAC 4B .0202 - Filing and Fees	RRC Objection	03/21/96
Agency Revised Rule	Obj. Removed	03/21/96
21 NCAC 4B .0403 - Apprentice Auctioneer License	RRC Objection	03/21/96
Agency Revised Rule	Obj. Removed	03/21/96
21 NCAC 4B .0602 - Advertising	RRC Objection	03/21/96
Agency Revised Rule	Obj. Removed	03/21/96

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Resources Commission

15A NCAC 7H .0208 - Use Standards	RRC Objection	03/21/96
Agency Revised Rule	Obj. Cont'd	03/21/96
Rule Returned to Agency	Obj. Cont'd	04/18/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	05/01/96

Environmental Management

15A NCAC 2H .0219 - Minimum Design Requirements	RRC Objection	04/18/96
---	---------------	----------

Commission for Health Services

15A NCAC 13B .1401 - Requirement for Permit	RRC Objection	04/18/96
Agency Revised Rule	Obj. Removed	04/18/96
15A NCAC 13B .1402 - General Provisions for SW Compost Facilities	RRC Objection	04/18/96
Agency Revised Rule	Obj. Removed	04/18/96
15A NCAC 13B .1404 - Siting/Design Requirements for SW Compost Facilities	RRC Objection	04/18/96
Agency Revised Rule	Obj. Removed	04/18/96
15A NCAC 13B .1405 - Application Requirements for SW Compost Facilities	RRC Objection	04/18/96
Agency Revised Rule	Obj. Removed	04/18/96
15A NCAC 13B .1406 - Operational Requirements for Solid Waste Compost Facilities	RRC Objection	04/18/96
Agency Revised Rule	Obj. Cont'd	04/18/96
15A NCAC 13B .1407 - Classification/Distribution of Solid Waste Compost Products	RRC Objection	04/18/96
Agency Revised Rule	Obj. Cont'd	04/18/96
15A NCAC 13B .1408 - Methods for Testing and Reporting Requirements	RRC Objection	04/18/96
Agency Revised Rule	Obj. Cont'd	04/18/96
15A NCAC 13B .1409 - Approval of Alternative Procedures and Requirements	RRC Objection	04/18/96
15A NCAC 18A .1723 - Springs	RRC Objection	04/18/96
Agency Revised Rule	Obj. Removed	04/18/96
15A NCAC 18A .1727 - Continuous Disinfection		04/18/96
Rule Withdrawn by Agency		
15A NCAC 18A .1805 - Inspection Forms		04/18/96
Rule Withdrawn by Agency		

Wildlife Resources Commission

15A NCAC 10K .0001 - Course Requirements	RRC Objection	03/21/96
Agency Revised Rule	Obj. Removed	03/21/96
15A NCAC 10K .0003 - Instructor Certification Requirements		03/21/96
Rule Withdrawn by Agency		

FEE-BASED PRACTICING PASTORAL COUNSELORS

21 NCAC 45 .0201 - Information Required	RRC Objection	02/15/96
No Response from Agency	Obj. Cont'd	03/21/96
Agency Revised Rule	Obj. Removed	04/18/96
21 NCAC 45 .0301 - Types	RRC Objection	02/15/96
No Response from Agency	Obj. Cont'd	03/21/96
Agency Revised Rule	Obj. Removed	04/18/96
21 NCAC 45 .0402 - Second Notice	RRC Objection	02/15/96
No Response from Agency	Obj. Cont'd	03/21/96
Agency Revised Rule	Obj. Removed	04/18/96
21 NCAC 45 .0501 - Continuing Education Requirements	RRC Objection	02/15/96
No Response from Agency	Obj. Cont'd	03/21/96
Agency Revised Rule	Obj. Removed	04/18/96
21 NCAC 45 .0601 - Equivalency	RRC Objection	02/15/96
No Response from Agency	Obj. Cont'd	03/21/96

<i>Agency Revised Rule</i>		<i>Obj. Removed</i>	<i>04/18/96</i>
21 NCAC 45 .0701 - Issuance of Temporary Certificate	<i>No Response from Agency</i>	<i>RRC Objection</i>	<i>02/15/96</i>
	<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>03/21/96</i>
21 NCAC 45 .0802 - Types of Supervision	<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/18/96</i>
	<i>No Response from Agency</i>	<i>RRC Objection</i>	<i>02/15/96</i>
	<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>02/15/96</i>
		<i>Obj. Cont'd</i>	<i>03/21/96</i>
21 NCAC 45 .0901 - Requirements for Individual Psychotherapy Experience	<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>04/18/96</i>
	<i>Agency Revised Rule</i>	<i>RRC Objection</i>	<i>02/15/96</i>
	<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>02/15/96</i>
	<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>03/21/96</i>
21 NCAC 45 .1001 - Code of Ethics		<i>Obj. Cont'd</i>	<i>04/18/96</i>
	<i>No Response from Agency</i>	<i>RRC Objection</i>	<i>02/15/96</i>
	<i>Rule Returned to Agency</i>	<i>Obj. Cont'd</i>	<i>03/21/96</i>
		<i>Obj. Cont'd</i>	<i>04/18/96</i>

HEARING AID DEALERS AND FITTERS BOARD

21 NCAC 22L .0001 - Committee on Investigations	<i>Extended Review</i>	<i>01/18/96</i>
	<i>RRC Reviewed Rule</i>	<i>RRC Objection</i>
	<i>Agency Revised Rule</i>	<i>02/15/96</i>
		<i>Obj. Removed</i>
		<i>03/21/96</i>

HUMAN RESOURCES

Medical Care Commission

10 NCAC 3C .5401 - Definitions	<i>RRC Objection</i>	<i>01/18/96</i>
	<i>Agency Responded</i>	<i>Obj. Cont'd</i>
	<i>Rule Returned to Agency</i>	<i>02/15/96</i>
	<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Obj. Cont'd</i>
		<i>03/21/96</i>
		<i>Eff. 05/01/96</i>
10 NCAC 3C .5402 - Physician Req for Inpatient Rehabilitation Facilities or Units	<i>RRC Objection</i>	<i>01/18/96</i>
	<i>Agency Responded</i>	<i>Obj. Cont'd</i>
	<i>Rule Returned to Agency</i>	<i>02/15/96</i>
	<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Obj. Cont'd</i>
		<i>03/21/96</i>
		<i>Eff. 05/01/96</i>
10 NCAC 3C .5407 - Comprehensive Rehabilitation Personnel Administration	<i>RRC Objection</i>	<i>01/18/96</i>
	<i>Agency Responded</i>	<i>Obj. Cont'd</i>
	<i>Rule Returned to Agency</i>	<i>02/15/96</i>
	<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Obj. Cont'd</i>
		<i>03/21/96</i>
		<i>Eff. 05/01/96</i>
10 NCAC 3C .5408 - Comprehensive Inpatient Rehabilitation Program Staffing Req.	<i>RRC Objection</i>	<i>01/18/96</i>
	<i>Agency Responded</i>	<i>Obj. Cont'd</i>
	<i>Rule Returned to Agency</i>	<i>02/15/96</i>
	<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Obj. Cont'd</i>
		<i>03/21/96</i>
		<i>Eff. 05/01/96</i>
10 NCAC 3C .5409 - Staff Training for Inpatient Rehabilitation Facilities or Unit	<i>RRC Objection</i>	<i>01/18/96</i>
	<i>Agency Responded</i>	<i>Obj. Cont'd</i>
	<i>Rule Returned to Agency</i>	<i>02/15/96</i>
	<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Obj. Cont'd</i>
		<i>03/21/96</i>
		<i>Eff. 05/01/96</i>
10 NCAC 3C .5412 - Additional Requirements for Traumatic Brain Injury Patients	<i>RRC Objection</i>	<i>01/18/96</i>
	<i>Agency Responded</i>	<i>Obj. Cont'd</i>
	<i>Rule Returned to Agency</i>	<i>02/15/96</i>
	<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Obj. Cont'd</i>
		<i>03/21/96</i>
		<i>Eff. 05/01/96</i>
10 NCAC 3C .5413 - Additional Requirements for Spinal Cord Injury Patients	<i>RRC Objection</i>	<i>01/18/96</i>
	<i>Agency Responded</i>	<i>Obj. Cont'd</i>
	<i>Rule Returned to Agency</i>	<i>02/15/96</i>
	<i>Agency Filed Rule for Codification Over RRC Objection</i>	<i>Obj. Cont'd</i>
		<i>03/21/96</i>
		<i>Eff. 05/01/96</i>

Commission for Mental Health, Developmental Disabilities and Substance Abuse Services

10 NCAC 15A .0100 and .0200		
<i>Rules Withdrawn by Agency</i>		<i>03/21/96</i>

Social Services Commission

10 NCAC 39D .0304 - *Alternative Work Experience*

Extended Review 01/18/96

Agency Responded

RRC Objection 02/15/96

RRC Reconsidered this Rule

Obj. Cont'd 03/21/96

10 NCAC 46D .0106 - *Allocation*

Obj. Removed 04/18/96

Rule Withdrawn by Agency

RRC Objection 01/18/96

10 NCAC 46D .0107 - *Reimbursement*

Obj. Cont'd 03/21/96

Rule Withdrawn by Agency

RRC Objection 01/18/96

10 NCAC 46D .0202 - *Review Criteria for Start-Up Funds*

Obj. Cont'd 03/21/96

Rule Withdrawn by Agency

RRC Objection 01/18/96

Obj. Cont'd 03/21/96

INSURANCE

Agent Services Division

11 NCAC 6A .0904 - *Regulatory Matters*

RRC Objection 03/21/96

Agency Revised Rule

Obj. Removed 03/21/96

Consumer Services Division

11 NCAC 4 .0502 - *Assumed Expenses and Current Scale*

RRC Objection 03/21/96

Agency Revised Rule

Obj. Removed 03/21/96

11 NCAC 4 .0505 - *Standards for Basic Illustrations*

RRC Objection 03/21/96

Agency Revised Rule

Obj. Removed 03/21/96

11 NCAC 4 .0506 - *Standards for Supplemental Illustrations*

RRC Objection 03/21/96

Agency Revised Rule

Obj. Removed 03/21/96

11 NCAC 4 .0509 - *Annual Certifications*

RRC Objection 03/21/96

Agency Revised Rule

Obj. Removed 03/21/96

JUSTICE

Private Protective Services

12 NCAC 7D .0808 - *Concealed Weapons*

RRC Objection 03/21/96

No Response from Agency

Obj. Cont'd 04/18/96

MARITAL AND FAMILY THERAPY CERTIFICATION BOARD

21 NCAC 31 .0102 - *Address*

RRC Objection 02/15/96

No Response from Agency

Obj. Cont'd 03/21/96

Agency Repealed Rule

Obj. Removed 04/18/96

21 NCAC 31 .0104 - *Fees*

RRC Objection 02/15/96

No Response from Agency

Obj. Cont'd 03/21/96

Agency Repealed Rule

Obj. Removed 04/18/96

21 NCAC 31 .0304 - *Subsequent Reexaminations*

RRC Objection 02/15/96

No Response from Agency

Obj. Cont'd 03/21/96

Rule Withdrawn by Agency

Obj. Cont'd 04/18/96

21 NCAC 31 .0502 - *Approved Supervision*

RRC Objection 02/15/96

No Response from Agency

Obj. Cont'd 03/21/96

Agency Revised Rule

Obj. Removed 04/18/96

MEDICAL BOARD

21 NCAC 32H .0101 - *Authority: Intent and Goals*

RRC Objection 04/18/96

Agency Repealed Rule

Obj. Removed 04/18/96

21 NCAC 32H .0303 - *Sponsor Hospital*

RRC Objection 04/18/96

Agency Revised Rule

Obj. Removed 04/18/96

21 NCAC 32H .0402 - *Emergency Medical Technician-Paramedic Performance*

RRC Objection 04/18/96

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/18/96</i>
21 NCAC 32H .0403 - <i>Emergency Medical Technician-Intermediate Performance</i>	<i>RRC Objection</i>	<i>04/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/18/96</i>
21 NCAC 32H .0406 - <i>Emergency Medical Tech.: Advanced Intermediate Performance</i>	<i>RRC Objection</i>	<i>04/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/18/96</i>
21 NCAC 32H .0702 - <i>Requests</i>	<i>RRC Objection</i>	<i>04/18/96</i>

NURSING

21 NCAC 36 .0228 - <i>Clinical Nurse Specialist Practice</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>03/21/96</i>

NURSING HOME ADMINISTRATORS

21 NCAC 37C .0101 - <i>Petitions for Adoption of Rules</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
21 NCAC 37C .0102 - <i>Procedure for Adoption of Rules</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
21 NCAC 37D .0412 - <i>Initial On-the-Job Training</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
21 NCAC 37F .0101 - <i>Prerequisites for Temporary Licensure</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
21 NCAC 37I .0101 - <i>Investigation; Discipline; and Contested Case Proceedings</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>03/21/96</i>

PUBLIC EDUCATION

State Board of Education

16 NCAC 6D .0106 - <i>Limited English Proficiency Programs</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>04/18/96</i>

SECRETARY OF STATE

Boxing Commission

18 NCAC 9 .0101 - <i>Purpose, Applicability and Scope of the Rules</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
18 NCAC 9 .0103 - <i>North Carolina State Boxing Commission</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
18 NCAC 9 .0104 - <i>Conduct of Boxing Matches</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Rewrote Rule as 18 NCAC 9 .0104 through .0109</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
18 NCAC 9 .0106 - <i>Licensing Requirements and Duties of Licensees</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule and Recodified to 18 NCAC 9 .0111</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
18 NCAC 9 .0107 - <i>Contracts and Financial Arrangements</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Revised Rule and Recodified to 18 NCAC 9 .0112</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
18 NCAC 9 .0108 - <i>Kickboxing</i>	<i>RRC Objection</i>	<i>03/21/96</i>
<i>Agency Rewrote Rule as 18 NCAC 9 .0113 through .0116</i>	<i>Obj. Removed</i>	<i>03/21/96</i>
18 NCAC 9 .0117 - <i>Toughman Match</i>	<i>RRC Objection</i>	<i>04/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/18/96</i>

SUBSTANCE ABUSE PROFESSIONALS

21 NCAC 68 .0101 - <i>Definitions</i>	<i>RRC Objection</i>	<i>04/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/18/96</i>
21 NCAC 68 .0206 - <i>Process for Prevention Consultant Certification</i>	<i>RRC Objection</i>	<i>04/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/18/96</i>
21 NCAC 68 .0403 - <i>Employer Inservice Event</i>	<i>RRC Objection</i>	<i>04/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/18/96</i>

VETERINARY MEDICAL BOARD

21 NCAC 66		
<i>Rules Withdrawn by Agency</i>		03/21/96
21 NCAC 66 .0203 - License Required to Practice; Faculty Cert.; Zoo Veterinary Cert.	RRC Objection	04/18/96
<i>Agency Revised Rule</i>	Obj. Removed	04/18/96
21 NCAC 66 .0206 - Minimum Standards for Continuing Education	RRC Objection	04/18/96
<i>Agency Revised Rule</i>	Obj. Removed	04/18/96
21 NCAC 66 .0207 - Minimum Facility and Practice Standards	RRC Objection	04/18/96
<i>Agency Revised Rule</i>	Obj. Removed	04/18/96
21 NCAC 66 .0301 - Application and Examination	RRC Objection	04/18/96
<i>Agency Revised Rule</i>	Obj. Removed	04/18/96
21 NCAC 66 .0303 - SPCL/REG./VET./TECH./INTERNS/PRECEP;REN/TECH./REG	RRC Objection	04/18/96
<i>Agency Revised Rule</i>	Obj. Removed	04/18/96
21 NCAC 66 .0606 - Who Shall Hear Contested Cases	RRC Objection	04/18/96
<i>Agency Revised Rule</i>	Obj. Removed	04/18/96
21 NCAC 66 .0703 - Subpoenas	RRC Objection	04/18/96
<i>Agency Revised Rule</i>	Obj. Removed	04/18/96

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.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge

Julian Mann, III

Senior Administrative Law Judge

Fred G. Morrison, Jr.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton

Sammie Chess Jr.

Beecher R. Gray

Meg Scott Phipps

Robert Roosevelt Reilly Jr.

Dolores Nesnow Smith

Thomas R. West

DECISION	AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED REGISTER CITATION
ALCOHOLIC BEVERAGE CONTROL COMMISSION					
Fuad Saif Murshed v. Alc. Bev. Ctl. Comm. & Durham Mem. Bapt. Ch.		95 ABC 0922	Chess	04/24/96	
Alcoholic Beverage Control Commission v. Tremik, Inc.		95 ABC 0925	Morrisosn	03/25/96	
Alcoholic Beverage Control Commission v. Maria Virginia Tramontano		95 ABC 1200	West	04/23/96	
Alcoholic Beverage Control Commission v. Huffman Oil Co., Inc.		95 ABC 1251	West	04/03/96	11:03 NCR 166
Pinakin P. Talate v. Alcoholic Beverage Control Commission		95 ABC 1329	West	04/10/96	
Alcoholic Beverage Control Commission v. Henry Franklin Gurganus		95 ABC 1389	West	04/01/96	
Andrew Parker v. Alcoholic Beverage Control Commission		95 ABC 1402	Phipps	03/27/96	
Barraq Sabri Alquza v. Alcoholic Beverage Control Commission		95 ABC 1424	Phipps	04/03/96	
Alcoholic Beverage Control Comm. v. Partnership T/A T & L Groceries		95 ABC 1443	West	03/26/96	
Alcoholic Beverage Control Commission v. Cashion's Food Mart, Inc.		95 ABC 1444	Gray	03/13/96	
Bro Bee, Inc. v. Alcoholic Beverage Control Commission		95 ABC 1480	West	04/15/96	
Alcoholic Beverage Control Commission v. Donald Ray Doak		95 ABC 1488	West	03/29/96	
Alcoholic Beverage Control Commission v. Janice Lorraine Jeter		96 ABC 0013	Reilly	04/26/96	
George Wright and Alice Ramsuer v. Alcoholic Beverage Control Comm.		96 ABC 0058	Becton	04/16/96	
CRIME CONTROL AND PUBLIC SAFETY					
Helen B. Hunter-Reid v. Crime Victims Compensation Commission		95 CPS 1336	Nesnow Smith	03/29/96	11:02 NCR 93
Kenneth Saunders v. Victims Compensation Commission		95 CPS 1445	Chess	03/26/96	
Ruby H. Ford v. Crime Victims Compensation Commission		96 CPS 0110	Reilly	04/18/96	
Manuel Cervantes v. Victims Compensation Fund		96 CPS 0118	Chess	03/19/96	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES					
Gribble & Assoc. & Four Seasons Car Wash v. EHNRC		95 EHR 0576	Gray	04/25/96	
Kinston Urological Associates, P.A. v. N.C. Cancer Program		95 EHR 1198*2	Nesnow Smith	03/27/96	11:02 NCR 97
Kinston Urological Associates, P.A. v. N.C. Cancer Program		95 EHR 1199*2	Nesnow Smith	03/27/96	11:02 NCR 97
Elsie & Tony Cecchini v. Environment, Health, & Natural Resources		95 EHR 1240	Reilly	04/22/96	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Coastal Resources</i>				
J. E. Smith Construction Co. v. Division of Coastal Management	96 EHR 0074	Nesnow Smith	02/23/96	
<i>Environmental Management</i>				
Herman E. Smith v. Division of Environmental Management	95 EHR 0962	West	04/30/96	
Conover Lumber Co., Inc. v. EHNHR, Division of Environmental Mgmt.	95 EHR 1081	Reilly	04/12/96	
Jack West d/b/a Jack West Tree Service v. Environmental Mgmt. Comm.	95 EHR 1421	Morrison	04/08/96	
<i>Land Resources</i>				
K&G Properties, Inc. v. EHNHR, Division of Land Resources	95 EHR 1078	Nesnow Smith	03/25/96	
<i>Marine Fisheries</i>				
Robert I. Swinson, Sr. v. EHNHR, Health & Nat. Res., Marine Fisheries	95 EHR 0320	Chess	03/29/96	11:03 NCR 168
Grayden L. Fulcher and Michael Styron, Sr. v. Div. of Marine Fisheries	96 EHR 0003	Reilly	03/06/96	
<i>WIC Program</i>				
Lazelle Marks v. EHNHR, Division of Maternal and Child Health	95 EHR 0870	West	03/27/96	
Bob's Quick Mart, Bobby D. Braswell v. Env., Health, & Natural Res.	96 EHR 0091	Nesnow Smith	04/02/96	
Larry E. Mis v. USDA-Food/Cons Svc, Cory Menees-WIC Prog., EHNHR	96 EHR 0164	Phipps	03/19/96	
II HUMAN RESOURCES				
Cassandra M. Deshazo v. Christine E. Carroll, Chf Chld Abuse/Neg. Sec.	95 DHR 1410	Phipps	03/28/96	
Medicus Robinson v. Department of Human Resources	96 DHR 0167	Nesnow Smith	04/12/96	
<i>Division of Child Development</i>				
Mary T. Hill v. DHR, Division of Child Development	95 DHR 1192	Phipps	03/27/96	
<i>Division of Facility Services</i>				
Eloise Brown v. Dept. of Human Resources, Division of Facility Services	95 DHR 1002	Phipps	03/07/96	
<i>Group Care Licensure Section</i>				
Alex L. McCall v. DHR, Div/Facility Svcs, Group Care Licensure Sec.	95 DHR 1456	Nesnow Smith	03/26/96	
<i>Division of Social Services</i>				
Rozena Chambliss v. Department of Human Resources	95 DHR 1044	Nesnow Smith	03/12/96	
Addie & Major Short v. Department of Human Resources	95 DHR 1063	Morrison	03/19/96	
Mr. and Mrs. Jessie Stevenson v. DHR, Division of Social Services	95 DHR 1072	Phipps	03/15/96	
William G. Fisher v. DHR, Div. of Social Services, Prog Integrity Branch	95 DHR 1234	Morrison	03/19/96	
Verna F. Nunn v. Department of Human Resources	95 DHR 1330	Gray	04/11/96	
Nancy Hooker, Helen Tyndall v. Department of Human Resources	96 DHR 0155	Gray	04/26/96	
<i>Child Support Enforcement Section</i>				
Donald E. Rideout Jr. v. Department of Human Resources	95 CSE 0952	Reilly	04/18/96	
Richard R. Fox, Sr. v. Department of Human Resources	95 CSE 1169	Becton	03/19/96	
Joselito D. Pilar v. Department of Human Resources	95 CSE 1180	Chess	03/01/96	
David Lee Grady v. Department of Human Resources	95 CSE 1218	Morrison	03/26/96	
Patrick Orlando Crump v. Department of Human Resources	95 CSE 1221	Nesnow Smith	03/05/96	
Peter Robert Kovolsky v. Department of Human Resources	95 CSE 1230	Becton	03/11/96	
Lawrence Dow Dean v. Department of Human Resources	95 CSE 1267	Morrison	03/29/96	
Carl E. Coffey v. Department of Human Resources	95 CSE 1270	Nesnow Smith	03/15/96	
Keith Dewayne Senters v. Department of Human Resources	95 CSE 1273	Phipps	04/01/96	
Mickey Turner v. Department of Human Resources	95 CSE 1278	Nesnow Smith	03/14/96	
James Joseph Gallagher v. Department of Human Resources	95 CSE 1280	Chess	03/19/96	
James Thomas McRae v. Department of Human Resources	95 CSE 1296	Chess	03/15/96	
David J. Moseley v. Department of Human Resources	95 CSE 1304	Chess	03/29/96	
Derrick L. Conyers v. Department of Human Resources	95 CSE 1308	Reilly	03/13/96	
Charles Edward Smith v. Department of Human Resources	95 CSE 1309	West	03/07/96	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
James Curtis Witwer v. Department of Human Resources	95 CSE 1331	Becton	03/26/96	
Thornell Bowden v. Department of Human Resources	95 CSE 1345	Morrison	03/07/96	
Henry S. Sada v. Department of Human Resources	95 CSE 1367	Nesnow Smith	03/21/96	
Charles F. Moore v. Department of Human Resources	95 CSE 1369	Chess	03/27/96	
Daniel Leslie Baker v. Department of Human Resources	95 CSE 1373	Morrison	03/12/96	
John L. Pike v. Department of Human Resources	95 CSE 1376	Nesnow Smith	03/21/96	
Wm. R. Evans v. Department of Human Resources	95 CSE 1377	Becton	03/11/96	
Rory J. Curry v. Department of Human Resources	95 CSE 1380	Mann	03/15/96	
Lorin A. Brown v. Department of Human Resources	95 CSE 1382	Reilly	04/18/96	
Marcus Anthony Butts v. Department of Human Resources	95 CSE 1405	Nesnow Smith	03/27/96	
Cynthia Pinder v. Department of Human Resources	95 CSE 1406	Becton	03/11/96	
Ramon Domenech v. Department of Human Resources	95 CSE 1408	Phipps	03/11/96	
Dennis L. McNeill v. Department of Human Resources	95 CSE 1435	Becton	03/13/96	
Rick E. Atkins v. Department of Human Resources	95 CSE 1437	Phipps	04/01/96	
Timothy A. Ratley (Jeanes) v. Department of Human Resources	95 CSE 1465	Morrison	03/26/96	
Richard E. Reader v. Department of Human Resources	95 CSE 1469	Nesnow Smith	04/29/96	
Wilbur Dewayne Bault v. Department of Human Resources	95 CSE 1475	West	03/13/96	
Ronald D. Johnson v. Department of Human Resources	96 CSE 0084	Nesnow Smith	03/27/96	
John W. Scott v. Department of Human Resources	96 CSE 0130	Mann	03/15/96	
Jeanne G. Bishop v. Department of Human Resources, Child Sup. Enf.	95 DCS 0958	West	04/04/96	
Rebecca Beaver v. Department of Human Resources, Child Sup. Enf.	95 DCS 1114	Reilly	04/26/96	
Laura Heidorf v. Department of Human Resources, Child Support Enf.	96 DCS 0065	Reilly	03/22/96	

INSURANCE

Carol M. Hall v. Teachers & State Employees Comp. Major Medical Plan	95 INS 1141	Phipps	04/01/96	
Arthur Wayne Dempsey v. Department of Insurance	95 INS 1255	Nesnow Smith	04/22/96	
Nadia A. Hakim v. Department of Insurance	95 INS 1422	Nesnow Smith	03/26/96	

JUSTICE

Education and Training Standards Division

Freddie Lavern Thompson v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 0731	Chess	02/29/96	
Valerie Maxine Brewington v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1129	Nesnow Smith	04/12/96	
Patricia Josephine Bonanno v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1152	Chess	03/25/96	
Rick M. Evoy v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1235	Chess	03/25/96	
Gregory Lee Daughtridge v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0027	Reilly	03/19/96	
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0068	Gray	03/26/96	
Ken Montie Oxendine v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0071	West	03/28/96	
David Kent Knight v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0115	West	03/28/96	

Private Protective Services Board

Timothy A. Hawkins v. Private Protective Services Board	95 DOJ 1419	West	04/12/96	
William F. Combs v. Private Protective Services Board	96 DOJ 0022	West	03/22/96	

PUBLIC INSTRUCTION

Lavern K. Suggs v. NC Board of Education	95 EDC 0383	Nesnow Smith	03/13/96	11:01 NCR 50
J.T.S. & T.S., Parents of E.M.S. v. Chapel Hill-Carrboro City Schl. Sys.	95 EDC 1194	Mann	04/12/96	

STATE PERSONNEL

Department of Administration

Carlton Gerald v. State Capitol Police, Department of Administration	96 OSP 0116	Gray	04/25/96	
--	-------------	------	----------	--

Administrative Office of the Court

Ethel R. Tyson v. NC Judicial Dept., Administrative Office of the Court	96 OSP 0080	Nesnow Smith	03/15/96	
---	-------------	--------------	----------	--

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Appalachian State University</i>				
Janice S. Walton v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0062	West	03/13/96	
Janice S. Carroll v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0063	West	03/07/96	
<i>Caldwell County</i>				
Blake C. Pace v. Caldwell County	96 OSP 0047	Morrison	04/01/96	
<i>NC Central University</i>				
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Nesnow Smith	04/22/96	
<i>Department of Correction</i>				
Haydee Craver v. Department of Correction, Pender Correctional Inst.	95 OSP 1046	Gray	03/12/96	
Brenda Propst v. Foothills Correctional Institution	96 OSP 0199	Morrison	04/09/96	
<i>Department of Environment, Health, and Natural Resources</i>				
Roberta Ann "Robin" Hood v. Environment, Health, & Natural Resources	95 OSP 0035	Reilly	04/09/96	
<i>Fayetteville State University</i>				
William C. Neal v. Fayetteville State University	95 OSP 0392	Nesnow Smith	04/22/96	
<i>Department of Human Resources</i>				
Ophelia Webb v. Edard R. Inman, Dir. Alamance Cty DSS, Alamance Cty DSS, Alamance County, and DHR	96 OSP 0112	Gray	03/13/96	
<i>Caswell Center</i>				
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	89 OSP 0411	Becton	03/26/96	
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	91 OSP 0522	Becton	03/26/96	11:02 NCR 89
Franklin D. Sutton v. Department of Human Resources, Caswell Center	94 OSP 0766	Nesnow Smith	03/21/96	
<i>Department of Labor</i>				
Kevin P. Kolbe, Sr. v. Department of Labor	95 OSP 0968	Morrison	03/14/96	11:01 NCR 58
<i>New Hanover County Board of Health</i>				
Tabandeh Zand v. New Hanover County Board of Health	95 OSP 1035	Nesnow Smith	03/01/96	
<i>Department of Transportation</i>				
Pearlie M. Simuel-Johnson v. Department of Transportation	94 OSP 0589 ⁺¹	Gray	03/01/96	
Dorothy J. Grays v. Div. of Motor Vehicles, Dept. of Transportation	94 OSP 1044	Reilly	04/12/96	11:03 NCR 173
Pearlie M. Simuel-Johnson v. Department of Transportation	95 OSP 0837 ⁺¹	Gray	03/01/96	
Melvin Duncan v. Department of Transportation	95 OSP 1462	Morrison	03/08/96	
Jesse Wayne Castle v. State Highway Maint., Guess Rd., Durham, NC	96 OSP 0087	Gray	04/15/96	
<i>Tri-County Mental Health Complex</i>				
Deborah Heil v. Tri-County Mental Health Complex	95 OSP 1100	Nesnow Smith	03/22/96	
<i>University of North Carolina</i>				
Jerel H. Bonner v. School of Nursing UNC at Chapel Hill	96 OSP 0026	Gray	03/12/96	11:01 NCR 61
UNIVERSITY OF NORTH CAROLINA				
Sylvia Jeffries v. University of NC Hospitals at Chapel Hill	96 UNC 0067	Gray	04/16/96	

+ Consolidated cases.

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

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE DEPARTMENT LICENSING BOARDS CHAPTER

1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
	Crime Control & Public Safety	Geologists	21
14A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
		Landscape Architects	26
15A	Public Education	Landscape Contractors	28
	Revenue	Marital and Family Therapy	31
16	Secretary of State	Medical Examiners	32
17	Transportation	Midwifery Joint Committee	33
18	Treasurer	Mortuary Science	34
	Occupational Licensing Boards	Nursing	36
19A	Administrative Procedures	Nursing Home Administrators	37
20	Community Colleges	Occupational Therapists	38
*21	Independent Agencies	Opticians	40
22	State Personnel	Optometry	42
23	Administrative Hearings	Osteopathic Examination & Reg. (Repealed)	44
24	NC State Bar	Pastoral Counselors, Fee-Based Practicing	45
25		Pharmacy	46
26		Physical Therapy Examiners	48
27		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Practicing Psychologists	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

* Fiscal Note = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE LICENSING BOARD

21 NCAC 01 .0301		10:22 NCR 2860								
21 NCAC 01 .0705	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		11:04 NCR 220	
21 NCAC 01 .0709	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		11:04 NCR 220	

ADMINISTRATIVE HEARINGS

26 NCAC 03	11:03 NCR 1110									
------------	----------------	--	--	--	--	--	--	--	--	--

ADMINISTRATION

State Building Commission

1 NCAC 30G .0101		11:04 NCR 194								
1 NCAC 30G .0102		11:04 NCR 194								
1 NCAC 30G .0103		11:04 NCR 194								
1 NCAC 30G .0104		11:04 NCR 194								
1 NCAC 30G .0105		11:04 NCR 194								

AGRICULTURE

2 NCAC 09C .0700	10:24 NCR 3056									
2 NCAC 48A .0200	10:24 NCR 3056									
2 NCAC 48A .1100	10:24 NCR 3056									
2 NCAC 48B	10:24 NCR 3056									
2 NCAC 52B .0200	10:24 NCR 3056									

COMMERCE

Credit Union Division

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

4 NCAC 06C .0205 10:18 NCR 2398
 4 NCAC 06C .0407 10:18 NCR 2398
 4 NCAC 06C .0409 10:18 NCR 2398
State Ports Authority
 4 NCAC 13 10:24 NCR 3056

COMMUNITY COLLEGES

23 NCAC 02D .0325 10:24 NCR 3058
 23 NCAC 02E .0203 10:24 NCR 3058
 23 NCAC 03A .0113 10:24 NCR 3058

CULTURAL RESOURCES

USS North Carolina Battleship Commission
 7 NCAC 05 .0202 10:18 NCR 2398 * 11:04 NCR 188
 7 NCAC 05 .0203 10:18 NCR 2398 * 11:04 NCR 188
 7 NCAC 05 .0204 10:18 NCR 2398 * 11:04 NCR 188
 7 NCAC 05 .0207 10:18 NCR 2398 * 11:04 NCR 188

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

15A Public Notice
 15A NCAC 01K 10:19 NCR 2506
Coastal Resources Commission
 15A NCAC 07 11:04 NCR 183
 15A NCAC 07H .0106 10:16 NCR 1921 * 11:04 NCR 190
 15A NCAC 07J .0102 10:24 NCR 3045 * 11:04 NCR 190
Environmental Management Commission
 15A NCAC 02 10:24 NCR 3045
 15A NCAC 02 11:04 NCR 183

11:01 NCR 2

Notice on Subject Matter

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0224	10:18 NCR 2400									
15A NCAC 02B .0227	10:18 NCR 2400									
15A NCAC 02B .0229	11:03 NCR 109									
15A NCAC 02B .0303	10:18 NCR 2400									
15A NCAC 02B .0315	11:02 NCR 75									
15A NCAC 02L .0106		10:19 NCR 2508								
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02P .0402		10:19 NCR 2512								
Health Services, Commission for										
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .1814					Approve	04/18/96			11:04 NCR 209	
15A NCAC 18A .2601		11:01 NCR 24			Approve	04/18/96			11:04 NCR 209	
15A NCAC 20D .0243										
Marine Fisheries Commission										
15A NCAC 03I .0019			10:21 NCR 2737	*						
15A NCAC 03J .0401			10:21 NCR 2688	*						
15A NCAC 03M .0202	11:03 NCR 110									
15A NCAC 03M .0504	11:03 NCR 110									
15A NCAC 03M .0511	11:03 NCR 110									
Wildlife Resources Commission										
15A NCAC 10B .0106	11:02 NCR 76									
15A NCAC 10B .0123	11:02 NCR 76									
15A NCAC 10B .0203	11:02 NCR 76									
15A NCAC 10B .0208	11:02 NCR 76									
15A NCAC 10B .0209	11:02 NCR 76									
15A NCAC 10C .0107	11:02 NCR 76									

(April 1996 - March 1997)

FINAL DECISION LETTERS

Voting Rights Act

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

Voting Rights Act

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 10:22 NCR 2829

11:04 NCR 181

HUMAN RESOURCES

Aging

10 NCAC 22 10:23 NCR 2956

Child Day Care Commission

10 NCAC 03U .0102 10:20 NCR 2593

10 NCAC 03U .0604 11:03 NCR 109

10 NCAC 03U .0704 10:19 NCR 2506

10 NCAC 03U .0710 10:22 NCR 2829

10 NCAC 03U .2701

10 NCAC 03U .2702

10 NCAC 03U .2703

10 NCAC 03U .2704

Facility Services

10 NCAC 03 10:18 NCR 2399

10 NCAC 03R .3000 10:23 NCR 2956

10 NCAC 03R .3001

10 NCAC 03R .3010

10 NCAC 03R .3020

10 NCAC 03R .3030

10 NCAC 03R .3032

10 NCAC 03R .3040

10 NCAC 03R .3050

Medical Assistance

Disproportionate Share List

11:04 NCR 188

11:04 NCR 188

*

*

11:03 NCR 101

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 26B .0105	10:18 NCR 2398		10:22 NCR 2831	*	Approve	04/18/96	*		11:04 NCR 207	
10 NCAC 26H .0506		11:02 NCR 77								
10 NCAC 26H .0506	10:21 NCR 2686									
10 NCAC 50D .0101	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0102	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0103	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0201	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0301	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0302	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0401	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0402	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0501	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0502	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0503	10:24 NCR 3057	11:04 NCR 196								
Medical Care Commission										
10 NCAC 03C .6208					Approve	04/18/96			11:04 NCR 206	
Social Services Commission										
10 NCAC 41F	10:23 NCR 2956									
10 NCAC 41F .0705	10:23 NCR 2956		11:03 NCR 111	Local						
10 NCAC 41F .0706		10:21 NCR 2726	11:03 NCR 111	*						
10 NCAC 41F .0707		10:21 NCR 2726	11:03 NCR 111	State						
10 NCAC 41F .0812		10:21 NCR 2726	11:03 NCR 111	*						
10 NCAC 41F .0813		10:21 NCR 2726	11:03 NCR 111	State						
10 NCAC 41F .0814	10:23 NCR 2956		11:03 NCR 111	Local						
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102	10:17 NCR 2228									
10 NCAC 42A .0701		10:21 NCR 2728	10:21 NCR 2687	*						
10 NCAC 42A .0702		10:21 NCR 2728								

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
10 NCAC 42A .0703		10:21 NCR 2728								
10 NCAC 42B .1209		10:21 NCR 2729								
10 NCAC 42B .1210		10:21 NCR 2729								
10 NCAC 42B .1211		10:21 NCR 2729								
10 NCAC 42B .2402		10:21 NCR 2729								
10 NCAC 42B .2403		10:21 NCR 2729								
10 NCAC 42B .2404		10:21 NCR 2729								
10 NCAC 42B .2405		10:21 NCR 2729								
10 NCAC 42C .2010		10:21 NCR 2729								
10 NCAC 42C .2011		10:21 NCR 2729								
10 NCAC 42C .2012		10:21 NCR 2729								
10 NCAC 42C .3701		10:21 NCR 2729								
10 NCAC 42C .3702		10:21 NCR 2729								
10 NCAC 42C .3703		10:21 NCR 2729								
10 NCAC 42C .3704		10:21 NCR 2729								
10 NCAC 42D .1409		10:21 NCR 2729								
10 NCAC 42D .1410		10:21 NCR 2729								
10 NCAC 42D .1411		10:21 NCR 2729								
10 NCAC 42D .1827		10:21 NCR 2729								
10 NCAC 42D .1828		10:21 NCR 2729								
10 NCAC 42D .1829		10:21 NCR 2729								
10 NCAC 42D .1830		10:21 NCR 2729								
10 NCAC 42V .0201		10:20 NCR 2597	11:03 NCR 111	*						
10 NCAC 42V .0802		10:20 NCR 2597	11:03 NCR 111	*						
10 NCAC 42V .0803		10:20 NCR 2597	11:03 NCR 111	*						

INSURANCE

11 NCAC 12 .0551 10:18 NCR 2399 10:22 NCR 2831 *

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
11 NCAC 16 .0703	10:18 NCR 2399		10:22 NCR 2832	*						
JUSTICE										
Attorney General/Company Police										
12 NCAC 021 .0101					Approve	04/18/96			11:04 NCR 208	
12 NCAC 021 .0206					Approve	04/18/96			11:04 NCR 208	
12 NCAC 021 .0210					Approve	04/18/96			11:04 NCR 208	
Alarm Systems Licensing Board										
12 NCAC 11 .0202	10:24 NCR 3057									
LABOR										
Occupational Safety and Health										
13 NCAC 07F	11:03 NCAC 106									
13 NCAC 07F .0101		11:03 NCR 119								
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0301	11:03 NCR 106									
MEDICAL BOARD										
21 NCAC 32H	10:18 NCR 2400									
21 NCAC 32H .0101	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0102	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0201	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0203	10:18 NCR 2400		10:22 NCR 2835	*						
21 NCAC 32H .0301	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0302	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0303	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0401	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0402	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 32H .0403	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0404	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0406	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0407	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			11:04 NCR 221	
21 NCAC 32H .0408	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			11:04 NCR 221	
21 NCAC 32H .0409	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0501	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0502	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0504	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0505	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0506	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0507	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0601	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0602	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0701	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0702	10:18 NCR 2400		10:22 NCR 2835	*	Object	04/18/96			11:04 NCR 221	
21 NCAC 32H .0801	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0901	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0902	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			11:04 NCR 221	

PSYCHOLOGY BOARD

21 NCAC 54 .2704	Approve	04/18/96	11:04 NCR 236
21 NCAC 54 .2706	Approve	04/18/96	11:04 NCR 236

PUBLIC EDUCATION

Standards Board for Public School Administration

16 NCAC 07	10:23 NCR 2957
------------	----------------

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

REAL ESTATE COMMISSION

21 NCAC 58A .0101	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0105	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0109	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0110	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0503	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .0504	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*						
21 NCAC 58A .1601	10:22 NCR 2835		11:03 NCR 114	*						

REVENUE

17 NCAC 01C .0504		10:20 NCR 2599								
17 NCAC 01C .0506		10:20 NCR 2599								
17 NCAC 05C .0102			11:03 NCR 113	*						
17 NCAC 05C .2101			10:24 NCR 3059	*						
17 NCAC 06B .0612			10:22 NCR 2833	*	Approve	04/18/96	*		11:04 NCR 211	
17 NCAC 06B .3716			10:22 NCR 2833	*	Approve	04/18/96	*		11:04 NCR 211	
17 NCAC 07B .1101			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1105			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1108			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1109			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1110			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1112			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1114			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1123			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1602			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
17 NCAC 07B .1701			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1702			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1802			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .2401			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .2601			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .4002			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .4004			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .4008			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4301			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4408			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4902			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	

Tax Review Board

11:02 NCR 72

SOCIAL WORK, BOARD OF

21 NCAC 63 .0306 10:21 NCR 2739 11:03 NCR 118

SOIL SCIENTISTS, BOARD FOR LICENSING

21 NCAC 69 .0101 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0102 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0103 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0104 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0201 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0202 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0301 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0302 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0303 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0304 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200
 21 NCAC 69 .0305 10:19 NCR 2507 11:04 NCR 200 11:04 NCR 200

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

21 NCAC 69 .0306	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200							
21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200							
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200							
21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200							
21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200							
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200							

STATE PERSONNEL COMMISSION

25 NCAC 01J .0613		10:23 NCR 2960								
25 NCAC 01J .0613					Approve	03/21/96			11:01 NCR 26	

SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

21 NCAC 68	10:18 NCR 2401									
21 NCAC 68 .0101	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0102	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0201	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0202	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0203	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0204	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0205	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0206	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0207	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0208	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0209	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0210	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0211	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0212	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0213	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 68 .0401	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0402	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0403	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0404	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0405	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0406	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0407	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0701	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0702	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0703	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0704	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0705	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0706	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0707	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0708	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0709	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	

TRANSPORTATION

19A NCAC 06B .0401	10:23 NCR 2957
19A NCAC 06B .0402	10:23 NCR 2957
19A NCAC 06B .0403	10:23 NCR 2957
19A NCAC 06B .0404	10:23 NCR 2957
19A NCAC 06B .0405	10:23 NCR 2957
19A NCAC 06B .0406	10:23 NCR 2957
19A NCAC 06B .0407	10:23 NCR 2957
19A NCAC 06B .0408	10:23 NCR 2957
19A NCAC 06B .0409	10:23 NCR 2957
19A NCAC 06B .0410	10:23 NCR 2957

CUMULATIVE INDEX

(April 1996 - March 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 06B .0411	10:23 NCR 2957									
19A NCAC 06B .0412	10:23 NCR 2957									
19A NCAC 06B .0413	10:23 NCR 2957									
19A NCAC 06B .0414	10:23 NCR 2957									
19A NCAC 06B .0415	10:23 NCR 2957									
19A NCAC 06B .0416	10:23 NCR 2957									
19A NCAC 06B .0417	10:23 NCR 2957									
Highways, Division of										
19A NCAC 02D .1101	10:23 NCR 2957									
19A NCAC 02D .1102	10:23 NCR 2957									
19A NCAC 02D .1103	10:23 NCR 2957									
19A NCAC 02D .1104	10:23 NCR 2957									
19A NCAC 02D .1105	10:23 NCR 2957									
19A NCAC 02D .1106	10:23 NCR 2957									
19A NCAC 02D .1107	10:23 NCR 2957									
19A NCAC 02D .1108	10:23 NCR 2957									
19A NCAC 02D .1109	10:23 NCR 2957									
19A NCAC 02D .1110	10:23 NCR 2957									
19A NCAC 02D .1111	10:23 NCR 2957									
19A NCAC 02D .1112	10:23 NCR 2957									
Motor Vehicles, Division of										
19A NCAC 03E .0500	11:01 NCR 13									

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
Consumer Services	211 10 04	\$24.50	\$35.00
Fire & Rescue Services	211 10 05	\$17.50	\$25.00
Agent Services	211 10 06	\$28.00	\$40.00
Engineering & Building Codes	211 10 08	\$21.00	\$30.00
Title 12 - Dept. of Justice - Full Title	212 00 00	\$63.00	\$90.00
Private Protective Services	212 10 07	\$21.00	\$30.00
Police & Sheriff's Education & Training Standards	212 10 09	\$31.50	\$45.00
NC Alarm Systems Licensing Board	212 10 11	\$17.50	\$25.00
Title 13 - Dept. of Labor - Full Title	213 00 00	\$77.00	\$110.00
Mine & Quarry Safety	213 15 06	\$14.00	\$20.00
General Safety/OSHA	213 20 00	\$31.50	\$45.00
Wage & Hour Rules	213 15 12	\$14.00	\$20.00
Boiler & Pressure Vessel Safety	213 15 13	\$14.00	\$20.00
Apprenticeship & Training	213 15 14	\$14.00	\$20.00
Elevator & Amusement Device Safety	213 15 15	\$14.00	\$20.00
Title 14A - Dept. of Crime Control & Public Safety - Full Title	214 00 00	\$31.50	\$45.00
Alcohol Law Enforcement	214 00 08	\$17.50	\$25.00
Victims Compensation Fund	214 00 11	\$14.00	\$20.00
Title 15A - Dept. of Environ., Health, & Nat. Resources - Full Title	215 00 00	\$276.50	\$395.00
Environmental Management	215 15 00	\$115.50	\$165.00
Air Quality	215 15 10	\$49.00	\$70.00
Water Quality	215 15 20	\$49.00	\$70.00
Land & Waste Management	215 15 30	\$56.00	\$80.00
Solid Waste Management	215 15 31	\$35.00	\$50.00
Underground Storage Tanks	215 15 32	\$17.50	\$25.00

DESCRIPTION	CODE	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE
Coastal Management	215 15 40	\$31.50	\$45.00
Environmental Health	215 25 00	\$105.00	\$150.00
Radiation/Nuclear Waste	215 25 10	\$42.00	\$60.00
Sanitation	215 25 20	\$35.00	\$50.00
Public Health	215 25 30	\$59.50	\$85.00
Intoxilizer & Breathalyser	215 25 31	\$17.50	\$25.00
Title 16 - Dept. of Public Instruction - Full Title	216 00 00	\$21.00	\$30.00
Elementary & Secondary Education	216 10 06	\$21.00	\$30.00
Title 17 - Dept. of Revenue - Full Title	217 00 00	\$91.00	\$130.00
Taxes on Individuals	217 15 10	\$31.50	\$45.00
Taxes on Business	217 15 20	\$56.00	\$80.00
Sales & Use Tax Division	217 15 27	\$31.50	\$45.00
Motor Fuels Tax Division	217 15 29	\$21.00	\$30.00
Title 18 - Secretary of State - Full Title	218 00 00	\$21.00	\$30.00
Securities Division	218 10 06	\$21.00	\$30.00
Title 19A - Dept. of Transportation - Full Title	219 00 00	\$63.00	\$90.00
Division of Highways	219 10 02	\$28.00	\$40.00
Division of Motor Vehicles	219 10 03	\$35.00	\$50.00
Title 20 - Dept. of the State Treasurer - Full Title	220 00 00	\$31.50	\$45.00
Title 21 - Occupational Licensing Boards - Full Title	221 00 00	\$143.50	\$205.00
Title 22 - Administrative Procedures Act - Repealed	222 00 00	\$0.00	\$0.00
Title 23 - Dept. of Community Colleges - Full Title	223 00 00	\$7.00	\$10.00
Title 24 - Independent Agencies - Full Title	224 00 00	\$7.00	\$10.00
Title 25 - Office of State Personnel - Full Title	225 00 00	\$42.00	\$60.00
Title 26 - Office of Administrative Hearings - Full Title	226 00 00	\$7.00	\$10.00
Title 27 - North Carolina State Bar - Full Title	227 00 00	\$42.00	\$60.00
North Carolina Administrative Code - Full Code	299 99 98	\$375.00	\$750.00
(Add \$85.00 Shipping and Handling)			
CD-ROM North Carolina Administrative Code	266 00 00	- -	\$750.00
CD-ROM North Carolina Administrative Code	266 50 00	- -	\$250.00
(When purchased with the Full Code in Print)			
Master Index	288 50 00	\$295.00	\$475.00
Master Table of Contents	288 80 00	\$40.00	\$75.00
Binder(s)	299 90 00	\$16.00	- -

METHOD OF PAYMENT: ☐ Check Enclosed
☐ VISA ☐ MasterCard ☐ American Express

CARD HOLDER _____ EXP. DATE _____

NAME (As it appears on card) _____

SIGNATURE _____

CUSTOMER INFORMATION

FIRM OR COMPANY NAME _____

CONTACT NAME _____ TELEPHONE NUMBER _____

STREET ADDRESS (Required for all shipments) _____ DEPT. OR MAIL STOP _____

PO BOX (IF ANY) _____

CITY/STATE/ZIP _____ SUBSCRIBER ACCOUNT NUMBER _____

CODE NUMBER	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE	QTY	TOTAL
Binder(s): Titled "Official North Carolina Administrative Code"				
299 90 00 \$16.00 each				
Subtotal				
North Carolina State Sales Tax (6%)				
Shipping and Handling				
GRAND TOTAL				

Mail to: Barclays Law Publishers
PO Box 3066
South San Francisco, CA 94083-3066

For faster service call (800) 888-3600 or fax us at (415) 244-0408

Office of Administrative Hearings
P.O. Drawer 27447
Raleigh, North Carolina 27611-7447

NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____

PLACE
STAMP
HERE

FOLD HERE

NORTH CAROLINA REGISTER ORDER FORM

☐ Please enter my subscription for the *North Carolina Register* to start with the _____ issue.
(\$195.00/year subscription. N.C. subscribers please add sales tax.)

☐ Renew *North Carolina Register*

☐ Check Enclosed

☐ Please bill me

Please make checks payable to Office of Administrative Hearings

NAME _____ ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

(Return to Office of Administrative Hearings - fold at line, staple at bottom and affix postage.)

CHANGE OF ADDRESS

1. Present Address

NAME

ADDRESS

CITY

STATE

ZIP

2. New Address

NAME

ADDRESS

CITY

STATE

ZIP

Office of Administrative Hearings
P.O. Drawer 27447
Raleigh, North Carolina 27611-7447

"SAFETY IN
THE LAWS"



U.S. POSTAGE



3.00

METER 372830

FIRST CLASS MAIL

OFFICE OF ADMINISTRATIVE HEARINGS
P.O. DRAWER 27447
RALEIGH, NORTH CAROLINA 27611-7447