

# ***NORTH CAROLINA REGISTER***

RECEIVED

DEC 01 1998

KATHRINE R. EVERETT  
LAW LIBRARY

**VOLUME 13 • ISSUE 11 • Pages 855 - 940**

**December 1, 1998**

## **IN THIS ISSUE**

Athletic Trainer Examiners, Board of  
Cosmetic Art Examiners Board of  
Dental Examiners  
Environment and Natural Resources  
Health and Human Services  
Pharmacy, Board of  
Revenue  
Transportation  
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*

For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

**Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

Office of Administrative Hearings

Rules Division

Capehart-Crocker House

(919) 733-2678

424 North Blount Street

(919) 733-3462 FAX

Raleigh, North Carolina 27601-2817

contact: Molly Masich, Director APA Services

[mmasich@oah.state.nc.us](mailto:mmasich@oah.state.nc.us)

Ruby Creech, Publications Coordinator

[rcreech@oah.state.nc.us](mailto:rcreech@oah.state.nc.us)

**Fiscal Notes & Economic Analysis**

Office of State Budget and Management

116 West Jones Street

(919) 733-7061

Raleigh, North Carolina 27603-8005

(919) 733-0640 FAX

contact: Mark Sisak, Economist III

[msisak@osbm.state.nc.us](mailto:msisak@osbm.state.nc.us)

**Rule Review and Legal Issues**

Rules Review Commission

1307 Glenwood Ave., Suite 159

(919) 733-2721

Raleigh, North Carolina 27605

(919) 733-9415 FAX

contact: Joe DeLuca Jr., Staff Director Counsel

Bobby Bryan, Staff Attorney

**Legislative Process Concerning Rule-making**

Joint Legislative Administrative Procedure Oversight Committee

545 Legislative Office Building

300 North Salisbury Street

(919) 733-2578

Raleigh, North Carolina 27611

(919) 715-5460 FAX

contact: Mary Shuping, Staff Liaison

[marys@ms.ncga.state.nc.us](mailto:marys@ms.ncga.state.nc.us)

**County and Municipality Government Questions or Notification**

NC Association of County Commissioners

215 North Dawson Street

(919) 715-2893

Raleigh, North Carolina 27603

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities

215 North Dawson Street

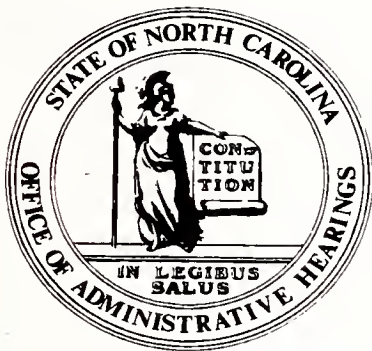
(919) 715-4000

Raleigh, North Carolina 27603

contact: Paula Thomas

# NORTH CAROLINA REGISTER

## IN THIS ISSUE



**Volume 13, Issue 11**  
**Pages 855 - 940**

**December 1, 1998**

This issue contains documents officially filed  
through November 5, 1998.

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  
Camille Winston, Deputy Director  
Molly Masich, Director of APA Services  
Ruby Creech, Publications Coordinator  
Jean Shirley, Editorial Assistant  
Linda Dupree, Editorial Assistant  
Jessica Flowers, Editorial Assistant

### I. RULE-MAKING PROCEEDINGS

#### **Environment and Natural Resources**

Health Services, Commission for ..... 855 - 856  
Wildlife Resources Commission ..... 855

### II. PROPOSED RULES

#### **Environment and Natural Resources**

Wildlife Resources Commission ..... 905 - 906

#### **Health and Human Services**

Social Services Commission ..... 857 - 905

### III. TEMPORARY RULES

#### **Environment and Natural Resources**

Wildlife Resources Commission ..... 907 - 910

#### **Licensing Boards**

Dental Examiners, Board of ..... 910  
Pharmacy, Board of ..... 910 - 911

### IV. APPROVED RULES ..... 912 - 917

#### **Environment and Natural Resources**

Coastal Management  
Environmental Management  
Health Services  
Wildlife Resources

#### **Health and Human Services**

Facility Services

#### **Licensing Boards**

Athletic Trainer Examiners, Board of  
Cosmetic Art Examiners, Board of

#### **Revenue**

Corporate Franchise, Income, and Insurance Taxes

#### **Transportation**

Highways, Division of

### V. RULES REVIEW COMMISSION ..... 918 - 920

### VI. CONTESTED CASE DECISIONS

Index to ALJ Decisions ..... 921 - 927

#### **Text of Selected Decisions**

97 EHR 1388 ..... 928 - 932  
98 ABC 0293 ..... 933 - 934  
98 DOJ 0046 ..... 935 - 940

### VII. CUMULATIVE INDEX ..... 1 - 67

# NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

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

## TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
16	Public Education	Geologists	21
17	Revenue	Hearing Aid Dealers and Fitters	22
18	Secretary of State	Landscape Architects	26
19A	Transportation	Landscape Contractors	28
20	Treasurer	Marital and Family Therapy	31
*21	Occupational Licensing Boards	Medical Examiners	32
22	Administrative Procedures (Repealed)	Midwifery Joint Committee	33
23	Community Colleges	Mortuary Science	34
24	Independent Agencies	Nursing	36
25	State Personnel	Nursing Home Administrators	37
26	Administrative Hearings	Occupational Therapists	38
27	NC State Bar	Opticians	40
		Optometry	42
		Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Psychology Board	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.



FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT (either column A or column B)						TEMPORARY RULE	
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact			270 <sup>th</sup> day from issue date
					end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	
12:23	06/01/98	05/08/98	08/03/98	06/16/98	07/01/98	07/20/98	01/27/99	07/31/98	08/20/98	01/27/99	02/26/99
12:24	06/15/98	05/22/98	08/14/98	06/30/98	07/15/98	07/20/98	01/27/99	08/14/98	08/20/98	01/27/99	03/12/99
13:01	07/01/98	06/10/98	09/01/98	07/16/98	07/31/98	08/20/98	01/27/99	08/31/98	09/21/98	01/27/99	03/28/99
13:02	07/15/98	06/23/98	09/15/98	07/30/98	08/14/98	08/20/98	01/27/99	09/14/98	09/21/98	01/27/99	04/11/99
13:03	08/03/98	07/13/98	10/15/98	08/18/98	09/02/98	09/21/98	01/27/99	10/02/98	10/20/98	01/27/99	04/30/99
13:04	08/14/98	07/24/98	10/15/98	08/31/98	09/14/98	09/21/98	01/27/99	10/13/98	10/20/98	01/27/99	05/11/99
13:05	09/01/98	08/11/98	11/02/98	09/16/98	10/01/98	10/20/98	01/27/99	11/02/98	11/20/98	01/27/99	05/29/99
13:06	09/15/98	08/24/98	11/16/98	09/30/98	10/15/98	10/20/98	01/27/99	11/16/98	11/20/98	01/27/99	06/12/99
13:07	10/01/98	09/10/98	12/01/98	10/16/98	11/02/98	11/20/98	01/27/99	11/30/98	12/21/98	05/00	06/28/99
13:08	10/15/98	09/24/98	12/15/98	10/30/98	11/16/98	11/20/98	01/27/99	12/14/98	12/21/98	05/00	07/12/99
13:09	11/02/98	10/12/98	01/04/99	11/17/98	12/02/98	12/21/98	05/00	01/04/99	01/20/99	05/00	07/30/99
13:10	11/16/98	10/23/98	01/15/99	12/01/98	12/16/98	12/21/98	05/00	01/15/99	01/20/99	05/00	08/13/99
13:11	12/01/98	11/05/98	02/01/99	12/16/98	12/31/98	01/20/99	05/00	02/01/99	02/22/99	05/00	08/28/99
13:12	12/15/98	11/20/98	02/15/99	12/30/98	01/14/99	01/20/99	05/00	02/15/99	02/22/99	05/00	09/11/99
13:13	01/04/99	12/09/98	03/15/99	01/19/99	02/03/99	02/22/99	05/00	03/05/99	03/22/99	05/00	10/01/99
13:14	01/15/99	12/23/98	04/02/99	02/01/99	02/15/99	02/22/99	05/00	03/16/99	03/22/99	05/00	10/12/99
13:15	02/01/99	01/08/99	04/15/99	02/16/99	03/03/99	03/22/99	05/00	04/02/99	04/20/99	05/00	10/29/99
13:16	02/15/99	01/25/99	05/03/99	03/02/99	03/17/99	03/22/99	05/00	04/16/99	04/20/99	05/00	11/12/99
13:17	03/01/99	02/08/99	05/03/99	03/16/99	03/31/99	04/20/99	05/00	04/30/99	05/20/99	05/00	11/26/99
13:18	03/15/99	02/22/99	05/14/99	03/30/99	04/14/99	04/20/99	05/00	05/14/99	05/20/99	05/00	12/10/99

## 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 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.911;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

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

### FILING DEADLINES

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

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

### NOTICE OF RULE-MAKING PROCEEDINGS

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

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

### NOTICE OF TEXT

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

### END OF REQUIRED COMMENT PERIOD

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

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

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

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

*A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.*

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

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

**SUBCHAPTER 10F - MOTORBOATS AND WATER  
SAFETY**

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

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 10F .0330. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 75A-3; 75A-15

**Statement of the Subject Matter:** Establish a no wake zone within Carteret County.

**Reason for Proposed Action:** The Carteret County Board of Commissioners initiated the no-wake zone pursuant to G.S. 75A-15 to protect public safety in the area by restricting vessel speed. The Wildlife Resources Commission may adopt this rule as a temporary rule pursuant to S.L. 1997-0403 following this abbreviated notice.

**Comment Procedures:** The record will be open for receipt of written comments from December 1, 1998 to February 1, 1999. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, N C 27604-1188.

\*\*\*\*\*

**CHAPTER 19 - HEALTH: EPIDEMIOLOGY**

**SUBCHAPTER 19A - COMMUNICABLE DISEASE  
CONTROL**

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

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 19A .0400, .0502(c)(6)(d). Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 130A-152

**Statement of the Subject Matter:** To institute a rule-change in regard to the immunization program reporting requirements in order to ensure that private providers of immunization services to children have a fair and reasonable mechanism in which to report doses administered information for the purpose of vaccine accountability. This rule will be adopted as a temporary rule with a proposed effective date of December 1, 1998 at the November 13, 1998 Commission for Health Services Meeting.

**Reason for Proposed Action:** The purpose of this action: To change the reporting requirements as stated in 15A NCAC 19A .0400, .0502(c)(6)(d) so that greater compliance and accountability by the immunization program providers may be achieved. This amendment will ensure that private providers of immunization services to children have a fair and reasonable mechanism in which to accurately report doses administered information to the Immunization Section for the purpose of vaccine accountability. Immunization projects have the primary responsibility to develop and maintain vaccine accountability systems to ensure provider compliance and to minimize vaccine loss and wastage.

The existing rules were developed in 1993 when the Universal Childhood Vaccine Distribution Program (UCVDP) began providing state-supplied vaccine to less than 400 providers across the state. One of the many goals of the UCVDP was to encourage more pediatricians and family physicians to immunize children in their medical care home. At that time 65-70% of childhood immunizations were being administered in local county health departments. By 1998 the private sector was administering 70 percent of the childhood vaccines. Since that time, four new vaccines/vaccine combinations have been added to the Recommended Childhood Immunization Schedule, making the current reporting mechanism cumbersome for the providers of immunization services.

In addition, with the number of childhood immunization providers enrolled in the UCVDP having nearly tripled over the past four years, reporting of doses administered information on the 5th of each month by providers does not allow adequate reporting time. The existing rule states that a provider who fails to report by the fifth of each month twice in one year is no longer eligible to receive state-supplied vaccine. A temporary rule needs to be adopted in order to impose upon immunization program providers reasonable reporting requirements with respect to immunization activities and appropriate sanctions for



*failure to comply. Greater compliance and accountability by the Immunization Program providers and the Immunization Section will be achieved.*

**Comment Procedures:** *Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue in the NC Register. Copies of the proposed rules and information packages may be obtained by contacting the Immunization Program at (919) 715-6777. Written comments may be submitted to Barbara Sterritt, Immunization Section, DWCH, PO Box 29597, Raleigh, NC 27626-0597.*



*This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.*

## TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Social Services Commission intends to adopt the rules cited as 10 NCAC 41S .0101-.0102, .0201-.0204, .0301-.0307, .0401-.0407, .0501-.0506, .0601-.0615, .0701-.0713; 10 NCAC 41T .0101-.0106, .0201-.0206; and repeal the rules cited as 10 NCAC 41E .0401, .0403-.0406, .0501-.0518, .0601-.0606, .0701-.0704; 10 NCAC 41G .0501-.0502, .0504-.0513, .0601-.0606, .0701-.0708, .0801-.0809, .0902, .1001-.1002, .1004-.1013, .1101-.1106, .1201-.1208, .1301-.1309, .1402; 10 NCAC 41R .0101-.0107. Notice of Rule-making Proceedings was published in the Register on December 1, 1997.

**Proposed Effective Date:** July 1, 2000

**A Public Hearing** will be conducted at 10:00 a.m. on January 13, 1999 at the Albemarle Building, Room 832, 325 North Salisbury Street, Raleigh, NC 27603.

**Reason for Proposed Action:** In 1992, the North Carolina Association of Residential Child Care and Family Services requested and received approval and support from the Division of Social Services to establish a statewide committee made up of NCARCCFS members and Division of Social Services staff to develop licensure rules for residential child care facilities (10 NCAC 41S) and to develop licensure rules for two specialized residential child care program areas (10 NCAC 41T). The adoption of new rules was requested in order to update existing licensure rules, to streamline the licensure process and to assure compliance with the most current child welfare practice standards in these areas. In order to implement the proposed new rules, the existing rules in 10 NCAC 41E (Group Homes-adopted in 1982), 10 NCAC 41G (Child-Care institution-adopted in 1977) and 10 NCAC 41R (Foster Care Camps-adopted in 1986) will need to be repealed. The proposed rules were developed by a committee process over a three year period and resulted from an analysis of the existing rules and a comparison with licensure rules from 10 other states, CWLA Standards and COA Standards by the committee. During 1997, the committee and Children's Services staff reviewed the rules and made final revisions to ensure compliance with the latest child welfare practice standards. In October, 1997, the NCARCCFS officially approved these rules at the annual Executive Directors' meeting.

**Comment Procedures:** Anyone wishing to comment on these proposed rules should contact Sharnese Ransome, APA Coordinator, Social Services Commission, NC Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603,

phone (919) 733-3055. Written comments must be received by January 6, 1999 and oral comments may be made at the public hearing.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## CHAPTER 41 - CHILDREN'S SERVICES

### SUBCHAPTER 41E - LICENSING OF GROUP HOMES FOR CHILDREN

#### SECTION .0400 - ADMINISTRATION

##### .0401 CONSULTATIVE SERVICES

Consultative services are provided by the Department of Human Resources as follows:

- (1) Exploration and analysis of the need for the service.
- (2) Evaluation of the organization's potential for meeting the identified need.
- (3) Interpretation of minimum licensing standards.
- (4) Assistance in meeting minimum licensing standards.
- (5) Consultation to assist the licensee to move beyond minimum standards to change or improve the method of operation or the quality of care being provided.

Authority G.S. 131D, Art. 1A; 143B-153.

##### .0403 DEFINITIONS

The following definitions shall apply throughout Chapter 41 except that Subparagraph (7) of this Rule shall not apply to 41H:

- (1) ~~Group Home.~~ A residential facility operated either under public or private auspices which receives for 24 hour care no more than nine children. This number includes the care givers' own relatives under the ages of 18. The composition of the group shall include no more than two children under the age of 2, four children under the age of 6, and six children under the age of 12. A group home shall not provide day care, nor shall it be available to adults in the community who wish to rent rooms.
- (2) ~~Private Group Home.~~ A group home under the control, management, and supervision of a private non-profit organization, which operates independently of a foster care services agency, a child caring institution, or a licensed child placing agency.
- (3) ~~Public Group Home.~~ A group home under the control, management, and supervision of a county government.
- (4) ~~Private Agency Group Home.~~ A group home under

the control, management, and supervision of a foster care services agency, a child-caring institution, or a licensed child placing agency.

- (5) ~~Public Agency Group Home.~~ A group home under the control, management, and supervision of a county department of social services.
- (6) ~~License.~~ Permission granted to a corporation, agency or county government by the Department of Human Resources to engage in the provision of full time child care based upon an initial determination, and annually thereafter, that such corporation, agency, or a county government has met and complied with minimum standards set forth in this Subchapter.
- (7) ~~Emergency Shelter Home.~~ A group home which provides residential care for a period not to exceed 90 days.

Authority: G.S. 131D-10.5; 143B-153.

#### .0404 LICENSING PROCESS

(a) ~~Application.~~ The application phase of the licensing process brings the persons wanting to give residential child care under the jurisdiction of the licensing statute and provides an opportunity for the applicant to explore and understand requirements.

(b) ~~Study.~~ The study phase focuses on obtaining knowledge of the proposed program and projected methods of operation. For private group homes the Department of Human Resources staff, together with those seeking to be licensed, are responsible for completing the study phase. For agency group homes, the supervising agency will be responsible for completing the study.

(c) ~~Approval or Rejection.~~ The decision to give or withhold official sanction by issuing or refusing to issue a license to operate a residential child care program is based on information obtained during the study phase and is reached through administrative processes within the Department of Human Resources.

Authority: G.S. 131D, Art. 1A; 143B-153.

#### .0405 KINDS OF LICENSES

(a) ~~Full License.~~ A full license is issued for one year when all minimum licensing requirements are met.

(b) ~~Provisional License.~~

- (1) A provisional license is issued for a maximum of six months enabling a facility to operate while some below standard component of the program is being corrected.
- (2) A provisional license for the same below standard program component cannot be renewed.

Authority: G.S. 131D, Art. 1A; 143B-153.

#### .0406 LICENSING ACTIONS

(a) ~~New License.~~ A new license is issued when the Department of Human Resources determines that the group home is in compliance with minimum licensing standards.

(b) ~~Renewal.~~ Licenses must be renewed annually.

(c) ~~Ninety-Day Grace Period.~~

- (1) A license is automatically provided a 90-day grace period after the license expiration date.
- (2) If the license is not renewed by the end of the 90-day grace period, the license is terminated.

(d) ~~Change in any function information on the license.~~

- (1) A license may be changed during the period of time it is in effect if the change is in compliance with minimum licensing standards.
- (2) A license may not be changed during the 90-day grace period.
- (3) The group home or the agency of an agency group home must notify the Children's Services Branch in writing of its request for a change in license, including such information as is necessary to assure that the change is in compliance with minimum licensing standards.

(e) ~~Termination.~~

- (1) when a group home voluntarily discontinues child caring operations, the Children's Services Branch must be notified in writing of the date and reason for closing;
- (2) if all licensing materials have not been received by the end of the 90-day grace period, the group home's license will be terminated.

(f) ~~Revocation.~~

- (1) Revocation of a license may occur when the group home is not in compliance with minimum licensing standards and it is determined that compliance cannot be accomplished within established time limits.
- (2) The decision to revoke a license is reached through administrative processes within the Department of Human Resources.
- (3) The group home or agency of an agency group home will be notified in writing of the decision to revoke a license.

Authority: G.S. 131D-10.5; 143B-153.

### SECTION .0500 - MINIMUM STANDARDS FOR PRIVATE AND PUBLIC GROUP HOMES

#### .0501 INCORPORATION

Those seeking to establish and carry out child-caring activities shall be incorporated under Chapter 55 or Chapter 55A of the General Statutes of North Carolina and shall meet all of the provisions therein except that county governments shall not be subject to these statutes.

- (1) The charter of incorporation shall define the purpose and function of the corporation, including:
  - (a) the geographic area to be served;
  - (b) the kind(s) of children to be served;
  - (c) the range of services which will be provided.
- (2) The corporation shall periodically re-evaluate its functions and purpose. Changes in functions and purpose shall be provided for in amendments to the charter.



Authority G.S. 131D, Art. 1A; 143B-153.

## **.0502 GOVERNING BODY**

The group home shall have a governing body (hereafter referred to as board) responsible for its proper function in accordance with its charter and the purposes set forth therein.

- (1) The bylaws of the board shall include the following provisions:
  - (a) The board shall be composed of representatives of various interests and occupations;
  - (b) The board shall have a plan for the rotation of members;
  - (c) The board shall meet with a quorum present at least quarterly. A majority of the board shall constitute a quorum.
- (2) Powers and duties of the board shall include the following:
  - (a) to determine the purposes and functions of the group home;
  - (b) to employ an executive director;
  - (c) to define, in writing, the functions and responsibilities of the executive director, and the basis upon which the Director may be dismissed;
  - (d) to develop with the executive director the policies of the group home;
  - (e) to annually evaluate the program and policies of the group home to determine effectiveness and any needed changes;
  - (f) to annually evaluate the performance of the executive director;
  - (g) to assure adequate financial support for the program of child care;
  - (h) to approve an annual budget for the program of child care;
  - (i) to keep official minutes of all board meetings as a part of the organization's permanent records;
  - (j) to be guided by the community needs in the program's overall direction, services, policies and administration.

Authority G.S. 131D-10.5; 143B-153.

## **.0503 FINANCES**

(a) The group home shall have a sound plan of financing which assures sufficient funds to enable it to carry out its defined purposes and provide proper care for children.

(b) The new group home shall have sufficient funds assured to carry it through its first year of operation and assurance of adequate continuing support.

(c) The group home which receives government funds shall have an independent audit of the financial records of the corporation made at least annually and the report shall be made a part of the home's records. A copy of this audit shall be sent to the Division of Social Services. If this function is carried out by the county's financial representative, an audit will not be required on an annual basis.

(d) An estimated budget shall be prepared and approved jointly by the board of directors and the executive at the

beginning of each fiscal year showing income and expenditures, including such details as are required on the annual report.

(e) A financial committee of the board shall be responsible for the supervision of the investments of the group home, working with the executive in preparing the budget, approving unusual expenditures, and planning for securing adequate funds.

(f) After a permit to develop has been received and if the organization plans to solicit funds for the proposed group home, the North Carolina law regarding solicitation of funds as found in G.S. 131C shall be met.

Authority G.S. 131D-10.5; 143B-153.

## **.0504 STAFF**

(a) Executive Director.

(1) Qualifications

(A) The executive director shall have ability as an administrator and the training and experience that qualifies him for his job responsibilities;

(B) The executive director shall be at least 21 years of age;

(2) Functions. The executive director shall be responsible for the general management and administration of the agency in accordance with licensing requirements and policies of the governing body. The functions of the Director or his designee shall include but not be limited to the following:

(A) Interpretation of licensing standards and established child care standards to the Board;

(B) Initiating and carrying out a sound program of residential child care in accordance with established standards and as approved by the Board of Directors;

(C) Preparing the group home budget with the assistance of those of his staff whose responsibilities or abilities qualify them to help;

(D) Presenting the budget to the Board or governing authority for approval;

(E) Employing and discharging all members of his staff;

(F) Holding staff meetings at regular intervals and discussing plans and policies with his staff;

(G) Organizing and promoting a program of education for the continued training and development of the staff;

(H) Supervision of the group home staff;

(I) Conducting with each staff member an annual evaluation regarding his job performance. A written copy of each evaluation shall be kept on file;

(J) Establishing and maintaining good working relationships with other social services agencies in the community, and assuming responsibility for the interpretation of the home's program;

(K) Administration, admissions and discharges of children and the child care program with such delegation of actual work in these areas as is appropriate.

(b) Professional Services Staff.

- (1) ~~Each group home shall have available those professional services which assure quality care for children and provide planning services with their families, including the following:~~

- (A) ~~doctors;~~
- (B) ~~dentists;~~
- (C) ~~nurses;~~
- (D) ~~social workers;~~
- (E) ~~psychologists;~~
- (F) ~~psychiatrists;~~
- (G) ~~nutritionists;~~
- (H) ~~recreation workers;~~
- (I) ~~teachers.~~

- (2) ~~Services may be purchased on an individual basis or provided by members of the home staff, or obtained through public or private programs.~~

- (3) ~~Professional workers shall have those special qualifications that enable them to work with children.~~

(c) Child Care Staff, Counselors, Teaching Parents or Houseparents:

(1) ~~Qualifications~~

- (A) ~~shall be at least 18 years old;~~
- (B) ~~shall be mentally and physically fit as evidenced by the following:~~

- (i) ~~a physical examination completed by a physician, physician's assistant, or nurse practitioner, hereafter referred to as "licensed medical provider", prior to assuming the position and every other year thereafter. The costs of physical examinations which are required for continuing employment are to be paid by the group home;~~
- (ii) ~~a health questionnaire completed by the individual staff on each year when a physical examination is not required;~~
- (iii) ~~a TB skin test prior to assuming the position, and annually thereafter, except when the licensed medical provider advises against it;~~

- (C) ~~shall have education, training and experience sufficient to equip them for the duties assigned;~~
- (D) ~~shall not be persons who have been found to have neglected or abused a child by any agency duly authorized by law to investigate allegations of abuse or neglect.~~

- (2) ~~Duties~~

- (A) ~~shall have responsibility for the day-to-day activities of the home and care of the children;~~
- (B) ~~shall assume those duties assigned them in accordance with any specialized program of the home;~~

- (d) ~~Clerical Staff. Each home shall have adequate clerical services to keep correspondence, records, bookkeeping and files current and in good order.~~

Authority G.S. 131D-10.5; 143B-153.

.0505 PERSONNEL POLICIES

- (a) ~~Leave. The group home shall have a written policy which provides child care staff time off duty each month, including one 48 hour period, depending on the staffing pattern utilized and the type of care provided.~~

- (b) ~~Job Descriptions. Duties, responsibilities, and qualifications for each staff position shall be defined in writing.~~

Authority G.S. 131D-10.5; 143B-153.

.0506 SOCIAL SERVICES: ADMISSIONS: POLICIES: PROCEDURES

- (a) ~~Admission policies shall be clearly defined in writing and shall be reviewed annually and changed as needs and conditions in the community change.~~

- (b) ~~Admission procedures shall be in keeping with the stated policies of the group home, and admissions shall be limited to those children for whom the home is qualified by staff, program, facilities, and services to give adequate care.~~

- (c) ~~In group homes other than shelter homes, the following information and materials shall be obtained prior to admission:~~

- (1) ~~Verification that the person making application for placement has the authority to do so;~~
- (2) ~~A completed application for services signed by the parents, legal custodian or agency with the authority to place the child;~~

- (3) ~~A social summary which includes background information on the child, his family, his presenting problems and current circumstances which will enable the group home staff to determine if the child's needs are consistent with the home's program of care;~~

- (4) ~~A written placement agreement signed by authorized persons which includes the services to be provided by the group home, and the responsibilities of the parents and legal custodian, indicating who will be responsible for the child's financial and medical needs, fees to be paid, consent for emergency medical treatment, length of stay, visitation expectations and limitations between the child and his family, and the schedule of review conferences;~~

- (5) ~~Documentation of a physical examination as specified in Rule .0514(a)(1) of this Subchapter.~~

- (d) ~~In a group home that has a written agreement with a department of social services to provide residential child care exclusively for children for whom that department of social services has placement authority, the group home or department of social services must comply with all provisions of Paragraph (c) of this Rule. Specific responsibilities for social services in Paragraph (c) of this Rule shall be defined in the written agreement.~~

- (e) ~~In shelter homes the following information and materials shall be obtained:~~

- (1) ~~Determination of custody within 72 hours of admission with the legal custodian participating in the admission procedure;~~

- (2) ~~A written consent for placement signed by the legal custodian within 72 hours after admission;~~



- (3) ~~A social summary which includes background information on the child, his family, his presenting problems, and current circumstances within two weeks of admission;~~
- (4) ~~Documentation of a physical as specified in Rule .0514(a)(1) of this Subchapter within two weeks of admission.~~

(f) ~~In a shelter home that has a written agreement with a department of social services to provide residential child care exclusively for children for whom the department of social services has placement authority, the shelter home or department of social services must comply with all provisions of Paragraph (e) of this Rule. Specific responsibilities for social services in Paragraph (e) of this Rule shall be defined in the written agreement.~~

(g) ~~In group homes other than shelter homes, a written plan of care for each child shall be developed at the time of admission, and reviewed at least semiannually by the group home staff, parents, and legal custodian and the child, when appropriate. In shelter homes the written plan of care shall be developed within 72 hours of admission and reviewed every other week by the group home staff, parents and legal custodian, and the child, when appropriate. This plan of care shall include:~~

- (1) ~~The expectations and goals to be reached by the child while in care;~~
- (2) ~~The tasks and activities of the group home staff to meet the needs of the child while in care;~~
- (3) ~~The tasks and activities of the parents and legal custodian to meet the needs of the child while in care.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0507 SOCIAL SERVICES: DISCHARGE POLICIES**

(a) ~~A written discharge plan shall be part of the plan of care for each child. The child shall participate in the formulation of the plan, if possible.~~

(b) ~~A schedule of reviews of the progress made towards the discharge plan shall be set up to include the group home staff, the responsible agency representative, the child and parents and/or relatives, when appropriate.~~

(c) ~~If the child is unable to participate in the review conference, he shall be kept informed of the progress made toward the discharge plan, and be given sufficient time to prepare for his departure from the home.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0508 SOCIAL SERVICES: SERVICES TO CHILD AND FAMILY**

(a) ~~The group home shall provide those services to a child and his family which it has stated it will provide.~~

(b) ~~The group home shall make referrals to, and work cooperatively with other agencies and community resources.~~

(c) ~~The group home shall evaluate each child's placement needs on a regular basis, and shall include the parents and relatives, as well as the agency with legal responsibility for the child in the review.~~

- (1) ~~In shelter homes, an evaluation shall be made biweekly.~~
- (2) ~~In all other group homes, an evaluation shall be made at least semi-annually.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0509 SOCIAL SERVICES: VISITING POLICIES**

(a) ~~Visits of relatives with children and of children with their families shall be planned on an individual basis.~~

(b) ~~Whether these visits will take place in the group home or elsewhere shall be the decision of the group home.~~

(c) ~~Visitation policies shall be developed through consultation with, and the approval of the legal custodian of the child.~~

(d) ~~If the group home uses private families in the community as visiting homes for children for weekends, holidays, or vacation, the following shall be required prior to arranging such visits:~~

- (1) ~~Written consent shall be obtained from the legally responsible agency or person of the child prior to such a visit.~~
- (2) ~~The interests, needs, and welfare of the child shall be assessed, and the child shall be agreeable to the arrangement.~~
- (3) ~~A preliminary visit between the child and family he plans to visit, shall take place prior to an overnight visit.~~
- (4) ~~The host family shall be assessed prior to such a visit, to determine that they can provide proper care and supervision for the child, and if they share common interests with the child. The assessment shall include:~~

- (A) ~~A visit to the host family's home;~~
- (B) ~~A completed application on the host family;~~
- (C) ~~A brief social history on the host family;~~
- (D) ~~A signed agreement by the host family and the group home or agency, which states the responsibilities of each, and that the host family fully understands these responsibilities;~~
- (E) ~~Responses from three references that the host family can provide the proper care and supervision needed by the child.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0510 SOCIAL SERVICES: FOLLOW UP SERVICES**

(a) ~~Services to support and maintain the child in his return to the community shall be offered.~~

(b) ~~If the discharging group home is not staffed to render this service, a referral shall be made to a county department of social services or private family and children's services agency.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0511 SOCIAL SERVICES: RECORDS AND REPORTS**

(a) ~~Child's Case Record.~~

- (1) ~~In group homes other than shelter homes a complete~~

and confidential case record shall be maintained which shall contain the following:

- (A) Documentation of placement authority;
- (B) Social summary;
- (C) Completed application for services;
- (D) Written placement agreement;
- (E) Written plan of care including the semiannual reviews;
- (F) Documentation that verifies the child's birth;
- (G) Preadmission physical examination, and any subsequent medical information such as hospitalizations, significant illnesses, dental examinations, etc.;
- (H) Immunization record (this record must be obtained within 30 days of a child's admission to the home);
- (I) A discharge summary with the date and circumstances of discharge.

- (2) In a group home that has a written agreement with a department of social services to provide residential child care exclusively for children for whom the department of social services has placement authority, specific responsibilities for children's records in Subparagraph (a)(1) of this Rule must be identified in the written agreement.
- (3) In shelter homes, a confidential case record shall be maintained which shall contain the following:

- (A) A written plan of care developed within 72 hours of admission;
- (B) Placement consent, signed by the person or agency with placement authority within 72 hours of a child's admission;
- (C) Report of the medical examination if a child remains in care longer than two weeks;
- (D) Social summary, with information indicating that the group home's program of care is appropriate if the child remains in care longer than two weeks.

- (4) In a shelter home that has a written agreement with a department of social services to provide residential child care exclusively for children for whom the department of social services has placement authority, specific responsibilities for children's records in Subparagraph (a)(3) of this Rule must be identified in the written agreement.

(b) Shelter Log. In shelter homes, a log shall be maintained that lists at a minimum the following:

- (1) child's name, age, sex, and race;
- (2) legally responsible parent, relative, or agency representative's name and telephone number;
- (3) date of admission;
- (4) date of discharge.

(c) Staff Medical Reports. A medical report shall be completed prior to employment and every other year thereafter and maintained on each full and part-time child caring staff, any relatives residing in the home, and any person responsible for preparing or serving food in the home.

(d) Annual Report. Each group home shall submit an annual statistical report as required by the Department to the licensing authority within 60 days after the end of the program's fiscal

year.

Authority G.S. 131D-10.5; 143B-153.

## .0512 CHILD CARE AND DEVELOPMENT: PROGRAM

(a) The child care program shall be designed to provide opportunities for positive learning experiences for the child and shall be geared to the needs of the children served.

(b) If the home uses a systematic approach for altering maladaptive behavior, both residents and staff shall be thoroughly instructed in this system.

(c) Staff administering the program shall have had prior experience or training in the principles of this system.

(d) There shall be an annual evaluation by the board of directors to measure the effectiveness of the program and to offer direction for needed changes.

Authority G.S. 131D, Art. 1A; 143B-153.

## .0513 EDUCATION

Children shall attend the public school to which they are assigned unless an alternative education plan is agreed upon by the child, the home, and the responsible person or agency making placement.

Authority G.S. 131D, Art. 1A; 143B-153.

## .0514 CHILD CARE AND DEVELOPMENT: HEALTH

(a) Medical Program. Every group home shall have a planned program of medical care:

- (1) Medical Requirements for Admission:

(A) No child shall be accepted into a group home without having had a physical examination within 90 days prior to admission, which shall include a signed statement by a licensed medical provider specifying the child's current medical condition and medications prescribed and indicating the presence of any communicable disease or medical condition which may pose a significant risk of transmission in the facility. If a child is in the custody of a department of social services, is already scheduled to have and is having a physical completed annually, and is entering a private group home, the schedule of annual physicals shall not be changed. However a copy of the most recent physical shall be sent by the responsible department of social services to the private group home for the child's record there except that in shelter homes, the physical examination and statement shall be obtained within two weeks of a child's admission.

(B) A child admitted to a group home shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola), rubella, mumps, and any other disease as required by 15A NCAC 19A .0400, which is incorporated by reference including subsequent amendments



and editions, prior to admission, or as soon after as practical. Documentation of these immunizations shall be obtained within 30 days of a child's admission. A copy of 15A NCAC 19A .0400 may be obtained from the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, North Carolina, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.

(2) Medical Care. Arrangements shall be made with at least one licensed physician and one dentist for the care of children in the home.

(3) Hospital Care. Arrangements shall be made with a hospital for the admission of children from the group home in the event of serious illness or in an emergency.

(4) First Aid.

(A) Houseparents shall receive training and be able to administer first aid.

(B) First aid kits shall be available for instant use.

(5) Home Medical Care Practices.

(A) Group homes shall not engage in any medical care practices that conflict with the control measures for communicable diseases in 15A NCAC 19A .0200, which is incorporated by reference including subsequent amendments and editions. A copy of 15A NCAC 19A .0200 may be obtained from the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, North Carolina 27611, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.

(B) Houseparents shall be able to recognize the common symptoms of illnesses of children and to note any marked physical or emotional handicaps of children.

(C) A sterile clinical thermometer shall be kept available for use.

(D) Medicine supply cabinets shall be kept locked when not in immediate use.

(6) Medical Records. Each child shall have a personal medical record available which shall include:

(A) the statement of the physician who examined him at the time of admission to the home;

(B) a record of his immunizations; this record shall be obtained within 30 days of a child's admission to the home;

(C) consent of parents or guardians for medical care;

(D) a record of the medical care and examinations given while in care, including a record of hospitalizations, significant illnesses or accidents, and treatment given.

(7) Dental Records. Included in a child's medical record shall be a dental record, showing dates of examinations and by whom given.

(b) Routine Aspects of Health, Personal Hygiene, and Safety.

(1) Staff shall routinely apply general infection control procedures which shall include but not be limited to Universal Precautions specified by the Centers for Disease Control, U.S. Department of Health and Human Services, Public Health Services, Atlanta, Georgia which is incorporated by reference including subsequent amendments and editions. A copy of that document may be obtained from the National AIDS Information Clearinghouse, P.O. Box 6003, Rockville, Maryland 20850, 1-800-458-5231, at no cost for a single copy at the time of the adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.

(2) Sleep. Each child in a group home shall have enough sleep for his age at regular and reasonable hours and under conditions conducive to rest. While children are asleep, at least one staff member shall be near enough to hear calls.

(3) Hygiene. Children shall be taught and helped to keep themselves clean. They shall receive training in all aspects of personal hygiene. Bathing and toilet facilities shall be in working order and kept clean.

(4) Toilet Articles.

(A) Each child shall have his own clearly identified toothbrush, comb, towel and wash cloth and his own separate place for keeping these personal articles.

(B) Towels, wash cloths, and bed linens shall be changed weekly or more often as required by good hygiene.

(5) Safety. Any child care staff transporting a child shall have such child properly secured in a child passenger restraint system pursuant to the requirements of G.S. 20-137.1.

(c) Nutrition.

(1) Meals served to all children shall provide for their nutritional requirements as advised by the National Research Council (Recommended Daily Dietary Allowances).

(2) Any modified food needs of an individual child shall be provided under the direction of a licensed medical provider.

(3) The menus shall be planned by or in consultation with a registered nutritionist or dietitian.

Authority G.S. 131D-10.5; 143B-153.

## .0515 CHILD CARE AND DEVELOPMENT: RECREATION

(a) There shall be a planned program of recreation in line with the ages of the children and the purpose of the group home.

(b) ~~This program shall incorporate the resources of the community and involvement in community activities.~~

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0516 DISCIPLINE

(a) ~~In planning discipline, the child's age, intelligence, emotional make-up and his past experience shall be considered.~~

(b) ~~Discipline shall be consistent.~~

(c) ~~Appropriate work tasks or denials of privileges shall be acceptable methods of discipline.~~

(d) ~~Denial of meals shall not be used as punishment.~~

(e) ~~Corporal punishment shall not be used.~~

(f) ~~Isolation or locked custody shall not be used as punishment.~~

(g) ~~No intimidation or verbal threats shall be used.~~

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0517 WORK

(a) ~~The work program for children in the group home shall have as its purpose the development of good work habits and a sense of responsibility. The provisions of the N.C. Child Labor Law concerning age, hours of labor and hazardous occupations shall be complied with the assignment of work to children.~~

(b) ~~Children shall not be required to be solely responsible for any major phase of operation or maintenance of the home. This would include cooking, laundering, housekeeping, farming, and repair work.~~

(c) ~~No home shall require a child to work for the purpose of paying the home for his cost of care except where an older child moving toward self support enters into a contract with the home in which he is paid for his work and assumes a gradual degree of responsibility for his own needs.~~

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0518 EXPLOITATION

(a) ~~No child shall be used in any way for the purpose of soliciting funds.~~

(b) ~~Neither shall he be identified in connection with publicity for the home in any way which would cause him or his family embarrassment.~~

(c) ~~Before pictures or any other means of identifying children may be used in publicity or public relations efforts for the home, a statement of permission shall be obtained from the parents or custodian of the child. Such permission shall be obtained each and every time public relations efforts are undertaken.~~

Authority G.S. 131D, Art. 1A; 143B-153.

### SECTION .0600 - MINIMUM STANDARDS FOR PRIVATE AND PUBLIC AGENCY GROUP HOMES

#### .0601 PURPOSE

~~The agency shall clearly define in writing the purpose the group home is to serve, including the following:~~

(1) ~~the geographic area to be served;~~

(2) ~~the children to be served;~~

(3) ~~the range of services to be provided.~~

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0602 FINANCES

~~The agency shall have a sound plan of financing the group home which assures sufficient funds to enable it to carry out its defined purposes and provide proper care to children.~~

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0603 STAFF

(a) ~~There shall be a responsible staff person designated as supervisor of the group home staff and operation.~~

(b) ~~Child Care Staff, Counselors, Teaching Parents, or Houseparents.~~

(1) ~~Qualifications~~

(A) ~~shall be at least 18 years of age;~~

(B) ~~shall be mentally and physically fit as evidenced by the following:~~

(i) ~~a physical examination completed by a licensed medical provider, prior to assuming the position and every other year thereafter; the costs of physical examinations which are required for continuing employment are to be paid by the group home;~~

(ii) ~~a health questionnaire completed by the individual staff on each year when a physical examination is not required;~~

(iii) ~~a TB skin test prior to assuming the position, and annually thereafter except when the licensed medical provider advises against it;~~

(C) ~~shall have education, training and experience sufficient to equip them for the duties assigned;~~

(D) ~~shall not be persons who have been found to have neglected or abused a child by any agency duly authorized by law to investigate allegations of abuse or neglect.~~

(2) ~~Duties~~

(A) ~~shall have responsibility for the day to day activities of the home and care of the children;~~

(B) ~~shall assume those duties assigned them in accordance with any specialized program of the home.~~

Authority G.S. 131D-10.5; 143B-153.

#### .0604 PERSONNEL POLICIES

(a) ~~Leave. The group home shall have a written policy which provides child care staff time off duty each month, including at least one 48 hour period, depending on the staffing pattern utilized and the type of care provided.~~

(b) ~~Job Descriptions. Duties, responsibilities, and qualifications for each staff position shall be defined in writing.~~

Authority G.S. 131D-10.5; 143B-153.



**.0605 SOCIAL SERVICES**

Social services shall be governed by Rules .0506 through .0511 of this Subchapter.

Authority G.S. 131D, Art. 1A; 143B-153.

**.0606 CHILD CARE AND DEVELOPMENT**

Child care and development shall be governed by Rules .0512 through .0518 of this Subchapter.

Authority G.S. 131D, Art. 1A; 143B-153.

**SECTION .0700 - MINIMUM STANDARDS FOR THE PHYSICAL FACILITY FOR GROUP HOMES**

**.0701 CONSTRUCTION: GENERAL REQUIREMENTS**

Any individual or organization proposing to build a new facility or convert an existing building for a group home for children must comply with North Carolina State Building Code which is adopted by reference pursuant to G.S. 150B-14(c).

Authority G.S. 131D-10.5; 143B-153.

**.0702 CONSTRUCTION: FUNCTIONAL REQUIREMENTS**

**(a) Living Room:**

- (1) The living room shall be accessible from an outside entrance without going through sleeping areas or food service or preparation areas.
- (2) The living room shall have an area of 200 square feet or, in existing buildings, shall be large enough to meet the needs of the family, residents and guests.

**(b) Dining Area:**

- (1) The dining area shall be near the kitchen.
- (2) The dining area shall be a minimum of 120 square feet in size or, in existing buildings shall be large enough to seat all family, residents and guests comfortably, with adequate space for serving food.

**(c) Kitchen.** The kitchen shall be large enough to provide for preparation and preservation of food and cleaning of dishes.

**(d) Bedrooms:**

- (1) Rooms used for sleeping shall be clearly identified as bedrooms and shall not serve dual functions.
- (2) No child shall share a bedroom with an adult.
- (3) Each child shall have his own bed except that siblings of the same sex may share a double bed.
- (4) Children older than six years old of different sexes shall not share a bedroom.
- (5) Each bed shall be not less than 30 inches wide nor less in length than the height of the child.
- (6) Each bed shall be provided with substantial springs, a comfortable mattress and suitable bed covering.
- (7) There shall be three feet of floor space between beds.
- (8) Bunk beds are not recommended. However, if they are to be used, they shall be at least five feet apart.
- (9) No day bed, convertible sofa or other bedding of a

temporary nature shall be used.

- (10) Bedrooms shall be equipped with a minimum of 50 cubic feet per child for storage of clothing and other personal belongings except that shelter homes with a maximum length of stay of 15 days shall be equipped with a minimum of five cubic feet per child for storage in bedrooms.
- (11) Bedrooms for multiple occupancy shall provide a minimum of 80 square feet for each child, excluding closet and wardrobe space. Bedrooms for single occupancy shall provide a minimum of 100 square feet, excluding closet and wardrobe space except that shelter homes with a maximum length of stay of 15 days shall provide a minimum of 40 square feet per child in multi-occupancy bedrooms. Rooms with less than 80 square feet of floor area shall not be used as bedrooms.

**(e) Bathrooms:**

- (1) Bathrooms shall be located as conveniently as possible to the bedrooms.
- (2) The entrance to the bathroom cannot be through a kitchen or other bathroom.
- (3) There shall be a minimum of two water closets, two tubs or one tub and one shower available to residents.

Authority G.S. 131D, Art. 1A; 143B-153.

**.0703 CONSTRUCTION: FIRE SAFETY REGULATIONS**

**(a) General Requirements:**

- (1) An evacuation plan shall be developed, and fire drills shall be held at regular intervals to assure that both children and staff are familiar with procedures to be followed in the event of fire.
- (2) Staff and children shall be trained in properly reporting a fire, in extinguishing a small fire, and in escaping from a fire.
- (3) Fire exits, that is doors, hallways, and stairs, shall be well lighted. They shall be kept clear for passage and ready for instant use.
- (4) All homes shall have a telephone.
- (5) When alternate systems of heating are being considered, the Division of Facility Services shall be notified in order to approve the system prior to installation.

**(b) Annual Inspection.** In order to be eligible for a license, a group home must receive a satisfactory rating on inspection by the county building inspector or local fire department before the home opens and annually thereafter.

Authority G.S. 131D-10.5; 143B-153.

**.0704 CONSTRUCTION: HEALTH REGULATIONS**

**(a)** Group homes must meet the minimum standards as set by the North Carolina Health Services Commission.

**(b)** Each group home shall have and use a dishwasher which is maintained in good working order.

(c) In order to be eligible for a license, a group home must receive an approved rating on inspection by the county sanitarian before the home opens and annually thereafter.

Authority G.S. 131D-10.5; 143B-153.

## SUBCHAPTER 41G - MINIMUM STANDARDS FOR CHILD CARING INSTITUTIONS

### SECTION .0500 - PRIVATE INSTITUTION ORGANIZATION AND ADMINISTRATION

#### .0501 DEFINITIONS

(a) Child caring institution: a residential care facility utilizing permanent buildings located on one site for 10 or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, or otherwise in need of care away from their own home and not held in detention. The purpose of a child caring institution is to provide foster care and related services for children who are unable to live in their own homes. Exception can be made when no more than two group homes located on one site and licensed as meeting group homes for children standards are operated by a county department of social services or by a private program licensed to provide child care or child placement services.

(b) Director: the person who is in charge of the facility, developing and supervising its program of care and services.

(c) Children: includes persons residing in and under the care of the institution who are 18 to 21 years of age. Children of staff members are not included.

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0502 PURPOSE

The purpose of the institution shall be clearly defined in a charter of incorporation which shall be filed in the Office of the Secretary of State, Raleigh, North Carolina. Such definitions shall include the geographical area to be served, the children who will be accepted for care and the services to be provided for these children and their families. Changes in purposes of program shall be provided for in amendments to the charter filed in the Office of the Secretary of State.

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0504 LOCATION

The institution shall be located available to schools, churches, hospitals, clinics, mental health services and recreational facilities. The location shall provide safe and ample playgrounds for children in an area conducive to their health and well being.

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0505 GOVERNING BODY

The institution shall have a governing board responsible for its proper function in accordance with its purposes as set forth in a charter of incorporation and in written bylaws adopted by the board:

- (1) Composition of Board
  - (a) The board shall be composed of men and women of various occupations and experience.
  - (b) The board shall have a minimum of five members.
- (2) Meetings of the Board of Directors. A meeting of the governing board shall be held at least once a year at the institution. Either the full board or its executive committee (or equivalent) shall meet at least quarterly. Permanent records shall be maintained of all meetings of the governing board and the executive committee.
- (3) Functions of the Board
  - (a) The governing board shall be organized and shall function according to written bylaws adopted for the regulation or management of the affairs of the corporation.
  - (b) The board shall be responsible for determining the purposes and functions of the institution, for adopting policies governing the administration, social services, child care and development, and physical plant of the institution, and for assuring that the institution functions according to policies established by the board. The board shall periodically review the institution's program to determine if changes are needed.
  - (c) The board shall employ a director of the institution who meets the qualifications in Rule .0508 of this Subchapter and shall have responsibility for its operation. When the institution is one of several facilities governed by the same board, the Director may be hired by the executive of the agency who shall be employed by the board.
  - (d) If for any reason the Director is unable to perform assigned duties, he shall be replaced and an acting director appointed.
  - (e) No member of the governing board nor subcommittees thereof shall directly administer any part of the operation of the institution. No employee of the institution shall be a member of the governing board.
  - (f) The board shall be responsible for supervising any investments of the institution, approving the annual operating budget and any major items not included in the budget, authorizing all capital expenditures, and planning for securing adequate financial support for the institution.

Authority G.S. 131D-10.5; 143B-153.

#### .0506 FINANCES

- (a) The institution shall have funds to meet the costs of carrying out its defined purposes and providing proper care and services for the type and number of children accepted.
- (b) A budget shall be approved by the governing board prior to the beginning of each fiscal year showing sources and amounts of income and providing for:
  - (1) salaries for required number of staff.
  - (2) meeting the direct costs of care for the number and type of children accepted.



- (3) — maintenance of the physical plant,
- (4) — meeting the cost of any proposed expansion or replacement.

(c) ~~Financial accounts shall be maintained showing all receipts, disbursements, assets and liabilities of the institution. The accounting records shall be maintained on a current basis and conform to generally accepted accounting principles. Financial reports shall be made to the board at least quarterly.~~

(d) ~~All financial records of the institution which receives governmental funds shall be audited annually and the audit report made a part of the institution's permanent records. The audit shall be made by an independent public accountant or public accounting firm. A copy of the audit shall be submitted each year to the Department of Human Resources.~~

(e) ~~The provisions of the North Carolina law with regard to the solicitation of funds as found in the General Statutes of North Carolina, Chapter 131C, Charitable Solicitation Licensure Act, shall be met by those institutions carrying out campaigns within the purview of this law.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### .0507 STAFF: GENERAL

~~The institution shall provide the staff and services necessary to insure the proper care and safety of children in care. Staff members who provide direct care for children in the institution or prepare their food shall have a physical examination completed by a physician, physician's assistant, or nurse practitioner, hereafter referred to as "licensed medical provider", within at least six months before beginning work and biennially thereafter. A TB skin test is required prior to assuming the position and annually thereafter, except when the licensed medical provider advises against it. Examinations shall include tests necessary to determine that the staff member is able to carry out assigned duties and does not have any communicable disease or condition which poses significant risk of transmission in the facility.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### .0508 THE DIRECTOR

(a) ~~There shall be a full-time director to supervise the program of care and services of an institution licensed for 20 or more children, and a director at least part-time for an institution licensed for less than 20 children.~~

(b) ~~The Director shall have education, training, and experience that qualifies him for planning, administering, and supervising a residential child care program.~~

(c) ~~A director appointed after the effective date of these standards shall have a degree from an accredited four-year college or university and shall have at least two years of work experience, one of which was in a supervisory capacity, in the field of child welfare services, health services, education, psychology, social services, religious education, or other allied profession.~~

(d) ~~The Director shall be in charge of the operation of the institution, making at least quarterly reports for the board on all phases of its operation. He shall have the following~~

~~responsibilities:~~

- (1) ~~He shall have responsibility for interpreting established standards of child care and for initiating and carrying out a sound program in accordance with these standards.~~
- (2) ~~He shall prepare the institution's budget with the assistance of those whose responsibilities or abilities qualify them to help. The budget shall be presented to the board for approval.~~
- (3) ~~He shall be responsible for all customary purchases, with delegation of actual work to designated staff. He shall secure approval for major items not authorized in the budget.~~
- (4) ~~He shall be responsible for employing and discharging all members of his staff with delegation of actual work to designated staff.~~
- (5) ~~He shall hold staff meetings at regular intervals and discuss plans and policies with his staff.~~
- (6) ~~He shall provide and promote a program of education for the continued training and development of the staff. He shall be responsible for the effectiveness and efficiency of his staff.~~
- (7) ~~He shall establish and maintain cooperative working relationships with other social agencies in the community and have responsibility for the interpretation of the institution's program.~~
- (8) ~~He shall have responsibility for administration, social services, the child care program and the physical plant of the institution with delegation of actual work in these areas as is appropriate.~~
- (9) ~~He shall delegate authority to a qualified staff member during his absence from the institution.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### .0509 SUPERVISORY STAFF/PROFESSIONAL SERVICES

(a) ~~The Departmental heads, unit directors, supervisors, and other management staff shall be qualified by education, training, and experience for the particular job responsibilities to which they are assigned.~~

(b) ~~The institution shall have available those professional services which assure appropriate care for children. Such professional services shall include those of doctors and dentists, nurses, social workers, psychologists, psychiatrists, dietitians, health educators and teachers.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### .0510 CLERICAL STAFF

~~The institution shall have clerical services to keep correspondence, records, bookkeeping and files current and in good order. There shall be at least one clerical person on the staff.~~

*Authority G.S. 131D, Art. 1A; 143B-153.*

#### .0511 CHILD CARE STAFF

(a) There shall be at least one child care worker assigned for direct care and supervision to each living unit or group of children at all times.

(b) The ratio of child care staff who are employed by the institution to provide care and supervision for children shall be one for every ten children six years of age and older and one for every eight children younger than six years of age included in the living unit. If a living unit has all children younger than six years of age there shall be one child care worker for five children. Staff included in the ratio are child care workers and supervisors of child care. Relief staff are not included in the ratio.

(c) Each member of the child care staff shall be selected on the basis of his knowledge, experience, and competence required in caring for children.

(d) Child care staff shall be no younger than 18 years of age.

(e) Each child care worker shall be provided qualified, competent supervision in the areas of home management, child rearing, family life education, sound health practices and health maintenance, and food preparation and nutrition when meals are prepared in the living units by the child care workers.

*Authority G.S. 131D-10.5; 143B-153.*

#### .0512 MAINTENANCE STAFF

There shall be a sufficient number of maintenance staff to assure that the operation and maintenance of the institution shall not be dependent upon the work of the children in care.

*Authority G.S. 131D, Art. 1A; 143B-153.*

#### .0513 PERSONNEL POLICIES

(a) The institution shall have written personnel policies and shall adhere to the policies. These policies shall include compliance with all applicable state and federal laws:

(1) Job Descriptions. There shall be a current written job description for each position which includes qualifications for the position, the duties of the position, and specifies to whom the employee is responsible.

(2) Leave. The institution shall have a written policy which provides resident staff with direct responsibility for children a minimum of six 24 hour days off duty each month. They shall have some free time off duty each day.

(3) Dismissal. There shall be a policy concerning the discharge of employees which includes a grievance procedure.

(b) Living quarters shall be provided for all staff whose job responsibilities require them to live within the institution.

*Authority G.S. 131D-10.5; 143B-153.*

### SECTION .0600 - PRIVATE INSTITUTION SOCIAL SERVICES

#### .0601 STAFF

The institution shall have one or more qualified persons on its

staff to provide admission, residential, and discharge services to children and their families. To be qualified, staff employed to provide social services after the effective date of these standards shall have a degree in a human service field from an accredited four-year college or university. They shall be familiar with community resources for children and their families in addition to the institution's services.

*Authority G.S. 131D-10.5; 143B-153.*

#### .0602 ADMISSION SERVICES

(a) Admission policies shall be clearly defined in writing and available to persons or agencies making inquiries. Admission policies shall be carefully reviewed from time to time and changed as needs and conditions in the community change.

(b) Admission services shall be in accordance with the stated policies of the institution. Admissions shall be limited to those children who need care apart from their families and for whom the institution is qualified by staff, program, facilities, and services to give appropriate care.

(c) Staff responsibility for decisions on admissions shall be clearly established.

(d) Decisions on admissions shall be based upon a study of the total situation of the child and his particular needs. The study shall be made prior to admission and shall include all information which will enable a careful analysis of the application to determine if the institution's program of care is appropriate for the child.

(e) When parents or other relatives with legal responsibility for a child apply for the child's admission the institution shall ascertain what community resources are available to keep the child in his own home, such as financial assistance, homemaker services, day care services, and other supportive services. County departments of social services where requested can assist families in evaluating community resources available to them.

(f) Children shall be accepted by written application signed by the person or representative of the agency having legal authority to place the children. Written agreements shall be made setting forth the responsibilities of the institution and of the person or agency having legal authority for caring and planning for the child. Provision shall be made for continuing relationships between the institution, the legally responsible person or agency, and the child during the period of placement.

(g) The provisions of the North Carolina interstate placement laws (G.S. 110-50 to 110-57 and 110-57.1 et. seq.) shall be met when out of state children are being considered for admission or discharge. North Carolina interstate placement laws require the approval of the North Carolina Department of Human Resources prior to placement of a child by an out of state agency. Correspondence relative to admission, progress, and discharge of children in custody of out of state agencies shall be routed through the North Carolina Department of Human Resources, division of social services, as outlined in its operational manual.

(h) No child shall be accepted in an institution without a medical examination and a statement signed by a licensed medical provider specifying the child's current medical condition and medications prescribed and indicating the presence of any communicable disease or medical condition which may pose a



significant risk of transmission in the facility.

(i) In the event of emergency admissions the required admission procedures shall be completed within two weeks following admission. If more than five percent of an institution's population are admitted on an emergency basis, in any 12-month period, the institution shall provide an identifiable program for the provision of emergency care in a living unit separate from other children in residence.

Authority: G.S. 131D-10.5; 143B-153.

#### .0603 RESIDENTIAL SERVICES

(a) Each child in care shall have a staff person responsible for assisting him in making the best use of his stay in the institution. This shall include opportunities to talk privately about his experiences living in the institution and to express grievance. Professional services shall be made available for children who need help in resolving personal or family problems.

(b) Arrangements shall be made for staff to talk with parents, relatives, or representatives of agencies having legal responsibility, about an individual child's care and adjustment in the institution.

(c) Visiting policies for the institution shall be flexible to allow parents, relatives, and friends to visit with children at least twice a month.

(d) No child shall be allowed to visit with anyone for weekends, holidays, and vacations without the consent of the person or agency having legal responsibility for him.

(e) If the institution uses private families in the community as visiting homes for children the interests, needs, and welfare of each child shall be considered in arranging these visits. The institutions shall assess each private family to be used as a visiting home to determine if the family can provide proper care and supervision for children.

(f) A review shall be made at least once a year of each child in care to reassess his needs. The review is to identify what type of care and services are needed by the child, if he needs continued care in the institution, or if his family circumstances have changed and he can be returned to his home.

(g) When a child whose parents placed him in the institution no longer has his parents available to him due to their death, or incapacity, or abandonment of the child, the institution shall refer the matter to the county department of social services or court having jurisdiction or to an attorney with the request for a legal guardian or custodian to be appointed for the child.

(h) When adoption is in the best interest of a child whose parents are deceased or whose parents or other relatives cannot provide a home for him, referral for adoption services shall be discussed with the person or agency representative having legal responsibility for the child.

(i) The institution shall not place or attempt to place children from the institution in foster family or adoptive homes unless the institution is an agency licensed to provide foster family or adoption services.

Authority: G.S. 131D-10.5; 143B-153.

#### .0604 DISCHARGE SERVICES

(a) Staff responsibility for decisions on discharging children shall be clearly established. Children under 18 years of age shall be discharged to the person or agency having legal custody of the children. Insofar as possible the release of each child shall be planned with him and with the person or representative of the agency having legal responsibility for him allowing time for arrangements to be made for the child's care. In all cases the decision to discharge a child and the child's decision to leave the institution shall be made known to the person or agency having legal responsibility for the child and opportunity provided for discussion of this action.

(b) Children shall not be released and admitted to the care of another institution or treatment facility without the knowledge and consent of the person or agency having legal authority for placing the child.

Authority: G.S. 131D-10.5; 143B-153.

#### .0605 RECORDS

(a) The institution shall maintain case records for the purpose of:

- (1) protecting the legal rights of the child, his parents and legal custodian, and the institution;
- (2) documenting the kinds of services rendered to a child and his family; and
- (3) providing a source of information about individual children, as well as information for the institution in planning its program of care and services.

(b) Case records shall include the following information for each child:

- (1) completed application form signed by the person or agency having legal authority to place the child;
- (2) a pre-admission study of the child and his family situation, including an explanation of custody and legal responsibility for the child as indicated by parental statements, court orders, or agency agreements;
- (3) a verification of birthdate;
- (4) medical consent signed by the person or representative of the agency having legal custody of the child;
- (5) agreements indicating the responsibilities of the person or agency having legal responsibility for the child and the institution in planning and caring for the child;
- (6) agreements and consents for visits outside the institution;
- (7) reports of the pre-admission medical examinations, including immunizations, and reports on all medical, dental or psychological services provided while the child is in care;
- (8) a written summary prepared at least annually of the review of the child's needs, his progress or lack of progress in care and changes in his family circumstances;
- (9) a discharge summary indicating date and circumstances of discharge and plan for care in the community.

(c) The institution shall maintain a record of each request for admission received during a current year, the action taken on the request, and the disposition made.

Authority G.S. 131D-10.5; 143B-153.

## .0606 REPORTS

The institution shall submit an annual report to the Department of Human Resources on Form DSS-1843, annual report to the Department of Human Resources, division of social services.

Authority G.S. 131D, Art. 1A; 143B-153.

## SECTION .0700 - PRIVATE INSTITUTION CHILD CARE AND DEVELOPMENT

### .0701 SOCIAL ASPECTS OF CARE

#### (a) The Child as an Individual

- (1) Each child shall be considered an individual personality. He shall be given appropriate opportunities for growth as a unique individual, for learning on his own as well as in a group, for doing things by himself, for himself, as well as with and for others.
- (2) Efforts shall be made to give each child sufficient individual attention and affection to compensate in some degree for regimentation of group living.
- (3) Each child shall have the opportunity to form constructive relationships with staff of both sexes.
- (4) Each child shall be allowed to experience ownership and have his own place to keep his possessions.
- (5) Each child shall have personal clothing and have his own place to keep his clothing. He shall be allowed to take part in selecting his clothing according to his age and ability to do so. When he leaves the institution he shall be allowed to take his clothing with him.
- (6) Each child shall be given the opportunity of learning the value and use of money through earning, spending, giving and saving. Each child shall have an allowance appropriate to his age to spend as he wishes.

#### (b) The Child and his Family

- (1) The institution shall provide and encourage opportunities for each child to maintain contact and visit with parents, siblings and relatives both at the institution and away from the institution insofar as circumstances permit, and these contacts and visits are approved by the person or agency having legal responsibility for the child when other than the natural parents.
- (2) No humiliating remarks about a child's parents, relatives, or guardian shall be made to the child or to other children in the institution.

(c) The Child and the Institution. Each child shall be assigned to the care of a child care worker who shall be responsible for assuring his daily care. Each child shall be given the opportunity to discuss any personal concerns in confidence

with his child care worker.

#### (d) The Child and the Community

- (1) The institution shall make whatever efforts are possible toward helping the children have normal contacts in the community in which the institution is located such as participation in school functions, recreational facilities, character building organizations, church youth groups, and part-time paid or volunteer jobs.
- (2) Children shall be encouraged to form friendships with children outside the institution, to visit their friends in the community and have their friends visit them in the institution. Children shall have access to telephones to provide them with opportunity to maintain contact with friends and family members.

#### (e) Discipline

- (1) The institution shall have clearly defined, written, reasonable disciplinary policies which are fair to children and staff. These policies shall be directed at helping each child develop his own self control and assume responsibility for his own acts. These policies shall include measures to protect children from abuse.
- (2) Administration of discipline shall be an adult responsibility. No child or group of children shall be allowed to punish another child.
- (3) Requests made of children and standards set for their behavior shall be reasonable and within their ability to achieve.
- (4) Children shall not be subjected to cruel, severe or excessive punishment including, but not limited to, physical abuse, verbal abuse, locked confinement, deprivation of food, of mail, and of family visits and contacts.

#### (f) Work Assignments

- (1) Work assignments for children in the institution shall be planned for a child to have meaningful work experiences and to develop good work habits and a sense of responsibility.
- (2) Work assignments shall be made according to the ages and abilities of children. Children shall be provided adult supervision on their work assignments.
- (3) Work assignments shall not interfere with school, recreation, study periods, adequate sleep, community contacts and visits with family.
- (4) Children shall not be substitutes for employed staff. They shall not be required to carry out responsibilities of staff.
- (5) An institution shall not require a child to work for the purpose of paying the institution for his care.

#### (g) Exploitation

- (1) No child shall be used in any way to solicit funds. Neither shall he be identified in connection with publicity for the institution in any way which will bring him or his family embarrassment. Written permission shall be obtained from the person or agency having legal responsibility for each child before pictures or any other means of identifying children are used in publicity or public relations



efforts of the institution.

- (2) ~~No child shall be forced to acknowledge in public his dependency on the institution or his gratitude to it.~~

Authority G.S. 131D-10.5; 143B-153.

#### .0702 RECREATION

(a) ~~The institution shall provide individual and group recreational opportunities appropriate to the age, interest, and needs of each child. Suitable space and competent adult direction shall be provided for both indoor and outdoor recreational activities.~~

(b) ~~The recreational program shall provide opportunities for boys and girls to play together as well as separately. For older children a dating policy shall be established which will allow them opportunities for developing social relationships with others of their own age group in the institution and in the community.~~

Authority G.S. 131D-10.5; 143B-153.

#### .0703 EDUCATION

(a) ~~The institution shall see that each child of school age is provided an education in a public school or nonpublic school which is operated in accordance with the public school laws or with the nonpublic school laws of North Carolina.~~

(b) ~~If a school is maintained and operated by the institution, or an educational program is operated by the institution which children attend in lieu of attending schools off-campus, the institution shall comply with N.C. General Statutes governing nonpublic schools.~~

(c) ~~Facilities shall be provided by the institution for home study and for reference books. Provisions shall be made for remedial assistance as indicated by the needs of the children.~~

Authority G.S. 131D-10.5; 143B-153.

#### .0704 RELIGIOUS TRAINING

(a) ~~Each child shall have opportunities for religious education and to attend religious services.~~

(b) ~~Each institution shall have clearly defined policies regarding religious training and practices for the information of those considering placement of children in the institution.~~

Authority G.S. 131D-10.5; 143B-153.

#### .0705 MEDICAL PROGRAM

~~The institution shall have a planned program of medical care which shall be implemented and include each child in care:~~

- (1) ~~Admission Requirement. Each child shall have had a medical examination prior to admission. The examination shall be reported in writing and specify any medical condition the child might have requiring observation, monitoring or treatment and any medications prescribed.~~

- (2) ~~Medical Care~~

- (a) ~~Arrangements shall be made with one or more licensed medical physicians or medical clinics~~

~~for the medical care of the children.~~

- (b) ~~Each child shall have a physical examination at least once a year and more often as needed. A child shall not be allowed to participate in activities injurious to his health. Any illness, disease or medical condition requiring observation, monitoring or treatment of a child shall be identified and treated promptly through proper medical care. Children shall have psychiatric or psychological examination or both when indicated and treatment when prescribed.~~

- (c) ~~The child care staff shall be instructed as to what medical care may be given by them without specific orders from a licensed medical provider. They shall be instructed as to how and when to obtain further care and how to handle emergencies.~~

- (3) ~~Hospital Care. Arrangements shall be made with a hospital for the admission of children from the institution in the event of serious illness or emergency.~~

- (4) ~~First Aid. At least one member of the child care staff on duty at any given time shall have taken a course in first aid given by a qualified instructor and be able to administer first aid. First aid kits shall be available.~~

- (5) ~~Home Health Care~~

- (a) ~~The institution shall not engage in any home health care practices that conflict with the control measures for communicable diseases in 15A NCAC 19A .0200, which is incorporated by reference including subsequent amendments and editions. A copy of 15A NCAC 19A .0200 may be obtained from the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, North Carolina 27611, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.~~

- (b) ~~Each member of the child care staff shall be able to recognize common symptoms of illnesses in children. The child care staff shall be alert to any infectious condition of the children and shall take proper precautions to prevent the spread of such condition.~~

- (c) ~~The child care staff shall be able to provide home nursing care. A sterile clinical thermometer shall be kept available for use. When appropriate, arrangements shall be made for isolation and attendant care of a child with a communicable disease.~~

- (d) ~~Medicines shall be stored in a separate cabinet, closet or box not accessible to children.~~

- (6) ~~Medical Records. Each child shall have a personal~~

medical record which shall include the report of the physician who examined him prior to admission to the institution, a record of his immunizations, consent for medical care signed by the person or representative of the agency having legal custody of the child, a record of each physical examination and of medical care given while the child is in care. The latter shall include a record of hospitalizations, allergies, significant illnesses or accidents and treatment given.

Authority G.S. 131D-10.5; 143B-153.

#### .0706 DENTAL PROGRAM

The institution shall have a planned program of dental care and dental health which shall be followed for each child in care:

- (1) Routine Care and Treatment
  - (a) Arrangements shall be made with one or more licensed dentists for the dental care of the children.
  - (b) Each child shall have a dental examination at least once a year and treatment as indicated.
- (2) Dental Records. Included in a child's medical record shall be a dental record indicating dates of examination and treatment.

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0707 ROUTINE HEALTH CARE AND PERSONAL HYGIENE

(a) Staff shall routinely apply general infection control procedures which shall include but not be limited to Universal Precautions specified by the Centers for Disease Control, U.S. Department of Health and Human Services, Public Health Services, Atlanta, Georgia which is incorporated by reference including subsequent amendments and editions. A copy of that document may be obtained from the National AIDS Information Clearinghouse, P.O. Box 6003, Rockville, Maryland 20850, 1-800-458-5231, at no cost for a single copy at the time of the adoption of this Rule. A copy is available for inspection in the Children's Services Section, N.C. Division of Social Services, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27603.

(b) Children shall be taught and helped to develop good health care. Each child shall have enough sleep for his age at regular and reasonable hours and under conditions conducive to rest.

(c) Children shall receive training in all aspects of personal hygiene. They shall be taught and helped to keep themselves.

(d) Each child shall have his own clearly identified toothbrush, comb, towel and wash cloth and his own separate place for keeping these personal articles. Towels, face cloths, and bed linens shall be changed as frequently as necessary to be clean.

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0708 NUTRITION

(a) Nutritious foods shall be provided in the variety and

amounts necessary to meet the National Research Council's recommended daily dietary allowances. Special diets shall be planned to meet any modified food needs of individual children.

(b) Nourishing snacks shall be provided and may be part of the daily food needs, but they shall not replace regular meals. Snacks are to be recorded on the regular menu. Recommended snacks are milk, fresh fruits and vegetables, cheese, peanut butter, nuts, popcorn, crackers, and occasionally, cookies.

(c) Menus shall be planned and written by or in consultation with a registered nutritionist or dietitian. When food services are not directed by a nutritionist or dietitian, who is defined as a graduate of a school of home economics or dietetics, periodic consultation with a registered nutritionist or dietitian shall be implemented. Records of consultations and recommendations shall be maintained by the facility.

(d) Menus shall be planned and written at least one week in advance to insure the meeting of nutritional needs and to give the basis for purchasing to meet these needs.

(e) Children and staff members who eat with them shall be served the same food except for tea and coffee, unless differences in age or special dietary needs are factors.

Authority G.S. 131D-10.5; 143B-153.

### SECTION .0800 - PRIVATE INSTITUTION BUILDINGS: EQUIPMENT AND SAFETY

#### .0801 CONSTRUCTION

(a) Construction plans for new, reconstructed or renovated buildings shall be compatible with the child care function of the institution and its program needs. A child caring institution shall not offer in the same building two different types of occupancy or programs of care.

(b) All local and state building codes and zoning regulations shall be complied with in the construction of a new child caring institution, in the conversion of an existing building for child caring institution purposes, and in the remodeling of an existing child caring institution.

Authority G.S. 131D-10.5; 143B-153.

#### .0802 REQUIREMENTS FOR APPROVAL

(a) Preliminary and final construction plans for all new buildings and of all conversions shall be submitted to and approved by the Department of Human Resources, division of facility services, construction section prior to beginning construction. Four sets of construction plans and specifications shall be forwarded to the Department of Human Resources, division of facility services, construction section for distribution to and review by the Division of facility services, the Division of Social Services, the Division of health services, and the Department of Insurance, engineering division.

(b) If a question arises as to whether an existing building used for child caring institution purposes meets the requirements of the North Carolina State Building Code, an interpretation can be obtained by submitting a floor plan of the building together with details of construction to the Department of Human Resources, division of facility services, construction section or by



requesting an on-site visit by a member of the staff.

Authority G.S. 131D, Art. 1A; 143B-153.

#### .0803 GENERAL REQUIREMENTS

All buildings to be used for child caring institution purposes shall meet the requirements of the North Carolina State Building Code, which is adopted by reference pursuant to G.S. 150B-14(c), for the type of occupancy for which the building is to be used:

- (1) Institutional Occupancy. Residential care facilities for 10 or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, and not involuntarily detained shall meet requirements for Institutional Occupancy unrestrained in Vol. 1 Section 409 and Vol. 1 C (handicapped requirements) of the North Carolina State Building Code.
- (2) Residential Occupancy
  - (a) All residential care facilities keeping as many as 6 and less than 10 children who are dependent, neglected, abandoned, destitute, orphaned, delinquent or children who are separated temporarily from their parents shall meet group A "special occupancy requirements" in Section 520 of Chapter V of the North Carolina State Building Code.
  - (b) All residential care facilities keeping no more than five children shall meet the North Carolina Uniform Residential Building Code. Mobile homes are not allowed for child caring institution residences.

Authority G.S. 131D-10.5; 143B-153.

#### .0804 FIRE SAFETY

- (a) Children and staff shall be instructed on fire prevention.
- (b) Care shall be exercised by the staff in allowing children to use matches, or to handle inflammable or combustible materials.
- (c) Fire evacuation plans shall be developed and posted in each building.
- (d) Fire drills shall be held periodically for both children and staff, at least quarterly.
- (e) The staff and children residing in an institution shall be trained in properly reporting a fire, in extinguishing a small fire, and in escaping from a fire.
- (f) For every 2,500 square feet of floor area and for each floor there shall be at least one fire extinguisher. Fire extinguishers shall be provided in accordance with the standards of the National Fire Protection Association standard number 10. They shall be inspected regularly and kept charged and filled at all times in accordance with National Fire Protection Association standard number 10.
- (g) Fire exits, that is, doors, hallways, and stairs, shall be well lighted, kept clear and ready for instant use. No locks shall be installed on exit and on room doors which would prevent occupants from getting out by the simple operation of a single knob or lever. Emergency lighting shall be provided where required for greater safety in exiting the building.
- (h) A manual fire alarm or signal system shall be installed in each child caring institution residence which is audible

throughout the building, kept in working order and readily identified by the staff and the children.

(i) Automatic smoke detectors shall be installed in each child caring institution residence in accordance with the North Carolina Uniform Residential Building Code Volume 1-B, Section 35 in which up to five children reside and in accordance with the North Carolina State Building Code, Volume 1, Section 720 in which six or more children reside.

(j) All electrical and heating installations shall be approved by the local building inspection department and the electrical wiring in the building shall conform with the requirements stated in Volume IV of the North Carolina State Building Code.

Authority G.S. 131D-10.5; 143B-153.

#### .0805 GENERAL SANITATION

(a) Proper facilities shall be provided throughout the institution's buildings and premises to enable compliance with accepted sanitation standards. The water supply, sewerage disposal, solid waste disposal, food service, and other facilities shall meet applicable rules and regulations of the Division of health services:

- (1) Institutional Occupancy. Each building providing care or food service to 13 or more children shall meet the requirements of "Rules Governing the Sanitation of Hospitals, Nursing and Rest Homes, Sanitariums, and Educational and Other Institutions" prepared by the Department of Human Resources, division of health services, sanitary engineering section.
- (2) Residential Occupancy. Each building providing care or food service to no more than 12 children shall meet the requirements of "Residential Care Facilities" for not more than 12 residents prepared by the Department of Human Resources, division of health services, sanitary engineering section. Acceptable facilities include:
  - (A) a properly operating domestic dishwashing machine, or
  - (B) immersion for at least one minute in clean hot water at a temperature of at least 170 degrees Fahrenheit or hotter, or
  - (C) immersion for at least two minutes in clean water to which has been added enough chemical sanitizer to provide at least 50 parts per million of available chlorine or 12.5 parts per million of available iodine.

(b) To assure compliance with all local and state sanitation regulations, construction plans for a new child caring institution residence, renovation of an existing building for child caring institution purposes, and reconstruction of an existing child caring institution shall be submitted to and approved by the county health department in which the facility is located.

Authority G.S. 131D-10.5; 143B-153.

#### .0806 BATH AND TOILET FACILITIES

- (a) There shall be not less than one lavatory with hot and cold

water for every six children, one toilet for every six children, and one tub or shower for every eight children. In addition there shall be a minimum of one tub and one toilet and one lavatory in each building in which children live.

(b) There shall be separate toilet and bathing facilities for staff who live in the child care residences.

Authority G.S. 131D-10.5; 143B-153.

#### .0807 SLEEPING FACILITIES

(a) Each child care residence developed after the effective date of these standards shall provide in each bedroom a minimum of 80 square feet of floor space for each occupant except that a bedroom for one occupant shall provide a minimum of 100 square feet.

(b) In existing residences each bedroom shall provide a minimum of 60 square feet of floor space for each occupant except that a bedroom for one occupant shall provide a minimum of 80 square feet of floor space.

(c) No child shall share a bedroom with a staff member.

(d) Each child shall have a bed of his own, not less than 30 inches wide nor shorter than his height. Beds shall be at least three feet apart at the head, foot and sides, and double decker beds, shall be at least five feet apart. Each bed shall be provided with springs, a mattress in good repair and adequate bed covering. No day bed, convertible sofa or other bedding of a temporary nature shall be used.

(e) Bedrooms shall be equipped with closet and drawer space for storage of clothing and other personal belongings.

Authority G.S. 131D-10.5; 143B-153.

#### .0808 HEAT, LIGHT, AND VENTILATION

(a) Heating facilities shall be provided that will keep the temperature in living quarters of the institution within a comfortable range, not lower than 62 degrees Fahrenheit during the day and 55 degrees Fahrenheit during the night. Special attention shall be given to heating bathrooms above these minimum temperatures.

(b) Natural light shall be available in every room used by children and staff. Window areas shall not be less than 1/10 of the floor area of each room.

(c) Adequate ventilation shall be available in every room in the institution which is used by children and staff.

Authority G.S. 131D-10.5; 143B-153.

#### .0809 INSPECTIONS

The institution shall request and secure inspections at least annually from the local sanitarian and from the local building inspector or fire inspector. Reports of such inspections shall be submitted to the Department of Human Resources.

Authority G.S. 131D, Art. 1A; 143B-153.

### SECTION .0900 - PRIVATE INSTITUTION LICENSING INFORMATION

#### .0902 LICENSE

(a) Application for a new license to operate a child caring institution is made to the Department of Human Resources, division of social services, prior to the first child being accepted for full-time care.

(b) Application for renewal of a license to operate a child caring institution is made to the Department of Human Resources, division of social services, prior to the expiration of the current license.

(c) Full License. A full license to operate a child caring institution will be issued for one year when a license study indicates the institution complies with the minimum standards for child caring institutions.

(d) Provisional License. A provisional license to operate can be issued for a period of time up to six months when a license study indicates the institution needs additional time to comply with particular requirement(s). A provisional license for an additional period of time to meet the same requirement(s) will not be issued.

(e) Termination of License. A license to operate a child caring institution will not be renewed when the institution does not comply with the minimum standards for child caring institutions after sufficient time is allowed in the judgment of the staff of the Department of Human Resources for the institution to correct areas of operation which are below standard.

(f) Revocation of License. A license to operate may be revoked if the child care institution is in violation of the minimum licensure standards and is making no efforts to correct the deficiency.

Authority G.S. 131D-10.5; 143B-153.

### SECTION .1000 - PUBLIC INSTITUTION ORGANIZATION AND ADMINISTRATION

#### .1001 DEFINITIONS

(a) A "child caring institution" is a residential care facility utilizing permanent building located on one site for 10 or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, or otherwise in need of care away from their own home and not held in detention. The purpose of a child caring institution is to provide foster care and related services for children who are unable to live in their own homes. Exception can be made when no more than two group homes located on one site and licensed as meeting group homes for children standards are operated by a county department of social services or by a private program licensed to provide child care or child placement services.

(b) The "director" is the person who is in charge of the facility, developing and supervising its program of care and services.

(c) "Children," in addition to children up to age 18, includes persons residing in and under the care of the institution who are 18 to 21 years of age. Children of staff members are not included.

(d) Public Institution. A public institution is an institution, as well as the property in it, which is held, used or controlled by any unit of government, state, county or municipal. These



~~standards do not apply to state institutions for the mentally handicapped or to state institutions for the detention of juveniles.~~

~~(e) Private Institution. A private institution is an institution which is chartered by the Secretary of the State of North Carolina as a private corporation.~~

*Authority G.S. 131D, Art. 1A; 143B-153.*

#### .1002 PURPOSE

~~Any unit of government which operates a child caring institution shall do so pursuant to its statutory powers, duties, and authority. The purpose of the public institution shall be clearly defined and shall include the geographical area to be served, the children who will be accepted for care and the services to be provided for these children and their families.~~

*Authority G.S. 131D, Art. 1A; 143B-153.*

#### .1004 LOCATION

~~The institution shall be located available to schools, churches, hospitals, clinics, mental health services and recreational facilities. The location shall provide safe and ample playgrounds for children in an area conducive to their health and well-being.~~

*Authority G.S. 131D, Art. 1A; 143B-153.*

#### .1005 GOVERNING BODY

~~The unit of government which operates a child caring institution shall do one of the following:~~

- ~~(1) Operate the institution as a line department; or~~
- ~~(2) Assign responsibility for governing the institution to an existing board; or~~
- ~~(3) Create a board of directors to govern the institution;~~
- ~~(4) Composition of a board created to govern the institution:~~
  - ~~(a) The board shall be made up of individuals of various occupations and experience from the geographical areas served by the institution who represent the interests of both the constituency sponsoring the institution and that which it serves or plans to serve;~~
  - ~~(b) The board shall have a minimum of five members.~~
- ~~(5) Meetings of the Board of Directors. Either the full board or its executive committee (or equivalent) shall meet at least quarterly. Permanent records shall be maintained of all meetings of the governing board and the executive committee;~~
- ~~(6) The governing authority for the institution shall adopt regulations for the operation of the institution and shall ensure that the institution complies with these regulations.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### .1006 FINANCES

~~(a) The institution shall have funds established to meet the costs of carrying out its defined purposes and providing proper care and services for the type and number of children accepted.~~

~~(b) A budget shall be approved by the governing board prior~~

~~to the beginning of each fiscal year showing sources and amounts of income and providing for:~~

- ~~(1) salaries for required number of staff;~~
- ~~(2) meeting the direct costs of care for the number and type of children accepted;~~
- ~~(3) maintenance of the physical plant;~~
- ~~(4) meeting the cost of any proposed expansion or replacement.~~

~~(c) Financial accounts of the institution, which are audited annually, shall be maintained in accordance with designated accounting procedures for the governmental unit operating the institution. A copy of the annual budget and a copy of the audit shall be submitted each year to the Department of Human Resources.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### .1007 STAFF: GENERAL

~~The institution shall provide the staff and services necessary to ensure the proper care and safety of children in care of the institution. Staff members who live with children in care of the institution or prepare their food shall have a health examination within at least six months before beginning work and biennially thereafter. Such examinations shall include tests necessary to determine that the staff member is free from communicable diseases and able to carry out assigned duties.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### .1008 THE DIRECTOR

~~(a) There shall be a full time director to supervise the program of care and services of an institution licensed for 20 or more children, and a director at least part time for an institution licensed for less than 20 children.~~

~~(b) The Director shall have education, training, and experience that qualifies him for planning, administering, and supervising a residential child care program.~~

~~(c) A director appointed after the effective date of these standards shall have a degree from an accredited four year college or university and shall have at least two years of work experience, one of which was in a supervisory capacity, in the field of child welfare services, health services, education, psychology, social services, religious education, or other allied profession.~~

~~(d) The Director shall be in charge of the operation of the institution, providing at least quarterly reports for the governing authority on all phases of its operation. The Director shall have the following responsibilities:~~

- ~~(1) Interpreting established standards of child care and initiating and carrying out a sound program in accordance with these standards;~~
- ~~(2) Preparing the institution's budget in collaboration with those persons with designated fiscal responsibilities. The budget shall be presented to the board for approval;~~
- ~~(3) Ensuring that all purchases are made in accordance with procurement policies of the governmental unit. The Director shall secure approval for items not~~

authorized in the budget:

- (4) ~~Employing and discharging all members of the institution's staff within the personnel policies of the governmental unit;~~
- (5) ~~Holding staff meetings at regular intervals and discussing plans and policies with the staff;~~
- (6) ~~Providing and promoting a program of education for the continued training and development of the staff; The Director shall be responsible for the effectiveness and efficiency of the staff;~~
- (7) ~~Establishing and maintaining cooperative working relationships with other social agencies in the community and interpreting the institution's program;~~
- (8) ~~The Director shall have responsibility for administration, social services, the child care program and the physical plant of the institution with delegation of actual work in these areas as is appropriate;~~
- (9) ~~The Director shall delegate authority to a qualified staff member during his absence from the institution;~~
- (10) ~~The Director shall be responsible for making all employees aware of the Child Abuse and Neglect Reporting Law and establishing a reporting procedure.~~

*Authority G.S. 131D-10.5; 143B-153.*

#### **.1009 SUPERVISORY STAFF/PROFESSIONAL SERVICES**

(a) The Departmental heads, unit directors, supervisors, and other management staff shall be qualified by education, training, and experience for the particular job responsibilities to which they are assigned.

(b) The institution shall have available those professional services which assure appropriate care for children. Such professional services shall include those of doctors and dentists, nurses, social workers, psychologists, psychiatrists, dietitians, health educators and teachers.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.1010 CLERICAL STAFF**

The institution shall have clerical services to keep correspondence, records, bookkeeping and files current and in good order.

*Authority G.S. 131D, Art. 1A; 143B-153.*

#### **.1011 CHILD CARE STAFF**

(a) There shall be at least one child care worker assigned for direct care and supervision to each living unit or group of children at all times. It is recommended that both males and females be employed as child care staff.

(b) The ratio of child care staff who are employed by the institution to provide care and supervision for children shall be one for every ten children six years of age and older and one for every eight children younger than six years of age included in

the living unit. If a living unit has all age children younger than six years of age there shall be one child care worker for five children. Staff included in the ratio are child care workers and supervisors of child care. Relief staff are not included in the ratio.

(c) Each member of the child care staff shall be selected on the basis of his knowledge, experience, and competence required in caring for children.

(d) Child care staff shall be no younger than 18 years of age.

(e) Each child care worker shall be provided inservice training and qualified, competent supervision in the areas of home management, child rearing, family life education, sound health practices and health maintenance, and food preparation and nutrition when meals are prepared in the living units by the child care workers.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.1012 MAINTENANCE STAFF**

There shall be a sufficient number of maintenance staff available to assure that the operation and maintenance of the institution shall not be dependent upon the work of the children in care.

*Authority G.S. 131D, Art. 1A; 143B-153.*

#### **.1013 PERSONNEL POLICIES**

(a) The institution shall have written personnel policies and shall adhere to the policies:

(1) ~~Job Descriptions.~~ There shall be a current written job description for each position which includes qualifications for the position, the duties of the position, and specifies to whom the employee is responsible.

(2) ~~Leave.~~ The institution shall have a written policy which provides resident staff with direct responsibility for children a minimum of six 24 hour days off duty each month. They shall have some free time off duty each day.

(3) ~~Dismissal.~~ There shall be a policy concerning the discharge of employees which includes a grievance procedure.

(b) Living quarters shall be provided for all staff whose job responsibilities require them to live within the institution.

*Authority G.S. 131D-10.5; 143B-153.*

### **SECTION .1100 - PUBLIC INSTITUTION SOCIAL SERVICES**

#### **.1101 STAFF**

The institution shall have one or more qualified persons to provide admission, residential, and discharge services to children and their families. To be qualified, staff employed to provide social services after the effective date of these standards shall have a degree in a human service field from an accredited four year college or university. They shall be familiar with community resources for children and their families in addition



to the institution's services.

Authority G.S. 131D-10.5; 143B-153.

## .1102 ADMISSION SERVICES

(a) Admission policies shall be clearly defined in writing and available to persons or agencies making inquiries. Admission policies shall be carefully reviewed from time to time and changed as needs and conditions in the community change.

(b) Admission services shall be in accordance with the stated policies of the institution. Admissions shall be limited to those children who need care apart from their families and for whom the institution is qualified by staff, program, facilities, and services to give appropriate care.

(c) Staff responsibility for decisions on admission shall be clearly established.

(d) Decisions on admissions shall be based upon a study of the total situation of the child and his particular needs. The study shall be made prior to admission and shall include all information which will enable a careful analysis of the application to determine if the institution's program of care is appropriate for the child.

(e) When parents or other relatives with legal responsibility for a child apply for the child's admission, the institution shall ascertain what community resources are available to keep the child in his own home, such as financial assistance, homemaker services, day care services, and other supportive services. County departments of social services, where requested, can assist families in evaluating community resources available to them.

(f) A public institution shall not accept legal custody of children. Children shall be accepted by written application signed by the person or representative of the agency having legal authority to place the children. Written agreements shall be made setting forth the responsibilities of the institution and of the person or agency having legal authority for caring and planning for the child. Provision shall be made for continuing relationships between the institution, the legally responsible person or agency, and the child during the period of placement.

(g) The provisions of the North Carolina interstate placement laws (G.S. 110-50 through 110-57 and 110-57.1 et. seq.) shall be met when out of state children are being considered for admission or discharge. North Carolina interstate placement laws require the approval of the North Carolina Department of Human Resources prior to placement of a child by an out of state agency. Correspondence relative to admission, progress, and discharge of children in custody of out of state agencies shall be routed through the North Carolina Department of Human Resources, division of social services, as outlined in its operational manual.

(h) No child shall be accepted in an institution without a medical examination and a statement signed by a licensed medical provider specifying the child's current medical condition and medications prescribed and indicating the presence of any communicable disease or medical condition which may pose a significant risk of transmission in the facility.

(i) In the event of emergency admissions, the required admission procedures shall be completed within two weeks

following admission. If more than five percent of an institution's population are admitted on an emergency basis, in any 12-month period, the institution shall provide an identifiable program for the provision of emergency care in a living unit separate from other children in residence.

Authority G.S. 131D-10.5; 143B-153.

## .1103 RESIDENTIAL SERVICES

(a) Each child in care shall have a qualified staff person responsible for assisting him in making the best use of his stay in the institution. This shall include opportunities to talk privately about his experiences living in the institution and to express grievance. Professional services shall be made available for children who need help in resolving personal or family problems.

(b) Arrangements shall be made for staff to talk with parents, relatives, or representatives of agencies having legal responsibility about an individual child's care and adjustment in the institution.

(c) Visiting policies for the institution shall be flexible to allow parents, relatives, and friends to visit with children at least twice a month.

(d) No child shall be allowed to visit with anyone for weekends, holidays, and vacations without the consent of the person or agency having legal responsibility for him.

(e) If the institution uses private families in the community as visiting homes for children, the interests, needs, and welfare of each child shall be considered in arranging these visits. The institutions shall assess each private family to be used as a visiting home to determine if the family can provide proper care and supervision for children.

(f) A review shall be made at least once a year of each child in care to reassess his needs. The review is to identify what type of care and services are needed by the child, if he needs continued care in the institution, or if his family circumstances have changed and he can be returned to his home.

(g) When a child whose parents placed him in the institution no longer has his parents available to him due to their death, or incapacity, or abandonment of the child, the institution shall refer the matter to the county department of social services or court having jurisdiction or to an attorney with the request for a legal guardian or custodian to be appointed for the child.

(h) When adoption is in the best interest of a child whose parents are deceased or whose parents or other relatives cannot provide a home for him, referral for adoption services shall be discussed with the person or agency representative having legal responsibility for the child.

Authority G.S. 131D-10.1; 131D-10.5; 143B-153.

## .1104 DISCHARGE SERVICES

(a) Staff responsibility for decisions on discharging children shall be clearly established. Children under 18 years of age shall be discharged to the person or agency having legal custody of the children. Insofar as possible, the release of each child shall be planned with him and with the person or representative of the agency having legal responsibility for him allowing time for

arrangements to be made for the child's care. In all cases, the decision to discharge a child and the child's decision to leave the institution shall be made known to the person or agency having legal responsibility for the child and opportunity provided for discussion of this action.

(b) Children shall not be released and admitted to the care of another institution or treatment facility without the knowledge and consent of the person or agency having legal authority for placing the child.

Authority G.S. 131D-10.5; 143B-153.

#### .1105 RECORDS

(a) The institution shall maintain case records for the purpose of:

- (1) protecting the legal rights of the child, his parents and legal custodian, and the institution;
- (2) documenting the kinds of services rendered to a child and his family; and
- (3) providing a source of information about individual children, as well as information for the institution in planning its program of care and services.

(b) Case records shall include the following information for each child:

- (1) completed application form signed by the person or agency having legal authority to place the child;
- (2) a pre-admission study of the child and his family situation, including an explanation of custody and legal responsibility for the child as indicated by parental statements, court orders, or agency agreements;
- (3) a verification of birthdate;
- (4) medical consent signed by the person or representative of the agency having legal custody of the child;
- (5) agreements indicating the responsibilities of the person or agency having legal responsibility for the child and the institution in planning and caring for the child; an explanation of why the child needs the institution's care and what is going to be provided for the child;
- (6) agreements and consents for visits outside the institution;
- (7) reports of the pre-admission medical examinations, including immunizations, and reports on all medical, dental or psychological services provided while the child is in care;
- (8) a written summary prepared at least semiannually of the review of the child's needs, his progress or lack of progress in care, changes in his family circumstances, and the objectives for the child's care;
- (9) a discharge summary indicating date and circumstances of discharge and plan for care in the community.

(c) The institution shall maintain a record of each request for admission received during a current year, the action taken on the request, and the disposition made.

Authority G.S. 131D-10.5; 143B-153.

#### .1106 REPORTS

The institution shall submit an annual report to the Department of Human Resources on Form DSS-1843, annual report to the Department of Human Resources, division of social services.

Authority G.S. 131D, Art. 1A; 143B-153.

### SECTION .1200 - PUBLIC INSTITUTION CHILD CARE AND DEVELOPMENT

#### .1201 SOCIAL ASPECTS OF CARE

(a) The Child as an Individual

- (1) Each child shall be considered an individual personality. He shall be given appropriate opportunities for growth as a unique individual, for learning on his own as well as in a group, for doing things by himself, for himself, as well as with and for others.
- (2) Efforts shall be made to give each child sufficient individual attention and affection to compensate in some degree for the regimentation of group living.
- (3) Each child shall have the opportunity to form constructive relationships with staff of both sexes.
- (4) Each child shall be allowed to experience ownership and have his own place to keep his possessions.
- (5) Each child shall have personal clothing and have his own place to keep his clothing. He shall be allowed to take part in selecting his clothing according to his age and ability to do so. When he leaves the institution, he shall be allowed to take his clothing with him.
- (6) Each child shall be given the opportunity of learning the value and use of money through earning, spending, giving, and saving. Each child shall have an allowance appropriate to his age to spend as he wishes.

(b) The Child and His Family

- (1) The institution shall provide and encourage opportunities for each child to maintain contact and visit with parents, siblings, and relatives both at the institution and away from the institution insofar as circumstances permit, and these contacts and visits are approved by the person or agency having legal responsibility for the child when other than the natural parents.
- (2) No humiliating remarks about a child's parents, relatives, or guardian shall be made to the child or to other children in the institution.

(c) The Child and the Institution. Each child shall be assigned to the care of a child care worker who shall be responsible for assuring his daily care. Each child shall be given the opportunity to discuss any personal concerns in confidence with his child care worker.

(d) The Child and the Community

- (1) The institution shall make whatever efforts are possible toward helping the children have normal



contacts in the community in which the institution is located such as participation in school functions, recreational facilities, character-building organizations, church youth groups, and part-time paid or volunteer jobs.

before pictures or any other means of identifying children are used in publicity or public relations efforts of the institution.

- (2) No child shall be forced to acknowledge in public his dependency on the institution or his gratitude to it.

Authority G.S. 131D-10.5; 143B-153.

## .1202 RECREATION

(a) The institution shall provide individual and group recreational opportunities appropriate to the age, interests, and needs of each child. Suitable space and competent adult direction shall be provided for both indoor and outdoor recreational activities.

(b) The recreational program shall provide opportunities for boys and girls to play together as well as separately. For older children, a dating policy shall be established which will allow them opportunities for developing social relationships with others of their own age group in the institution and in the community.

Authority G.S. 131D-10.5; 143B-153.

## .1203 EDUCATION

(a) The institution shall see that each child of school age is provided an education in a public school or nonpublic school which is operated in accordance with the public school laws or with the nonpublic school laws of North Carolina.

(b) If a school is maintained and operated by the institution, or an education program is operated by the institution which children attend in lieu of attending schools off campus, the institution shall comply with N. C. General Statutes governing nonpublic schools.

(c) Facilities shall be provided by the institution for home study and for reference books. Provisions shall be made for remedial assistance as indicated by the needs of the children.

Authority G.S. 131D-10.5; 143B-153.

## .1204 RELIGIOUS TRAINING

(a) Each child shall have opportunities for religious education and to attend religious services.

(b) Each institution shall have clearly defined policies regarding religious training and practices for the information of those considering placement of children in the institution.

Authority G.S. 131D-10.5; 143B-153.

## .1205 MEDICAL PROGRAM

Medical Program. The institution shall have a planned program of medical care which shall be implemented and include each child in care:

- (1) Admission Requirement. Each child shall have had a medical examination prior to admission. The examination shall be reported in writing and specify any condition or defect the child might have and any medications prescribed.

- (2) Children shall be encouraged to form friendships with children outside the institution, to visit their friends in the community and have their friends visit them in the institution. Children shall have access to telephones to provide them with opportunity to maintain contact with friends and family members.

### (e) Discipline

- (1) The institution shall have clearly defined, written, reasonable disciplinary policies which are fair to children and staff. These policies shall be directed at helping each child develop his own self-control and assume responsibility for his own acts. These policies shall include measures to protect children from abuse.

- (2) Administration of discipline shall be an adult responsibility. No child or group of children shall be allowed to punish another child.

- (3) Requests made of children and standards set for their behavior shall be reasonable and within their ability to achieve.

- (4) Children shall not be subjected to cruel, severe or excessive punishment including, but not limited to, physical abuse, verbal abuse, locked confinement, deprivation of food, of mail, and of family visits and contacts.

### (f) Work Assignments

- (1) Work assignments for children in the institution shall be planned for a child to have meaningful work experiences and to develop good work habits and a sense of responsibility.

- (2) Work assignments shall be made according to the ages and abilities of children. Children shall be provided adult supervision on their work assignments.

- (3) Work assignments shall not interfere with school, recreation, study periods, adequate sleep, community contacts and visits with family.

- (4) It is recommended that the North Carolina Child Labor Law concerning age, hours of labor, and prohibited hazardous occupations be complied with in work assignments for children.

- (5) Children shall not be substitutes for employed staff. They shall not be required to carry out responsibilities of staff.

- (6) An institution shall not require a child to work for the purpose of paying the institution for his care.

### (g) Exploitation

- (1) No child shall be used in any way to solicit funds. Neither shall he be identified in connection with publicity for the institution in any way which will bring him or his family embarrassment. Written permission shall be obtained from the person or agency having legal responsibility for each child

(2) — Medical Care

- (a) — Arrangements shall be made with one or more licensed medical physicians or medical clinics for the medical care of the children.
- (b) — Each child shall have a physical examination at least once a year and more often as needed. A child shall not be allowed to participate in activities injurious to his health. Any illness, disease or defect of a child shall be identified and treated promptly through proper medical care. Children shall have psychiatric or psychological examination or both when indicated and treatment when indicated.
- (c) — The child care staff shall be instructed as to what medical care may be given by them without specific orders from a licensed medical physician. They shall be instructed as to how and when to obtain further care and how to handle emergencies.
- (3) — Hospital Care. Arrangements shall be made with a hospital for the admission of children from the institution in the event of serious illness or emergency.
- (4) — First Aid. At least one member of the child care staff on duty at any given time shall have taken a course in first aid given by a qualified instructor and be able to administer first aid. First aid kits shall be available.

(5) — Home Health Care

- (a) — Each member of the child care staff shall be able to recognize common symptoms of illnesses and disturbances in children and to note any defects. The child care staff shall be alert to any infectious condition of the children and shall take proper precautions to prevent the spread of such condition.
- (b) — The child care staff shall be able to provide home nursing care. A sterile clinical thermometer shall be kept available for use. Arrangements shall be made for isolation and appropriate attendant care of a child with a communicable disease.
- (c) — Prescription drugs shall only be administered when approved by a licensed medical physician. Medicines shall be stored in a separate cabinet, closet or box not accessible to children.
- (6) — Medical Records. Each child shall have a personal medical record which shall include the report of the physician who examined him prior to admission to the institution, a record of his immunizations, consent for medical care signed by the person or representative of the agency having legal custody of the child, a record of each physical examination and of medical care given while the child is in care. The latter shall include a record of hospitalizations, allergies, significant illnesses or accidents and treatment given. Any drug allergies shall be noted on the cover of the folder containing the medical records.

Authority G.S. 131D-10.5; 143B-153.

**.1206 DENTAL PROGRAM**

The institution shall have a planned program of dental care and dental health which shall be followed for each child in care:

(1) — Routine Care and Treatment

- (a) — Arrangements shall be made with one or more licensed dentists for the dental care of the children.
- (b) — Each child shall have a dental examination at least once a year and treatment as indicated.
- (2) — Dental Records. Included in a child's medical record shall be a dental record indicating dates of examination and treatment.

Authority G.S. 131D, Art. 1A; 143B-153.

**.1207 ROUTINE HEALTH CARE AND PERSONAL HYGIENE**

- (a) Children shall be taught and helped to develop good health care. Each child shall have enough sleep for his age at regular and reasonable hours and under conditions conducive to rest.
- (b) Children shall receive training in all aspects of personal hygiene. They shall be taught and helped to keep themselves clean.
- (c) Each child shall have his own clearly identified toothbrush, comb, towel and wash cloth and his own separate place for keeping these personal articles. Towels, face cloths, and bed linens shall be changed as frequently as necessary to be clean.

Authority G.S. 131D, Art. 1A; 143B-153.

**.1208 NUTRITION**

- (a) Nutritious foods shall be provided in the variety and amounts necessary to meet the National Research Council's recommended daily dietary allowances. Special diets shall be planned to meet any modified food needs of individual children.
- (b) Nourishing snacks shall be provided and may be part of the daily food needs, but they shall not replace regular meals. Snacks are to be recorded on the regular menu. Recommended snacks are milk, fresh fruits and vegetables, cheese, peanut butter, nuts, popcorn, crackers, and occasionally, cookies.
- (c) Menus shall be planned and written by or in consultation with a registered nutritionist or dietitian. When food services are not directed by a nutritionist or dietitian, who is defined as a graduate of a school of home economics or dietetics, periodic consultation with a registered nutritionist or dietitian shall be implemented. Records of consultations and recommendations shall be maintained by the facility.
- (d) Menus shall be planned and written at least one week in advance to insure the meeting of nutritional needs and to give the basis for purchasing to meet these needs.
- (e) Children and staff members who eat with them shall be served the same food except for tea and coffee, unless differences in age or special dietary needs are factors.

Authority G.S. 131D-10.5; 143B-153.

**SECTION .1300 - PUBLIC INSTITUTION BUILDINGS: EQUIPMENT AND SAFETY**

**.1301 CONSTRUCTION**

- (a) Construction plans for new, reconstructed or renovated buildings shall be compatible with the child care function of the



institution and its program needs. A child caring institution shall not offer in the same building two different types of occupancy or programs of care.

(b) All local and state building codes and zoning regulations shall be complied with in the construction of a new child caring institution, in the conversion of an existing building for child caring institution purposes, and in the remodeling of an existing child caring institution.

Authority G.S. 131D-10.5; 143B-153.

### .1302 REQUIREMENTS FOR APPROVAL

(a) Preliminary and final construction plans for all new buildings and of all conversions shall be submitted to and approved by the Department of Human Resources, division of facility services, construction section prior to beginning construction. Four sets of construction plans and specifications shall be forwarded to the Department of Human Resources, division of facility services, construction section for distribution to and review by the Division of facility services, the Division of Social Services, the Division of health services, and the Department of Insurance, engineering division.

(b) If a question arises as to whether an existing building used for child caring institution purposes meets the requirements of the North Carolina State Building Code, an interpretation can be obtained by submitting a floor plan of the building together with details of construction to the Department of Human Resources, division of facility services, construction section or by requesting an on site visit by a member of the staff.

Authority G.S. 131D, Art. 1A; 143B-153.

### .1303 GENERAL REQUIREMENTS

All buildings to be used for child caring institution purposes shall meet the requirements of the North Carolina State Building Code which is adopted by reference pursuant to G.S. 150B-14(e) for the type of occupancy for which the building is to be used:

(1) Institutional Occupancy. Residential care facilities for 10 or more children who are dependent, neglected, abandoned, destitute, orphaned, delinquent, and not involuntarily detained shall meet applicable group I institutional requirements in Vol. 1 Section 409 and Vol. 1-C (handicapped requirements) of the North Carolina State Building Code.

(2) Residential Occupancy

(a) All residential care facilities keeping as many as six and less than 10 children who are dependent, neglected, abandoned, destitute, orphaned, delinquent or children who are separated temporarily from their parents shall meet group A "special occupancy requirements" in Section 510 of Chapter V of the North Carolina State Building Code.

(b) All residential care facilities keeping no more than five children shall meet the North Carolina Uniform Residential Building Code. Mobile homes are not allowed for child caring institution residences.

Authority G.S. 131D-10.5; 143B-153.

### .1304 FIRE SAFETY

(a) Children and staff shall be instructed on fire prevention.

(b) Care shall be exercised by the staff in allowing children to use matches, or to handle inflammable or combustible materials.

(c) Fire evacuation plans shall be developed and posted in each building.

(d) Fire drills shall be held periodically for both children and staff, at least quarterly.

(e) The staff and children residing in an institution shall be trained in properly reporting a fire, in extinguishing a small fire, and in escaping from a fire.

(f) For every 2,500 square feet of floor area and for each floor, there shall be at least one fire extinguisher. Fire extinguishers shall be provided in accordance with the standards of the National Fire Protection Association standard number 10. They shall be inspected regularly and kept charged and filled at all times in accordance with National Fire Protection Association standard number 10.

(g) Fire exits, that is, doors, hallways, and stairs, shall be well lighted, kept clear and ready for instant use. No locks shall be installed on exit and on room doors which would prevent occupants from getting out by the simple operation of a single knob or lever. Emergency lighting shall be provided where required for greater safety in exiting the building.

(h) A manual fire alarm or signal system shall be installed in each child caring institution residence which is audible throughout the building, kept in working order and readily identified by the staff and the children.

(i) Automatic smoke detectors shall be installed in each child caring institution residence in accordance with the North Carolina Uniform Residential Building Code Volume 1-B, Section 35 in which up to five children reside and in accordance with the North Carolina State Building Code, Volume 1, Section 720 in which six or more children reside.

(j) All electrical and heating installations shall be approved by the local building inspection department and the electrical wiring in the building shall conform with the requirements stated in Volume IV of the North Carolina State Building Code.

Authority G.S. 131D-10.5; 143B-153.

### .1305 HEALTH ASPECTS

(a) General Sanitation. Proper facilities shall be provided throughout the institution's buildings and premises to enable compliance with accepted sanitation standards. The water supply, sewerage disposal, solid waste disposal, food service, and other facilities shall meet applicable rules and regulations of the Division of health services:

(1) Institutional Occupancy. Each building providing care or food service to 13 or more children shall meet the requirements of "Rules Governing the Sanitation of Hospitals, Nursing and Rest Homes, Sanitariums, and Educational and Other Institutions" prepared by the Department of Human Resources, division of health services, sanitary engineering section.

(2) Residential Occupancy. Each building providing care or food service to no more than 12 children

shall meet the requirements of "Residential Care Facilities" for not more than 12 residents prepared by the Department of Human Resources, division of health services, sanitary engineering section. Acceptable facilities include:

- (A) a properly operating domestic dishwashing machine, or
- (B) immersion for at least one minute in clean hot water at a temperature of at least 170 degrees fahrenheit or hotter, or
- (C) immersion for at least two minutes in clean water to which has been added enough chemical sanitizer to provide at least 50 parts per million of available chlorine or 12.5 parts per million of available iodine.

(b) To assure compliance with all local and state sanitation regulations, construction plans for a new child caring institution residence, renovation of an existing building for child caring institution purposes, and reconstruction of an existing child caring institution shall be submitted to and approved by the county health department in which the facility is located.

Authority G.S. 131D-10.5; 143B-153.

#### .1306 BATH AND TOILET FACILITIES

(a) There shall be not less than one lavatory with hot and cold water for every six children, one toilet for every six children, and one tub or shower for every eight children. In addition, there shall be a minimum of one tub and one toilet and one lavatory in each building in which children live.

(b) There shall be separate toilet and bathing facilities for staff who live in the child care residences.

Authority G.S. 131D-10.5; 143B-153.

#### .1307 SLEEPING FACILITIES

(a) Each child care residence developed after the effective date of these standards shall provide in each bedroom a minimum of 80 square feet of floor space for each occupant except that a bedroom for one occupant shall provide a minimum of 100 square feet.

(b) In existing residences each bedroom shall provide a minimum of 60 square feet of floor space for each occupant except that a bedroom for one occupant shall provide a minimum of 80 square feet of floor space.

(c) No child shall share a bedroom with a staff member.

(d) Each child shall have a bed of his own, not less than 30 inches wide nor shorter than his height. Beds shall be at least three feet apart at the head, foot, and sides; and double decker beds shall be at least five feet apart. Each bed shall be provided with springs, a mattress in good repair and adequate bed covering. No day bed, convertible sofa or other bedding of a temporary nature shall be used.

(e) Bedrooms shall be equipped with closet and drawer space for storage of clothing and other personal belongings.

Authority G.S. 131D-10.5; 143B-153.

#### .1308 HEAT, LIGHT, AND VENTILATION

(a) Heating facilities shall be provided that will keep the temperature in living quarters of the institution within a comfortable range, not lower than 62 degrees fahrenheit during the day and 55 degrees fahrenheit during the night. Special attention shall be given to heating bathrooms above these minimum temperatures.

(b) Natural light shall be available in every room used by children and staff. Window areas shall not be less than 1/10 of the floor area of each room.

(c) Adequate ventilation shall be available in every room in the institution which is used by children and staff.

Authority G.S. 131D-10.5; 143B-153.

#### .1309 INSPECTIONS

The institution shall request and secure inspections at least annually from the local sanitarian and from the local building inspector or fire inspector. Reports of such inspections shall be submitted to the Department of Human Resources.

Authority G.S. 131D, Art. 1A; 143B-153.

### SECTION .1400 - PUBLIC INSTITUTION LICENSING INFORMATION

#### .1402 LICENSE

(a) Application for a new license to operate a child caring institution is made to the Department of Human Resources, division of social services, prior to the first child being accepted for full-time care.

(b) Application for renewal of a license to operate a child caring institution is made to the Department of Human Resources, division of social services, prior to the expiration of the current license.

(c) Full License. A full license to operate a child caring institution will be issued for one year when a license study indicates the institution complies with the minimum standards for child caring institutions.

(d) Provisional License. A provisional license to operate can be issued for a period of time up to six months when a license study indicates the institution needs additional time to comply with particular requirement(s). A provisional license for an additional period of time to meet the same requirement(s) will not be issued.

(e) Termination of License. A license to operate a child caring institution will not be renewed when the institution does not comply with the minimum standards for child caring institutions after sufficient time is allowed in the judgment of the staff of the Department of Human Resources for the institution to correct areas of operation which are below standard.

(f) Revocation of License. A license to operate may be revoked if the child caring institution is in violation of the minimum licensure standards and is making no efforts to correct the deficiency.

Authority G.S. 131D-10.5; 143B-153.



**SUBCHAPTER 41R - LICENSING STANDARDS:  
RESIDENTIAL CAMPS PROVIDING  
FOSTER CARE FOR CHILDREN**

**SECTION .0100 - LICENSING STANDARDS:  
RESIDENTIAL CAMPS PROVIDING  
FOSTER CARE FOR CHILDREN**

**.0101 APPLICABILITY**

(a) ~~The rules in this Subchapter shall apply to all persons licensed or seeking licensure to a children's camp as defined in G.S. 131D-10.2(5). The purpose of these Rules is to assure, to the extent possible, that the child served in the camp will receive quality care; and, to allow the maximum amount of flexibility for individual programs to exist with different program designs, philosophies regarding dealing with changing behavior, and children's population.~~

(b) ~~A full license shall be valid for a period not to exceed 12 months.~~

(c) ~~Persons licensed to provide foster care at either a permanent camp site or in a wilderness setting shall admit no child less than 10 years of age and the duration of an admission shall not exceed 12 months. No child shall be readmitted within six months of the date of discharge.~~

(d) ~~A camp for children with either behavior problems or in conflict with the law is a residential facility that utilizes a therapeutic camping environment to carry out a preventive and rehabilitative process.~~

*Authority G.S. 131D-10.5.*

**.0102 ADMINISTRATION AND ORGANIZATION**

(a) ~~Children's camps providing foster care at either a permanent camp site or in a wilderness setting shall comply with the administrative and organizational requirements set forth in 10 NCAC 41N.~~

(b) ~~The Director of the children's camp shall be no younger than 21 years of age, have a bachelor's degree, from an accredited four year college or university and shall have at least two years of work experience, one of which was in a supervisory capacity in the field of child welfare services, health services, education, psychology, social services, religious education or other allied profession.~~

(c) ~~Counselors shall be at least 21 years of age and shall be required prior to assuming the position and annually thereafter to present a medical statement from a licensed medical provider that verifies no communicable disease or specific illness which may pose a significant risk of transmission in the Facility. The statement shall be written based upon examination not more than six months prior to employment.~~

(d) ~~The children's camps shall provide staff necessary to insure the health and safety of each child in care. The camp shall meet the qualifications outlined as follows:~~

- (1) ~~there shall be at least one counseling staff member on duty for every eight children in residence; and~~
- (2) ~~during sleeping hours, the counselors shall be located so that no child will be out of calling range.~~

(e) ~~At least 15 hours of in-service training shall be provided~~

~~annually for all staff working directly with the children. Training shall be specific to the assigned duties of staff and be designed to improve work with children in areas such as behavior management, communication and relationship skills, education, problem solving, first aid, meal preparation, trip planning, using community resources, goal setting and evaluation, schedule planning, water safety and crisis intervention. Records of such training will be kept on file, which would include the date, the subject, method of training, and the name of the person(s) who conducted the training.~~

(f) ~~A children's camp shall employ personnel who are responsible for supervising the staff who provide day-by-day guidance to each child to ensure the continued training and development of such staff in the discharge of their assigned duties.~~

(g) ~~First aid training is required for all counseling staff as follows:~~

- (1) ~~First aid training received must be documented in the files for all group counselors and their supervisors;~~
- (2) ~~First aid training must be conducted by a certified instructor or a licensed professional; and~~
- (3) ~~First aid training must be current. Certificates or statements of training must be contained in the camp files and all first aid training is to be updated every three years.~~

(h) ~~Water safety activity training is required for all counseling staff as follows:~~

- (1) ~~all group counseling staff and their immediate supervisors shall have successfully completed the basic rescue and water safety course, with certification documented in the camp files; and~~
- (2) ~~basic rescue and water safety training shall be updated every three years.~~

*Authority G.S. 131D-10.5.*

**.0103 PROGRAM REQUIREMENTS AND SERVICES**

(a) ~~The camp shall have a written description of services provided by the camp to address the needs of the population served. The document shall include a description of the camp's plan for family involvement and for the provision of services, making it clear which services are provided directly by the camp and which are provided in cooperation with either family or community resources.~~

(b) ~~The written description of the camp's plan shall be utilized in providing daily activities and structures for meeting the physical, social, emotional, educational and developmental needs of children in care.~~

(c) ~~The camp shall designate the staff responsible for planning, implementing, and evaluating its various program activities and functions and its arrangements for groupings of children in care.~~

(d) ~~The camp shall designate the staff responsible for periodic assessment of each child's progress in care and for determining when changes need to be made in the child's plan of care.~~

(e) ~~The camp shall specify who is authorized to admit and discharge children. Prior to the admission of a child, the camp shall secure documentation of the child's legal custody and shall~~

admit the child only upon written agreement signed by the person or agency representative having the legal authority to place a child:

(f) Each child shall have a medical assessment, within 60 days prior to admission, indicating the child's ability to participate in the activities and specifying the child's current medical condition and medications prescribed and indicating the presence of any communicable disease or medical condition which may pose a significant risk of transmission in the facility.

(g) The camp shall not accept a child for care until an intake study has been made by the assigned staff person and it has been determined that the needs and the best interests of the child and his family or custodian can be met through the camping program.

(h) The camp shall establish clearly written admission policies and procedures which shall be available, upon request, to the public.

(i) Admission to the camp must be limited to the number of children for whom the camp is licensed and types of children for whom a camp setting is imperative. Only those children who need care, individual attention and supervision apart from their families and for whom the camp is qualified by staff, program, facility, and services shall be admitted.

(j) Prior to the admission date, the camp shall document the following in writing for each child:

- (1) who has legal custody;
- (2) who will be financially responsible for the support and medical and dental care of the child;
- (3) how the family and legal custodian will participate in the program;
- (4) how phone calls, letters, and visits will be arranged;
- (5) how clothing, allowances, and gifts for the child will be handled;
- (6) written consent from the child's legal custodian for the child to participate in activities that the camp will be planning for the child away from the camp area; and
- (7) a written agreement, signed prior to the day of admission by the camp staff, the child, parent and legal custodian, which specifies who will be responsible for planning and implementing goals while the child is in the camping program.

(k) The camp shall establish written discharge policies and procedures which will include at least the following:

- (1) giving prior notice to the parent or custodian when a child is scheduled for discharge;
- (2) planning with the child and his parent or legal custodian for his discharge, giving the opportunity for discussion and after care planning;
- (3) discharging children under 18 who have not been legally emancipated only to the person or agency having legal custody of the child;
- (4) notifying the legal custodian promptly in the event a child leaves the camp for any non-scheduled purpose such as medical emergency or runaway. Procedures shall be developed for handling such non-scheduled departures and for determining how the child will return to the program; and
- (5) documenting in the case record the circumstances leading to discharge, the reason for discharge, who

requested the discharge, the progress that had been made toward realizing the goals, and to whom the child was discharged.

(l) Written intervention goals and plans for implementing services to each child in care will be developed within 30 days of admission for each child and documented in the child's case file, including:

- (1) goals stated in specific, realistic, and measurable terms;
- (2) plans that are action-oriented, including who on the staff is responsible for the child to reach specific goals, and how the staff will act in order for the goals to be met; and
- (3) goals and plans written in cooperation with the child and his family and his legal custodian.

(m) The child's service plan shall be based upon the assessment of the child and the family's needs and the reasons that the child's foster care needs can best be accommodated in the camping environment.

(n) The plan shall be reviewed at least every three months to determine the child's and family's progress or lack of progress towards meeting the goals and objectives, and to determine changes that need to be made in the plan.

(o) Children's camps shall maintain complete, accurate, and current case records on each child receiving service.

(p) The case record shall include at least the following:

- (1) a complete application for service, signed by the person or agency having legal custody, which includes at least the following:
  - (A) the name, address, race, sex, religion, birth date, and place of birth of the child;
  - (B) the name, address, telephone number, and marital status of the parent or legal custodian, siblings, grandparents, and other significant individuals to the child;
  - (C) date of admission and source referral; and
  - (D) all documents related to the referral of the child to the camp, including social, family, medical, educational, and other pertinent history that was used in making a decision to admit the child to the camping program.
- (2) copies of legal documents such as birth certificates, court dispositions, placement agreements;
- (3) a copy of the child's service plan which is kept current by the assigned staff and documentation of the efforts made by the camp designated staff person to enable the client to reach the agreed upon goals;
- (4) results of all medical examinations, psychological examinations, and other essential information; and
- (5) a summary supporting the reasons for discharge or termination from the program.

(q) All information in the case record must be considered privileged and confidential and shall be released only when the parent or legal custodian has signed a consent to release information form.

(r) During the period of service for the child, the case record shall document service and educational experiences provided and the child's response, especially:



- (1) — observations of response to individual goals and plans and individualized educational plan recorded with significant frequency to enable evaluation of their efficiency;
  - (2) — reports of the review, evaluation and change in the individualized service plan and individualized education plan, which are to be done at least every three months;
  - (3) — summaries of parent conferences;
  - (4) — records of services provided, especially medical and dental services;
  - (5) — records of significant behavior incidents;
  - (6) — records of time away from camp; and
  - (7) — updates of any change in admission data.
- (s) The camp shall make every effort to enhance and expand the family's relationship with the child, and to facilitate positive communication between them in accordance with the child's service plan.
- (t) The camp shall provide conditions of reasonable privacy for planned visits and telephone contacts between the child and family, friends, and significant others.
- (u) There must be a minimum of 2 counselors certified in Basic Rescue and Water Safety for each 10 children participating in any on property activity involving water, such as swimming, boating, canoeing, and rafting. Off property, the ratio shall be 3 counselors for each 10 children for trips of 24 hours or more. At least one counselor shall be certified in CPR by the American Red Cross.
- (v) An itinerary shall be on file at camp for any activity for more than 24 hours that is off of camp property, which shall include names of those participating, daily schedule, listing of check-in points, routes to be taken, and telephone numbers of emergency resources along each route (sheriffs, hospitals, rescue squads).

Authority G.S. 131D-10.5.

#### .0104 FACILITIES

- (a) All sleeping units must provide at least the following space:
- (1) — 30 square feet per person;
  - (2) — 6 feet between heads of sleepers when beds are in a head-to-head configuration; and
  - (3) — 30 inches between sides of beds when beds are in a side-by-side configuration.
- (b) All camper sleeping facilities shall be limited to one level structures.
- (c) Any structure, sleeping or otherwise, with an occupancy of more than 12 persons, including staff, shall be provided with at least 2 separate and independent means of exit.
- (d) Open flame lighting or use of combustible materials such as lamp oil or kerosene shall not be used in sleeping shelters for either lighting or heating.
- (e) There shall be potable water available at each camp site.
- (f) At each children's camp there shall be provided a minimum of:
- (1) — 1 shower head for each 20 children;
  - (2) — 1 flush toilet for each 20 children;

- (3) — 1 urinal for each 30 male children (urinals may not be substituted for flush toilets); and
  - (4) — 1 handwashing facility, adjacent to toilet facilities, for each 20 children.
- (g) Laundry facilities or equipment shall be available at each camp for all staff and children.
- (h) Gasoline, kerosene, and other flammable materials shall be stored in covered safe containers plainly labeled as to content.
- (i) All power tools, including mowers and trimmers, must have the necessary safety devices and be used according to manufacturer's instruction, maintained in good repair, and used only by those persons experienced in the safe use of power tools. When campers are using such equipment, a trained and responsible adult must be present. When not in use all power tools shall be stored in a locked place not occupied by children.
- (j) Fire extinguishers must be available in all areas so designated by fire safety officials and shall be properly charged and have a current inspection label.
- (k) Each permanent camp site must be annually inspected by the local health department and local fire marshal; and all violations must be corrected.

Authority G.S. 131D-10.5.

#### .0105 TRANSPORTATION

- (a) Vehicles shall be driven only by those persons who have a valid driver's license.
- (b) Open body or stake bed vehicles shall not be used to transport children outside the confines of the camp grounds.
- (c) There must be at least 1 qualified staff member, other than the driver, in any vehicle transporting more than 9 individuals, including the driver.
- (d) No more individuals may be transported in any automobile, bus, or van than there are seats in the vehicle.
- (e) Children shall not be transported for more than 4 continuous hours without a minimum of a 1/2 hour rest stop.
- (f) Children shall not be transported in a vehicle for more than 10 hours in any 24 hour period of time.

Authority G.S. 131D-10.5.

#### .0106 DAILY LIFE

- (a) Emergency medical care must be provided by an on-call physician, nurse, emergency medical technician, or a person who is otherwise duly certified.
- (b) All children's camps must be within 60 minutes of emergency medical treatment.
- (c) The children's camp must have clearly defined, written disciplinary policies. These policies shall be directed at helping each child develop his own self-control and assume responsibility for his own acts. Administration of discipline shall be an adult responsibility. No child or group of children shall be allowed to punish another child.
- (d) Children must not be subjected to cruel, severe or excessive discipline including, but not limited to, physical abuse, verbal abuse, locked confinement, physical restraint, deprivation of food, of mail and of family visits and contacts.
- (e) Children must have at least 3 meals available each day.

plus nourishing snacks. The camp shall prepare written menus on at least a weekly basis. Such menus shall be on file for at least 12 months. When food services are not directed by a registered nutritionist or dietitian, the person who directs food services must obtain consultation from a registered nutritionist or dietitian on an annual basis.

(f) Children must have a daily change of clothing available, including socks, underwear, and outer clothing suitable to weather conditions.

(g) Children must have the availability of being able to bathe at least once each day.

(h) Each child must be required to brush his teeth at least once a day.

(i) There must be a minimum of 1 counselor certified in first aid training for each 10 children participating in any organized activity, such as hiking, vehicular touring, swimming, canoeing, boating, and rafting.

*Authority G.S. 131D-10.5.*

## **.0107 EDUCATION**

(a) Each camp must provide an alternative education experience and the educational program shall comply with the appropriate requirements of the Department of Public Instruction; or, each camp must be registered as and meet the requirements for a non-public school.

(b) Education in a camp setting must be experiential and shall be monitored and evaluated pursuant to either public or non-public school educational testing requirements to determine the child's achievement level.

*Authority G.S. 131D-10.5.*

## **SUBCHAPTER 41S - MINIMUM LICENSING STANDARDS FOR RESIDENTIAL CHILD CARE**

### **SECTION .0100 - GENERAL LICENSING REQUIREMENTS**

#### **.0101 LICENSING ACTIONS**

##### **(a) License.**

- (1) The Department of Health and Human Services shall issue a license when it determines that the residential child-care facility is in compliance with rules in Subchapters 41S and 41T.
- (2) A license may remain in effect for one year.
- (3) The Department of Health and Human Services shall automatically provide a 90 day grace period at the expiration date of the license.
- (4) If licensure materials are submitted after the license expires, but within the 90 day grace period, the Department of Health and Human Services may issue a license one year from the expiration date of the previous license.

##### **(b) Changes in any information on the license.**

- (1) The Department of Health and Human Services may change a license during the period of time it is in effect if the change is in compliance with rules in

Subchapters 41S and 41T.

- (2) The Department of Health and Human Services shall not change a license during the 90 day grace period.
- (3) A residential child-care facility must notify the Children's Services Section in writing of its request for a change in license, including such information as is necessary to assure that the change is in compliance with the rules in Subchapters 41S and 41T.

##### **(c) Termination.**

- (1) When a residential child-care facility voluntarily discontinues child caring operations, either temporarily or permanently, the residential child care facility must notify the Children's Services Section in writing of the date, reason and anticipated length of closing.
- (2) If a license is not renewed by the end of the 90 day grace period, the Department of Health and Human Services shall automatically terminate the license.

##### **(d) Adverse Licensure Action.**

- (1) The Department of Health and Human Services shall deny, suspend or revoke a license when a residential child-care facility is not in compliance with the rules in Subchapters 41S and 41T and it determines that compliance cannot be accomplished within a reasonable time as established by the Children's Services Section of the Division of Social Services.
- (2) The Department of Health and Human Services shall notify a residential child-care facility in writing of the decision to deny, suspend or revoke a license.
- (3) Appeal procedures specified in 10 NCAC 41A .0107, WAIVER OF LICENSING RULES AND APPEAL PROCEDURES, are applicable for persons seeking an appeal to the Department's decision to deny, suspend or revoke a license.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0102 LICENSING PROCESS**

(a) The license process shall consist of an application phase and an investigatory phase.

(b) Application Phase. An applicant must apply for a license to operate a residential child care facility to the Department of Health and Human Services, Division of Social Services, prior to the first child being accepted for full-time care. An applicant must apply for renewal of a license to operate a residential child care facility to the Department of Health and Human Services, Division of Social Services, prior to the expiration of the current license.

(c) Investigatory Phase. During this phase, the applicant must submit to the Division of Social Services, Children's Services Section information on the proposed program and projected methods of operation. For proposed private and public residential child-care facilities, the Division of Social Services, Children's Services staff, together with those seeking licensure, complete this phase. For agency residential child-care facilities, the supervising agency shall complete this phase.

(d) Decision Regarding Licensure. An applicant must submit all the materials required by Subchapters 41S and 41T to the



Division of Social Services, Children's Services Section prior to the decision to issue a license to operate.

*Authority G.S. 131D-10.5; 143B-153.*

## SECTION .0200 - MINIMUM LICENSURE STANDARDS

### .0201 DEFINITIONS

The following definitions apply to the rules in Subchapters 41S and 41T:

- (1) Case Plan means a written document which describes the social and child welfare services and activities to be provided by the county department of social services in the Family Services Case Plan or other state and local agencies for the purpose of achieving a permanent family relationship for the child.
- (2) Child Caring Institution means a residential child-care facility utilizing permanent buildings located on one site for 10 or more foster children.
- (3) Children's Foster Care Camp means a residential child-care facility which provides foster care at either a permanent camp site or in a wilderness setting.
- (4) Direct Service Personnel means staff responsible for the direct services provided to children and their families including, but not limited to, child care workers, residential counselors, house/teaching parents, social workers, recreation and education staff.
- (5) Director means the person who is in charge of the agency and who is responsible for developing and supervising the program of residential child care and services.
- (6) Emergency Shelter Care means 24 hour care provided in a residential child care facility for a period not to exceed 90 days, in accordance with 10 NCAC 41T .0400.
- (7) Family Time means specific period arranged for a child who resides in a residential child care facility to spend with kin either on-site or away from the residential child care facility.
- (8) Foster Child means an individual less than 18 years of age who has not been emancipated under the provisions of Article 56 of G.S. 7A, or one who is 18 to 21 years of age and continues to reside in the residential child-care facility, who is dependent, neglected, abandoned, destitute, orphaned, delinquent, or otherwise in need of care away from home and not held in detention.
- (9) Full License means a license issued for one year when all minimum licensing requirements are met.
- (10) Group Home means a residential child-care facility operated either under public or private auspices which receives for 24 hour care no more than nine children. This number includes the care givers' own relatives residing in the home under the ages of 18. The composition of the group shall include no more than two children under the age of two, four children under the age of six, and six children under the age of 12. A

group home shall not provide day care, nor shall it be available to adults in the community who wish to rent rooms.

- (11) Individualized Service Plan means a written document which describes a child's needs, goals and objectives in a residential child care facility and the direct services staff tasks and assignments to meet a child's and family's needs, goals and objectives.
- (12) License means permission granted in writing to a corporation, agency or county government by the Department of Health and Human Services to engage in the provision of full time child care or child placing activities based upon an initial determination, and annually thereafter, that such corporation, agency, or a county government has met and complied with minimum standards set forth in this Subchapter.
- (13) Private Agency Residential Child-Care Facility means a residential child care facility under the auspices of a licensed child placing agency or another private residential child care facility.
- (14) Private Residential Child-Care Facility means a residential child care facility under the control, management and supervision of a private non-profit or for-profit corporation, sole proprietorship or partnership which operates independently of a licensed child placing agency or any other residential child care facility.
- (15) Provisional License means a license issued for a maximum of six months enabling a facility to operate while some below standard component of the program is being corrected. A provisional license for the same below standard program component shall not be renewed.
- (16) Public Agency Residential Child-Care Facility means a residential child care facility under the auspices of a county department of social services.
- (17) Public Residential Child-Care Facility means a residential child care facility under the control, management and supervision of a county government.
- (18) Visiting Resource means volunteers from the community whose homes children visit on the weekends, holiday or vacations.
- (19) Volunteer means a person working for an agency who is not paid.

*Authority G.S. 131D-10.5; 143B-153.*

### .0202 RESPONSIBILITY TO DIVISION OF SOCIAL SERVICES

(a) The residential child-care facility shall annually submit to the Division of Social Services the information and materials required by rules in Subchapters 41S and 41T to document compliance and to support issuance of a license.

(b) The residential child-care facility shall submit to the Division of Social Services an annual statistical report of program activities as required in Subchapters 41S and 41T.

(c) The residential child-care facility shall provide written notification to the Division of Social Services of a change in the

director.

(d) The office of a residential child care facility shall be maintained within the geographical boundaries of North Carolina. The licensee shall carry out activities under the North Carolina license from this office.

(e) The current license of a residential child care facility shall be posted at all times in a conspicuous place within the facility.

(f) When there is a report alleging abuse or neglect in a residential child-care facility, the director or his designee shall immediately notify the Division of Social Services.

(g) The residential child-care facility shall submit to the Division of Social Services a report on the circumstances of the allegation and results of the investigation of the allegation of abuse or neglect. This report, along with other information, shall be reviewed and evaluated by the licensing authority and used in consultation and technical assistance to the residential child-care facility to improve services to protect children in placement in the residential child care facility.

(h) The residential child-care facility shall have and follow policies and procedures for handling any suspected incidents of child abuse or neglect involving staff. The policies and procedures must include:

- (1) A provision for reporting any allegations of abuse or neglect to the appropriate county department of social services for investigation in accordance with G.S. 7A-543.
- (2) A provision for recording any suspected incident of abuse or neglect and for promptly reporting it to the executive director or to the governing body or advisory board.
- (3) A provision for promptly notifying the Division of Social Services of any allegations of abuse or neglect of any child in care.
- (4) A provision for preventing a recurrence of the alleged incident pending investigation.
- (5) A provision for written notification to the Division of Social Services of any findings of such an investigation of child abuse or neglect, specifying only whether there was substantiation or unsubstantiation of the case.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0203 SUBSTANTIATIONS OF NEGLECT AGAINST THE FACILITY**

(a) When there is a substantiation of neglect against the residential child care facility by a county department of social services, a corrective action plan shall be submitted by the director to the Division of Social Services within 30 days of the substantiated report.

(b) Following the receipt of the corrective action plan, the Division of Social Services may make one unannounced on-site visit to the facility within the 30 days following the receipt of the corrective action plan.

(c) The Division of Social Services may make subsequent onsite visits at varying frequencies and times throughout the ensuing year to determine that the corrective actions have been implemented.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0204 LICENSURE PROCEDURES**

(a) Private Residential Child Care Facility Licensure Procedures.

- (1) The following materials shall be submitted to the Division of Social Services during the application phase:
  - (A) Articles of Incorporation;
  - (B) Bylaws; and
  - (C) Governing board list with addresses, occupations and classes on the board, including officers and terms of officers, if applicable.
- (2) The following materials shall be submitted to the Division of Social Services during the investigatory phase before an initial license can be issued:
  - (A) License Application and Summary;
  - (B) Program policies and procedures stating the purpose, outlining admission criteria, as well as defining areas of responsibilities for services which the facility will assume for children in care and for services to be provided by the referring agency or individual, and discharge criteria.
  - (C) Description of the child care program and evaluation method
  - (D) Program forms.
  - (E) Budget outlining anticipated costs and sources of revenue for the first year of operation.
  - (F) Personnel policies.
  - (G) Organizational chart.
  - (H) Job descriptions.
  - (I) Staff resumes.
  - (J) Full and part-time staff work schedules.
  - (K) Medical examinations on full and part-time direct-care personnel and any relatives in the home. The medical examinations must be completed by a licensed medical provider within six months prior to the license date.
  - (L) Fire and Building Safety Inspection Report (for fewer than seven residents, for seven to nine residents or 10 or more residents), completed and approved by the county building inspector or fire marshal.
  - (M) Inspection Form for Residential Care Facilities, completed and approved by the county sanitarian.
  - (N) Floor plan indicating room dimensions, usage of each room, window and door locations and sizes and method of heating.
  - (O) Written approval from the Division of Facility Services for a design capacity of seven to nine residents or 10 or more residents.
- (3) Division of Social Services shall make one or more visits to the residential child care facility to complete the licensing study.
- (4) Based on information obtained during the investigatory phase, Department of Health and Human



Services staff shall evaluate the residential child care facility's proposed program and methods of operation to determine compliance with rules in Subchapters 41S and 41T.

- (5) The Division of Social Services shall notify the residential child-care facility in writing of the licensure decision, conditions of the license and any recommendations regarding the child care program.

(b) Licensure Procedures for Private Agency, Public Agency and Public Residential Child Care Facilities.

- (1) The following materials shall be submitted to the Division of Social Services before a license may be issued:

- (A) License Application and Summary.
- (B) Program policies and procedures stating purpose, outlining admission criteria, as well as defining areas of responsibilities and discharge criteria.
- (C) Description of the child care program and evaluation method.
- (D) Program forms.
- (E) Budget outlining anticipated costs and sources of revenue for the first year of operation.
- (F) Job descriptions.
- (G) Staff resumes.
- (H) Full and part-time staff work schedules.
- (I) Medical examinations on full and part-time direct care personnel and any relatives in the home. The medical reports must be completed by a licensed medical provider within six months prior to the license date.
- (J) Fire and Building Safety Inspection Report (for fewer than seven residents, seven to nine residents, or 10 or more residents), completed and approved by the county building inspector or fire marshal.
- (K) Inspection Form for Residential Care Facilities, completed and approved by the county sanitarian.
- (L) Floor plan indicating room dimensions, usage of each room, window and door locations and sizes and method of heating.
- (M) Written approval from the Division of Facility Services for a design capacity of seven to nine residents or 10 or more residents.

- (2) Department of Health and Human Services staff shall notify the residential child-care facility in writing of the licensure decision, conditions of the license, and any recommendations regarding the child care program.

(c) Licensure Procedures Following First Year of Operation.

- (1) Prior to the license expiration date, the Division of Social Services shall notify the residential child care facility in writing of the licensure renewal requirements.
- (2) The following materials shall be submitted to the Division of Social Services before a license for a residential child care facility can be renewed:

- (A) License Application and Summary.
  - (B) Governing board list, with addresses, occupations and classes on the board, officers and terms of office, if applicable.
  - (C) Budget outlining anticipated costs and sources of revenue of the next operating year, with estimation of daily cost of care per child for past year.
  - (D) Annual Information Report on Children.
  - (E) Biennial medical reports on full and part-time direct care personnel staff and any relatives in the facility. These physicals must be completed by a licensed medical provider.
  - (F) Health Questionnaire on the year when the physical examination is not required.
  - (G) Fire and Building Safety Inspection Report (for fewer than seven residents, seven to nine residents, or 10 or more residents), completed and approved by the county building inspector or fire marshal.
  - (H) Inspection Form for Residential Care Facilities, completed and approved by the county sanitarian.
  - (I) Updated or revised materials to include, but not limited to, policies, procedures, forms, or amendments to Bylaws or Articles.
  - (J) Independent annual financial audit, if a private residential child care facility.
- (3) With the exception of residential child care facilities which are accredited by the Council on Accreditation, the Division of Social Services shall annually conduct onsite visits to private residential child-care facilities and conduct desk reviews of the licensure materials of a private agency, public agency or public residential child care facilities to determine if minimum licensure standards for residential child care facilities continue to be met.
- (4) For residential child care facilities which are accredited by the Council on Accreditation, the Division of Social Services shall conduct onsite visits to these residential child care facilities every other year in accordance with the agreement between the Division of Social Services and the Council on Accreditation.

*Authority G.S. 131D-10.5; 143B-153.*

## **SECTION .0300 - ORGANIZATION AND ADMINISTRATION**

### **.0301 GOVERNANCE**

(a) Charter: When a private residential child care facility operates under a charter of incorporation, the charter shall be filed with the Department of the Secretary of State. The charter shall have a statement of purpose which describes the geographic area to be served, kinds of children to be admitted, and the range of services to be provided, an official copy of which shall be submitted to the Division of Social Services.

(b) Governing Body: A private residential child care facility shall have a governing body which exercises authority over and has responsibility for its operation, policies and practices.

(c) The governing body shall be one of the following:

- (1) a board of directors in the case of a non-profit or for-profit corporation; or
- (2) commissioners or appointed officials of a governmental unit; or
- (3) a proprietor in case of a sole proprietorship; or
- (4) partners in case of a partnership.

(d) In the case of a non-profit or for-profit corporations, the governing body shall:

- (1) be composed of no fewer than six members to include men and women with varying abilities, experience, and cultural backgrounds;
- (2) provide for a system of rotation for board members, for limitation to the number of consecutive terms a member may serve;
- (3) establish standing committees;
- (4) provide orientation for new members; and
- (5) meet at least twice annually.

(e) The executive committee shall meet at least quarterly with a quorum present.

*Authority G.S. 131D-10.5; 143B-153.*

### **.0302 RESPONSIBILITIES OF THE GOVERNING BODY**

The governing body shall:

- (1) adopt administrative, personnel, and program policies which are reviewed at least every two years;
- (2) review and approve a budget prior to the beginning of the fiscal year;
- (3) establish and periodically review policies on fundraising and investment management and obtain professional assistance and consultation as needed;
- (4) annually review and formally accept the financial audit;
- (5) employ a chief executive officer (director, executive director, president, superintendent) and delegate authority to that person to employ and dismiss staff, implement board policies, and manage day-to-day operation of the facility;
- (6) permit the chief executive officer or designee to attend all meetings of the governing body and committees with the exception of those held for the purpose of reviewing his performance, status, or compensation;
- (7) annually evaluate and document the chief executive officer's performance through specific criteria and objectives;
- (8) initiate and review an annual evaluation of services and direct needed changes based on the evaluation;
- (9) annually review facility needs related to risk management; and
- (10) maintain a long range plan and review annually.

*Authority G.S. 131D-10.5; 143B-153.*

### **.0303 FINANCES**

(a) Fiscal Management: The chief executive officer shall:

- (1) implement sound financial practices in order to prepare and periodically review the budget, and to be accountable to the community; and
- (2) report to the governing body at least quarterly or more frequently, as requested, on present financial status and anticipated problems.

(b) The residential child care facility shall:

- (1) have a plan of financing which assures sufficient funds to enable it to carry out its defined purposes and provide proper care and services for children;
- (2) develop adequate resources and manage them prudently in order to obtain the revenues that support its programs and prevent the interruption of needed care and services to clients;
- (3) have a written budget specifying income and expenditures which serves as the plan for management of its financial resources for the program year; and
- (4) annually analyze the comprehensive unit cost of providing each service to monitor trends, reflect current experience, use in contracting, billing, and establishing a fee schedule, if a fee schedule is utilized.

(c) Audit:

- (1) An independent accountant approved by the governing body or by the appropriate governmental auditing authority shall perform an audit of the residential child care facility's financial statements annually.
- (2) The residential child care facility shall submit a copy of the annual audit to the Division of Social Services.

*Authority G.S. 131D-10.5; 143B-153.*

### **.0304 INTERNAL OPERATING PROCEDURES**

The residential child care facility shall adopt and annually review operating procedures for each administrative and program area in order to effectively carry out its policies and shall make the internal operating procedures available to clients, families, and legal custodians.

*Authority G.S. 131D-10.5; 143B-153.*

### **.0305 RECORDKEEPING AND REPORTING**

(a) The residential child care facility's policy on confidentiality shall:

- (1) identify the individuals with access to or control over confidential information;
- (2) specify that persons who have access to records be limited to the client, the parent or legal custodian when the client is a minor, and other authorized personnel. These persons shall include auditing, licensing, or accrediting personnel or those persons for whom the agency has obtained a signed consent for release of confidential information; and
- (3) require that when client information is disclosed a signed consent for release of information is obtained



on a consent for release form.

**(b) The residential child care facility shall:**

- (1) provide a secure place for the storage of records with confidential information;
- (2) inform employees, students, volunteers and other individuals with access to confidential information of the provisions of this Rule;
- (3) ensure that, upon employment and whenever revisions are made, staff sign a compliance statement which indicates an understanding of the requirements of confidentiality;
- (4) unless harmful, permit children to review their case records in the presence of facility personnel on the facility premises, in a manner that protects the confidentiality of other family members or other individuals referenced in the record;
- (5) in cases of perceived harm to the child, document in writing any refusals to share information with the child, parent or legal custodian;
- (6) maintain a confidential case record for each child;
- (7) maintain confidential personnel records for all employees;
- (8) maintain confidential records for all volunteers; and
- (9) destroy in office a closed record in which a child has been discharged for a period of three years or destroy in office a record three years after a child has reached age 18, unless included in a federal fiscal or program audit that is unresolved, then destroy in office when released from all audits.

*Authority G.S. 131D-10.5; 143B-153.*

**.0306 CLIENT RIGHTS**

(a) The residential child care facility shall develop and implement policies and procedures to protect the individual rights and dignity of children and families.

(b) The residential child care facility shall have a client's and families' rights policy which includes that each child has the right to:

- (1) privacy;
- (2) be provided adequate food, clothing, and shelter;
- (3) have access to family time and have telephone conversations with family members, when not contraindicated in the child's intervention plan or individualized service plan;
- (4) have personal property and a space for storage;
- (5) express opinions on issues concerning the child's care or treatment;
- (6) receive care in a manner that recognizes variations in cultural values and traditions;
- (7) be free from coercion with regard to religious decisions. The facility shall have a process to assure that, whenever practical, the wishes of the parents with regard to a child's religious participation are ascertained and followed;
- (8) not be identified in connection with publicity for the facility which shall bring the child or the child's family embarrassment; and

- (9) not be forced to acknowledge in public dependency on or gratitude to the facility.

(c) The residential child care facility shall have a policy which prohibits direct involvement by a child in funds solicitation for the facility.

(d) The residential child care facility shall have a policy which prohibits the child's participation in any activities involving audio or visual recording and research without the voluntary signed, time-limited consent of the child and the child's legal custodian.

*Authority G.S. 131D-10.5; 143B-153.*

**.0307 GRIEVANCE PROCEDURES**

(a) The residential child care facility shall provide to each child and parents or legal custodian, upon admission:

- (1) a written description of policies and procedures which the child and his parent(s) or legal custodian follow to register complaints;
- (2) information about client rights;
- (3) the process for appealing a decision or action of the facility; and
- (4) the process for resolution of a complaint.

(b) Upon resolution of a grievance, the residential child care facility shall maintain a copy of the complaint and the resolution in the case record.

*Authority C.S. 131D-10.5; 143B-153.*

**SECTION .0400 - PERSONNEL**

**.0401 PERSONNEL POLICIES**

The residential child care facility shall have written personnel policies and procedures which shall be provided to all employees. Revisions of all personnel policies shall be in writing and provided to employees on a timely basis. Policies and procedures shall address the following areas:

- (1) Recruitment and hiring;
- (2) Compensation structure and benefits;
- (3) Orientation plan for new employees;
- (4) Training and staff development;
- (5) Regulations regarding use of equipment and assets;
- (6) Notification of work schedule;
- (7) Description of leave policy, including time-off duty for disciplinary actions for direct care staff;
- (8) Termination;
- (9) Operational procedures regarding grievances which provide the opportunity and means to lodge complaints and appeals;
- (10) Description of the process for revision of personnel policies;
- (11) Annual evaluations;
- (12) Staff quarters and searches; and
- (13) Disciplinary measures.

*Authority G.S. 131D-10.5; 143B-153.*

**.0402 PERSONNEL DEPLOYMENT**

(a) The residential child care facility shall ensure that the deployment of personnel supports the stated mission of the facility.

(b) There shall be a written job description for each position, which includes duties, responsibilities, qualifications, and to whom the position is responsible. Job descriptions shall be consistent with duties being performed.

(c) The residential child care facility shall have procedures for annual evaluation of the work performance of each employee which provides for employee participation in the process.

(d) The residential child care facility shall have an organizational plan which delineates the number of staff and levels of supervisors/managers, taking into account the complexity and size of the workload of each staff. The plan must demonstrate supervision of staff in accordance with the rules in Subchapters 41S and 41T.

*Authority: G.S. 131D-10.5; 143B-153.*

#### **.0403 PERSONNEL FILE**

The residential child care facility shall maintain a personnel file for each employee which includes the following:

- (1) The application for employment including the record of previous employment;
- (2) Documentation of at least two references and a criminal record check;
- (3) Medical information required for each staff by licensure standards;
- (4) Signed confidentiality agreement if applicable;
- (5) Position specific credentials/certifications;
- (6) Record of completed orientation and ongoing staff development;
- (7) Annual performance evaluations;
- (8) Documentation of disciplinary actions;
- (9) Documentation of grievances filed;
- (10) Employee's starting and termination dates;
- (11) Reason for termination;
- (12) Signed and dated release or notation of employee's waiver of release for future employment references; and
- (13) Documentation of a driving record check, if applicable.

*Authority: G.S. 131D-10.5; 143B-153.*

#### **.0404 PERSONNEL QUALIFICATIONS**

(a) Criminal Records Check. Applicants, employees or volunteers who have a history of criminal convictions that would adversely affect their capacity and ability to provide care, safety and security for the children in residence shall not be permitted to provide direct child care. A signed statement shall be obtained attesting that the applicant, employee or volunteer does not have such a record prior to providing direct child care.

(b) Child Abuse. Employees or volunteers who have a criminal conviction of child abuse shall not be permitted any contact with children.

(c) Driver's License. Employees or volunteers driving a residential child care facility vehicle must possess a valid

driver's license appropriate for the type of vehicle used.

*Authority: G.S. 131D-10.5; 143B-153.*

#### **.0405 PERSONNEL POSITIONS**

(a) Director. There shall be a full time director for an agency with one or more facilities licensed for 20 or more children. At a minimum, there shall be a part-time director for an agency with one or more facilities licensed for less than 20 children.

(b) A director shall have management skills that enable the effective utilization of the residential child care facility's human and financial resources and the coordination of the facility's services with those provided by other community resources.

(c) The director shall:

- (1) Be responsible for the general management and administration of the residential child care facility in accordance with licensing requirements and policies established by the governing board;
- (2) Interpret licensing standards, established child care standards and the residential child care facility's services to the board, the facility's constituency, other human service agencies and the public;
- (3) Initiate and carry out the program of residential child care as approved by the governing board;
- (4) Report to the governing board on all phases of operation at least quarterly;
- (5) Delegate authority and responsibility to qualified staff to ensure the maintenance of the residential child care facility's operations;
- (6) Establish and oversee fiscal practices, present the annual operating budget and quarterly reports to the governing board;
- (7) Evaluate, at least annually, the training needs of the staff; plan and implement staff training and consultation to address identified needs;
- (8) Employ and discharge staff and meet on a regular basis with administrative and management staff to review, discuss and formulate policies and procedures; and
- (9) Supervise all staff responsible to the director's position and conduct an annual written evaluation which shall contain both a review of job responsibilities and goals for future job performance.

(d) Clerical, Maintenance and Other Support Personnel. The residential child care facility shall employ or contract qualified personnel to perform all clerical, support and maintenance duties.

(e) Business and Financial Personnel. The residential child care facility shall employ or contract personnel to perform all business, accounting and financial functions.

(f) Direct Service Personnel.

- (1) Direct service personnel, hired after the effective date of these Rules, shall:
  - (A) Have education or experience to meet the responsibilities of the job;
  - (B) Have a physical examination by a licensed medical provider prior to assuming the position and biennially thereafter. This examination



shall include a TB test, unless the medical provider advises against this test. This examination shall include a statement indicating the presence of any communicable disease which may pose a significant risk of transmission in the residential child care facility. After the initial examination, the cost of the physical examinations as required by licensure shall be at the expense of the facility.

(2) Standards for direct service personnel in the living unit:

(A) There shall be at least one direct service personnel assigned to every 10 children six years of age and older and at least one direct care personnel assigned for every five children younger than six years of age. Supervisory personnel within voice range shall be allowed to be included in the child to staff ratio;

(B) The residential child care facility shall ensure that direct services personnel receive supervision and training in the areas of, but not limited to, first aid and CPR, child development, permanency planning methodology, group management, preferred discipline techniques, family relationships, human sexuality, health care and socialization, leisure time and recreation. In addition, the residential child care facility shall provide training to direct service personnel in accordance with the needs of the client population, including but not limited to, training in child sexual abuse;

(C) The child care facility shall ensure that direct service personnel receive supervision in food preparation and nutrition when meals are prepared in the living unit; and

(D) Any duties other than direct services duties assigned to direct service personnel shall be specified in writing and assigned in accordance with the residential child care program.

(3) Standards for supervisory personnel:

(A) There shall be at least one supervisor for every 15 direct service personnel.

(B) Supervisory staff shall be selected on the basis of the knowledge, experience and competence required to manage direct service personnel.

(4) Standards for other direct service personnel: For residential child care facilities that employ staff as social workers, the following applies:

(A) There shall be at least one social worker assigned for every 16 children and, for every six social workers, at least one supervisor shall be assigned;

(B) The residential child care facility shall ensure that staff employed as social workers receive supervision and training in the areas of, but not limited to, child development, permanency planning methodology, group dynamics, family

systems and relationships, and child sexual abuse;

(C) Staff employed as social workers shall be familiar with community resources for children and their families in addition to the agency's in-care services; and

(D) Any duties other than social work duties assigned to staff employed as social workers shall be specified in writing and assigned in accordance with the residential child care program.

Authority G.S. 131D-10.5; 143B-153.

**.0406 AUXILIARY SERVICES PERSONNEL**

(a) The residential child care facility shall have available auxiliary services provided by contract to supplement the program of care. These service providers may include, but are not limited to, consultants, contracted services for the program of care, maintenance of the facility, and interns or students.

(b) Consultants shall be practitioners who are recognized by applicable degrees, organizations and appropriate licensing boards. If the residential child care facility contracts with consultants, the facility shall document the consultants' credentials.

(c) Paid consultants shall not be in conflict of interest with the residential child care facility in fact or appearance. They shall have no direct or indirect financial interest in the assets, transactions or services of the agency.

(d) Interns or students shall meet all of the requirements stipulated for the position in which they are serving with the exception of completed education and experience. There shall be a written agreement between the placing educational institution and the residential child care facility specifying responsibilities and supervision of the intern or student.

Authority G.S. 131D-10.5; 143B-153.

**.0407 VOLUNTEERS**

The residential child care facility shall have a written description of the specific responsibilities and the provision of supervision of all volunteers. Volunteers shall:

(1) Meet the personnel qualifications specified in 10 NCAC 41S .0404.

(2) Meet the qualifications and implement the duties of the position as specified.

(3) Be provided sufficient orientation, training and supervision to enable knowledge of the facility's purpose and services, the needs of children and families served and the role and responsibilities to be assumed.

(4) Provide two references relevant to the role and responsibilities to be assumed.

(5) Agree in writing to abide by the confidentiality policies of the agency.

Authority G.S. 131D-10.5; 143B-153.

## SECTION .0500 - SERVICE PLANNING

### .0501 ADMISSION POLICIES

(a) The residential child care facility shall have written admission policies which clearly define and describe the age, sex and type of child to be served.

(b) The residential child care facility shall limit admissions to children who need out of home care apart from their families and for whom the facility is qualified by staff, program, buildings and services to give appropriate care.

(c) In the case of private referrals, the residential child care facility shall:

- (1) document reasonable efforts to prevent placement;
- (2) establish that the facility provides the least restrictive setting for the child;
- (3) develop and implement a case plan with the child's family for reunification, when possible.

(d) In the case of out of state referrals, the residential child care facility shall not admit a child without Interstate Compact on the Placement of Children approval.

(e) The residential child care facility shall provide the applicant a handbook of admission procedures which includes:

- (1) a description of the admissions process;
- (2) the application; including any fees for services;
- (3) the preplacement activities for the child, his parent(s), guardian, or legal custodian; and
- (4) an explanation of the group assignment method.

(f) The residential child care facility shall maintain a referral log which includes:

- (1) child's name, age, sex, and race;
- (2) legal custodian; and
- (3) disposition of admission.

*Authority G.S. 131D-10.5; 143B-153.*

### .0502 ADMISSION PROCEDURES

(a) The residential child care facility shall establish and implement an intake process which includes:

- (1) receipt of an application and a face-to-face interview with the child, legal custodian, and family whenever possible, with a specific effort to help the child understand the purpose of and need for out of home care and residential services;
- (2) an exchange of information about the facility's program and the child's needs, and to provide written information required in 10 NCAC 41S .0307(a) and 10 NCAC 41S .0504(a)(5).

(b) A written intake study shall be completed for each child accepted into residential care which includes:

- (1) circumstances that led to the need for placement, and the child's understanding of the placement;
- (2) assessment of family issues and justification that the facility meets the needs of the child and family;
- (3) short term placement goals and long range permanent plan, including the parent(s) legal custodian's expectations;
- (4) description of the child's family and significant others;
- (5) description of the child's behavior;

(6) child specific information, including:

- (A) medical history, including any current medical problems;
- (B) developmental history and current level of functioning;
- (C) educational history, if applicable; and
- (D) the results of current psychological testing, if applicable.

*Authority G.S. 131D-10.5; 143B-153.*

### .0503 ADMISSION AGREEMENT

(a) At admission, the residential child care facility must develop a written agreement between the parents or legal custodian and the facility which specifies the services to be provided by the facility and the responsibilities of the parents or legal custodian which includes the following:

- (1) statement of consent for placement by the parents or legal custodian, with the date of admission;
- (2) plan for providing admission information on the child's care, developmental, educational, medical, and psychological needs to the parent(s) or legal custodian, the frequency of service plan reviews, and receipt of program information required by 10 NCAC 41S .0307(a) and 10 NCAC 41S .0504(a)(5);
- (3) statement of facility responsibility for working with the child's parents;
- (4) statement related to the provision of religious training and practices and consent to these by the parents or legal custodian;
- (5) plan for family time;
- (6) fees and plan for payment of care;
- (7) plan for discharge to include projected length of stay; and
- (8) statement of facility responsibility for aftercare services.

(b) For youths 18 years of age and older residing in the residential child care facility, the facility shall obtain a voluntary placement consent signed by the youth which specifies the conditions for continued residential care and services.

*Authority G.S. 131D-10.5; 143B-153.*

### .0504 ORIENTATION

(a) The residential child care facility shall provide information and discuss the program policies governing the residential care and services of children with the child's parents or legal custodian and the child at or before admission, which include:

- (1) family time, mail, gifts, personal possessions, money, and telephone calls and restrictions which may be imposed on these;
- (2) discipline and behavior management, including the use of searches of children's rooms and possessions;
- (3) program of religious training and practices;
- (4) educational resources;
- (5) trips away from the facility;
- (6) use of volunteers or visiting families, if any;



- (7) physical restraint practices;
- (8) client rights and grievance procedures; and
- (9) daily and seasonal schedules.

(b) The residential child care facility shall obtain the case plan from the county department of social services at or before admission, when the county department of social services is the legal custodian. In the case of a private placement, the facility shall combine the case plan and the individualized service plan.

(c) The residential child care facility shall develop a written individualized service plan for each child within 30 days of admission. This plan shall be reviewed initially within 60 days, the second review shall be within 90 days of the initial review and the third and subsequent reviews shall be held every six months, inviting parents, the legal custodian, if different, the child, as well as any individual or agency designated as providing service to participate.

(d) The individualized service plan shall be developed utilizing information from an assessment of the child's and family's needs and include goals based on normal developmental tasks and needs. The goals and objectives shall be based on identified issues, be behaviorally specific, time limited and measurable and include staff assignments and specific strategies to be taken to meet the goals in the following areas:

- (1) special interests and personal goals;
- (2) intellectual, academic and vocational;
- (3) psychological and emotional;
- (4) physical;
- (5) social and family relationships;
- (6) cultural and spiritual; and
- (7) basic living skills.

(e) A family time plan shall be part of the individualized service plan for each child.

(f) A written discharge plan shall be part of the individual service plan for each child.

(g) Direct care staff shall be informed about the child's initial individualized service plan and shall participate or provide input at the reviews as described in 10 NCAC 41S .0504(c).

(h) A copy of the child's individualized service plan shall be provided to the parent(s) or legal custodian. When appropriate, the child's individualized plan shall be provided to the individuals listed as providing service. An age appropriate version of the individualized service plan shall be written and provided to each child.

(i) The child's individualized service plan review shall include:

- (1) an evaluation of progress towards meeting identified needs;
- (2) any new needs identified since the child's individualized service plan was developed or last reviewed and behaviorally-specific strategies to meet these needs, including instructions to staff;
- (3) an update of the estimated length of stay and discharge plan; and
- (4) signatures of the persons participating in the review.

*Authority G.S. 131D-10.5; 143B-153.*

#### .0505 DISCHARGE POLICIES AND PROCEDURES

(a) The residential child care facility shall have written discharge policies that will establish the guidelines for terminating the facility's residential care and services to the child and family to include the following:

- (1) opportunity for the parent(s) or legal custodian to be informed and have opportunity to discuss the decision to discharge the child;
- (2) designation of a timeframe for the child to be discharged which allows sufficient time for the child and facility to prepare for departure and for arrangements to be made for the child's care;
- (3) discharge of a child under 18 years of age only to the legal custodian;
- (4) completion of a summary within 30 days of discharge, which includes the following:
  - (A) date and circumstances of discharge;
  - (B) name, address and telephone number of the legal custodian to whom the child shall be discharged;
  - (C) services provided and evaluation;
  - (D) recommendations for needed services; and
  - (E) provision of or referral for after care services.

(b) Upon a child's departure, the residential child care facility shall provide a copy of the child's educational, medical and dental records, clinical materials (as available) and other related materials, as appropriate, to the parent(s) or legal custodian.

(c) Upon a child's departure, the residential child care facility shall send all personal clothing and belongings with the child.

*Authority G.S. 131D-10.5; 143B-153.*

#### .0506 CLIENT RECORDS

(a) The residential child care facility shall maintain a client record for each child which contains the following:

- (1) documentation of placement authority by legal custodian;
- (2) completed application for services;
- (3) written placement consent and agreement;
- (4) intake study and related documents;
- (5) documentation that verifies the child's birth;
- (6) pre-admission physical examinations;
- (7) immunization records;
- (8) intervention plan and reviews;
- (9) written service plan and review;
- (10) documentation of all family time, including duration, location both onsite and off-site, and frequency, as well as any rationale for restrictions on family involvement;
- (11) consents for release of information;
- (12) consent for emergency medical treatment;
- (13) consents for field trips;
- (14) ongoing record of medical and dental care;
- (15) documentation of medical insurance;
- (16) physical restraint and incident reports; and
- (17) discharge summary.

(b) The residential child care facility shall maintain client records for the purpose of:

- (1) protecting the legal rights of the child, the parents and

legal custodian, and the facility;

- (2) documenting service provision to the child and family, including an evaluation of effectiveness of services provided; and
- (3) providing a source of information about individual children, as well as information for the facility in planning its program of care and services.

(c) Staff entries in client records shall be dated and either initialed or signed.

*Authority G.S. 131D-10.5; 143B-153.*

## SECTION .0600 - SERVICE DELIVERY

### .0601 PROGRAM POLICIES AND PRACTICES

(a) The residential child care facility shall have a written program description and written program policies and procedures.

(b) The residential child care facility shall design a program to provide opportunities for positive learning experiences and to meet the needs of children and families.

(c) The residential child care facility shall provide a daily schedule of activities to meet the needs of children, which allows time for privacy and individual pursuits.

(d) The residential child care facility shall consider each child an unique individual, providing opportunities which take into consideration each child's ethnic and cultural backgrounds.

(e) The residential child care facility shall give each child individual attention and nurturing.

(f) The residential child care facility shall provide each child with the opportunity to have interaction with adults and children of both sexes.

(g) The residential child care facility shall instruct and supervise each child in personal care, hygiene, and grooming appropriate for the age, sex, race and developmental capacity of the child.

(h) The residential child care facility shall ensure that each child has normal contacts in the community in which the facility is located through participation in events such as, but not limited to, school functions, recreational facilities, church youth groups, part-time paid employment, community service and volunteer work. An exception shall be made when community contact is inconsistent with the program design.

(i) The residential child care facility shall encourage each child to form friendships with children outside the facility, to visit friends in the community, and have their friends visit them at the facility. An exception shall be made when contact with friends is inconsistent with the program design or service plan.

(j) The residential child care facility shall provide residents with access to telephones to maintain contact with friends and family members.

(k) The residential child care facility shall maintain a log of children in residence which includes:

- (1) child's name, age, sex and race;
- (2) name of legal custodian; and
- (3) dates of admission and discharge.

*Authority G.S. 131D-10.5; 143B-153.*

### .0602 FAMILY INVOLVEMENT

(a) The residential child care facility shall have written policies and procedures regarding family involvement which support and encourage families to participate in planning, communication and family time.

(b) Family involvement shall include:

- (1) Planning. The facility shall afford family members opportunities to participate in planning events for their child and themselves.
- (2) Communication. The facility shall allow children to send and receive unopened mail and to have telephone conversations with parent(s) or other family members. An exception shall be made if it is determined that the child's best interest, individualized service plan or a court order necessitates restrictions.
- (3) Family Time. The facility shall afford children and family members opportunities for family time, based on the purpose of placement and in support of the child's goals.

*Authority G.S. 131D-10.5; 143B-153.*

### .0603 VISITING RESOURCES

(a) The residential child care facility shall have written policies and procedures regarding visiting resources, which include that:

- (1) no financial support shall be paid to the visiting resource;
- (2) written consent shall be obtained from each child and each legal custodian prior to a visit;
- (3) resources, support and supervision shall be provided to ensure the needs of the child are met during the visit;
- (4) responsibility for the child during visits with the visiting resource shall be retained by the facility;
- (5) the child's interests, needs, and welfare as identified in the child's individualized service plan shall be assessed by the facility in determining a visiting resource;
- (6) prior to an overnight visit, visits between the visiting resource and the child shall be arranged to occur both at the agency and at the home of the visiting resource; and
- (7) orientation to foster care, training on the types of children served and information on the child for whom they will be providing care shall be provided.

(b) The residential child care facility shall conduct an initial assessment of each visiting resource and subsequent annual assessments, which include:

- (1) a home visit to ensure the building is safe and in good repair;
- (2) a completed application;
- (3) a brief social history, including an evaluation of parenting skills and abilities;
- (4) an agreement signed between the visiting resource and the facility, which specifies the responsibilities of each;
- (5) three references affirming the visiting resource's



- parenting skills and abilities;
- (6) local criminal record checks on adult members residing in the home; and
- (7) documentation that the visiting resource's residence is located within a 50 mile radius of the facility or of the reason the visiting resource is beyond the 50 mile radius.

Authority G.S. 131D-10.5; 143B-153.

#### .0604 HEALTH SERVICES

##### Medical Program.

##### (1) Medical Requirements for Admission.

- (a) No child shall be accepted into a residential child care facility without having had a physical examination within six months prior to admission, which shall include a signed statement by a licensed medical provider specifying the child's medical condition and medications prescribed and indicating the presence of any communicable disease which may pose a significant risk of transmission in the facility. If a child is in the custody of a department of social services, is already scheduled to have and is having a physical completed annually, and is entering a facility, the schedule of annual physicals shall not be changed. A copy of the most recent physical shall be obtained from the responsible department of social services by the facility.
- (b) A child admitted to a residential child care facility shall be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola), rubella, mumps, and any other disease as required by 15A NCAC 19A .0400, as age appropriate, prior to admission. The facility shall obtain documentation of immunization. A copy of 15A NCAC 19A .0400 may be obtained from the Office of Administrative Hearings, PO Drawer 27447, Raleigh, North Carolina, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule.

##### (2) Routine Medical Care.

- (a) Arrangements shall be made with one or more licensed medical providers or medical clinics and with at least one dentist for the care of the children.
- (b) Each child shall have a physical examination at least once a year and more often as needed. A child shall not be allowed to participate in activities that pose unreasonable risk to his health. Any illness, disease or medical condition of a child shall be identified and treated promptly through proper medical care. Children shall have a psychiatric or psychological examination or both when indicated and treatment when indicated.

- (c) Children must have had a dental examination, by a licensed dentist, within one year prior to admission or arrangements must be made for an exam within six weeks after admission and annually thereafter. The facility shall document dental services in the child's record.
- (d) The facility shall instruct direct child care staff on medical care which may be given by them without specific orders from a licensed medical provider. The facility shall instruct direct child care staff in the procedures for obtaining medical care beyond home health care and handling medical emergencies.

- (3) Hospital Care. The residential child care facility shall arrange with a hospital for the admission of children from the facility in the event of serious illness or emergency.

##### (4) First Aid.

- (a) The residential child care facility shall obtain a mouthpiece, utilize universal precautions and other precautionary equipment for administering CPR for the children in residence.
- (b) The residential child care facility shall ensure that first aid kits are available for immediate use in each living unit, recreation area and in vehicles used to transport children.

##### (5) On-Site Health Care.

- (a) The residential child care facility shall not engage in any home health care practices that conflict with the control measures for communicable diseases in 15A NCAC 19A .0200. A copy of 15A NCAC 19A .0200 may be obtained from the Office of Administrative Hearings, PO Drawer 27447, Raleigh, North Carolina, (919) 733-2678, at a cost of two dollars and fifty cents (\$2.50) at the time of adoption of this Rule.
- (b) Direct child care staff shall be able to recognize common symptoms of illnesses in children and be alert to any infectious condition and take proper precautions to prevent the spread of such a condition.
- (c) Direct child care staff shall be able to provide home health care. A thermometer shall be kept available for use. When there is risk of transmission, arrangements shall be made for isolation and attendant care of a child with a communicable disease.
- (d) Prescription medications shall be administered only when approved by a licensed medical provider.
- (e) All medicines, prescription and non prescription, shall be stored in a locked cabinet, closet or box not accessible to children.
- (6) Medical Records. Each child shall have a medical record which contains:
  - (a) Written consent from the legal custodian or

parent authorizing routine medical and dental treatment and emergency treatment.

- (b) A medication log which documents all medications dispensed.
- (c) The preadmission physical examination, immunization records, and records of ongoing medical and dental care and examinations received, including but not limited to hospitalizations, significant illnesses or accidents and treatment provided.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0605 ROUTINE ASPECTS OF HEALTH, PERSONAL HYGIENE, AND SAFETY**

(a) Infection Control. Staff shall receive training in and routinely apply general infection control measures and procedures which shall include, but are not limited to, Universal Precautions specified by the Centers on Disease Control, U.S. Department of Health and Human Services, Public Health Services, Atlanta, Georgia. A copy of general infection control procedures may be obtained from National Technical Information Services, 5285 Part Royal Road, Springfield, Virginia, 22161, (703) 487-4650, at a cost of seven dollars (\$7.00) at the time of the adoption of this Rule.

(b) Sleep. Each child in a residential child care facility shall have enough sleep t. his age at regular and reasonable hours and under conditions conducive to rest.

(c) Hygiene. Children shall be taught and helped to keep themselves clean. They shall receive training in all aspects of personal hygiene.

(d) Toilet Articles.

- (1) Each child shall have his own toothbrush, comb, towel and wash cloth and his own separate place for keeping these personal articles.
- (2) Towels, wash cloths, and bed linens shall be changed weekly or more often as required by good hygiene.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0606 NUTRITION**

(a) Meals served must meet nutritional requirements as advised by the National Research Council (Recommended Daily Dietary Allowances).

(b) Any modified food needs of an individual child shall be provided under the direction of a licensed medical provider or a registered dietitian or nutritionist.

(c) Menus shall be planned by or in consultation with a registered nutritionist or dietitian at least once per year. The facility shall obtain documentation of consultation.

(d) Staff who eat with children shall be served the same food except for tea and coffee. An exception shall be made if differences in age or special dietary needs are factors.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0607 HEALTH EDUCATION**

The residential child care facility shall develop and implement

a plan for the provision of health education to include but not be limited to health, human sexuality, substance abuse, smoking, and prevention of sexually transmitted diseases. The health education plan shall be documented.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0608 EDUCATIONAL AND VOCATIONAL SERVICES**

(a) The residential child care facility shall ensure that each child of school age is provided an education in accordance with the public school laws or the nonpublic school laws of North Carolina.

(b) The residential child care facility shall make provisions for remedial educational assistance as indicated by the needs of the children.

(c) The residential child care facility shall have a policy about serving children who are temporarily or permanently not attending school.

(d) The residential child care facility shall have a written policy for providing vocational and life skills education if applicable to the population served.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0609 RECREATION AND LEISURE ACTIVITIES**

(a) The residential child care facility shall develop a written schedule of planned recreational, leisure, or physical exercise activities with input from both staff and children which meets their developmental needs, which shall be posted in each cottage.

(b) The residential child care facility shall provide a variety of indoor and outdoor, individual and group recreational opportunities, with suitable space and competent adult supervision, appropriate to the age, interests, and needs of each child.

(c) The residential child care facility shall provide recreational opportunities for children to play with children of both genders. An exception shall be made when the program cares for only one gender.

(d) The residential child care facility shall have an individualized plan for any child who has special recreational needs.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0610 RELIGION AND SPIRITUAL DEVELOPMENT**

(a) The residential child care facility shall have written policies and procedures on religious training and practices and shall provide these policies to children and their parents or legal custodians prior to admission.

(b) The residential child care facility shall develop a plan for each child to meet the child's spiritual needs which takes into account the parent's or legal custodian's position regarding a child's religious participation.

(c) The residential child care facility shall have written policies and procedures which include that each child is free from coercion with regard to religious decisions.



Authority G.S. 131D-10.5; 143B-153.

**.0611 PERSONAL POSSESSIONS AND MONEY**

(a) The residential child care facility shall allow each child to bring and acquire personal belongings, but shall retain the option to supervise or limit the use of these items while the child is in care.

(b) The residential child care facility shall ensure that each child has clean, well-fitting, attractive, seasonal clothing appropriate to the age, sex and individual needs of each child.

(c) The residential child care facility shall ensure that each child has individual items necessary for personal hygiene and grooming.

(d) The residential child care facility shall provide opportunities for each child to learn the value and use of money.

(e) The residential child care facility shall provide security measures for each child's money separate from the agency's financial accounts.

Authority G.S. 131D-10.5; 143B-153.

**.0612 WORK**

(a) The residential child care facility shall provide opportunities for each child to learn the value of work and the development of good work habits.

(b) The residential child care facility shall comply with the provisions of the NC Wage and Hour Act concerning age, abilities, hours of labor and hazardous occupations in the assignment of work to children.

(c) The residential child facility shall not substitute children for employed staff in assigning work.

(d) The residential child care facility shall not require children to be solely responsible for any major phase of operation or maintenance of the home such as cooking, laundering, housekeeping, farming, or repair work.

(e) The residential child care facility shall not require a child to work for the purpose of paying the facility for his cost of care except when an older child moving toward self-support enters into a contract with the facility in which he is paid for his work and assumes a gradual degree of responsibility for his own needs.

(f) The residential child care facility shall provide children who are on work assignments with adult supervision.

(g) The residential child care facility shall ensure that children's work assignments do not interfere with school, recreation, study period, adequate sleep, community contacts and family time.

Authority G.S. 131D-10.5; 143B-153.

**.0613 DISCIPLINE AND BEHAVIOR MANAGEMENT**

(a) The residential child care facility shall have written policies and procedures on discipline and behavior management which shall be provided to and discussed with all children, parents or legal custodians, which include:

(1) Proactive means for interacting with and teaching children which emphasize praise and encouragement for exhibiting self control and desired behavior; and

(2) Methods for protecting children and others when a child is out of control.

(b) The residential child care facility shall implement standards for behavior which are reasonable and developmentally appropriate.

(c) The residential child care facility shall not engage in discipline or behavior management which includes:

(1) Corporal/physical punishment;

(2) Cruel, severe, or humiliating actions;

(3) Discipline of one child by another child;

(4) Denial of food, sleep, clothing or shelter;

(5) Denial of family contact, including family time, telephone or mail contacts with family;

(6) Assignment of extremely strenuous exercise or work;

(7) Verbal abuse or ridicule;

(8) Chemical, mechanical, or physical restraints except as specified in 10 NCAC 41S .0614(e); or

(9) Locked rooms.

(d) The residential child care facility shall prohibit isolation as a behavioral control measure except when the facility provides it in an unlocked room within hearing distance of a staff member and the length of time alone is appropriate to the child's age and stages of development.

(e) If physical restraints are used, the residential child care facility shall have written policies and procedures on the types of and use of physical restraints which shall be discussed with each child, parents or legal custodian prior to or upon admission. The facility shall train and supervise staff in the safe use of physical restraint. The facility shall document each incident of physical restraint on an incident report which shall be filed in the child's record. The facility shall assign supervisory staff to review and initial each incident report within 24 hours of the physical restraint to evaluate that the correct steps were followed by the direct child care staff who applied the physical restraint.

Authority G.S. 131D-10.5; 143B-153.

**.0614 INCIDENT REPORTS**

(a) The residential child care facility shall have written policies and procedures for reporting critical incidents.

(b) The residential child care facility shall document critical incidents, including accidents or injuries to the child, acts of physical aggression by children, use of physical restraints by staff, and children who run away from the facility, which include:

(1) Name of child or children involved;

(2) Date and time of incident;

(3) Brief description of incident;

(4) Action taken by staff;

(5) Need for medical attention, if needed;

(6) Name of staff involved and person completing the report;

(7) Name of child's legal custodian notified and date and time of notification; and

(8) Signature of supervisory or administrative staff reviewing the report.

Authority G.S. 131D-10.5; 143B-153.

**.0615 SEARCHES**

(a) The residential child care facility shall have written policies and procedures on conducting searches of children's rooms and possessions which shall be discussed with each child, their parents or legal custodian prior to or upon admission.

(b) The search policies and procedures shall include:

- (1) Circumstances under which searches are conducted;
- (2) Personnel authorized to conduct searches; and
- (3) Provision for documenting searches and informing supervisory personnel of searches.

*Authority G.S. 131D-10.5; 143B-153.*

**SECTION .0700 - BUILDINGS, GROUNDS AND EQUIPMENT**

**.0701 REQUIREMENTS FOR APPROVAL**

(a) Floor plans for new residential child care facilities housing six or fewer children all of whom are able to evacuate the facility without assistance must be submitted to and approved by the Division of Social Services, Children's Services Section as a condition for licensure, prior to beginning service operation.

(b) Floor plans for new and renovated existing residential child care facilities housing as many as seven and fewer than 10 children and for residential child care facilities housing six or fewer, no more than three of whom are unable to evacuate the facility without assistance, must be submitted to and approved by the Department of Health and Human Services, Division of Facility Services, Construction Section prior to beginning construction.

(c) Preliminary and final construction drawings for new facilities, conversions of existing facilities, or renovations of existing facilities housing 10 or more children must be submitted to and approved by the Department of Health and Human Services, Division of Facility Services, Construction Section prior to beginning construction. Three sets of drawings must be submitted to the Construction Section for their review and distribution to the Division of Environmental Health and the Department of Insurance.

(d) When a question arises in determining whether an existing building used for child care purposes meets the requirements of the North Carolina State Building Code, an interpretation must be obtained by submitting a floor plan of the building, together with details of construction, to the Department of Health and Human Services, Division of Facility Services, Construction Section.

*Authority G.S. 131D-10.5; 143B-153.*

**.0702 CONSTRUCTION AND RENOVATION**

(a) Construction plans for new, reconstructed or renovated buildings must be compatible with the residential child care function of the facility and its program needs. A residential child care facility must not have two unrelated types of occupancy in the same building.

(b) The construction of a new residential child care facility, the conversion of an existing building for residential child care purposes, or the remodeling of an existing residential child care

facility must comply with all applicable local zoning regulations and local and state building codes.

*Authority G.S. 131D-10.5; 143B-153.*

**.0703 APPLICABLE BUILDING CODES**

(a) Newly constructed buildings to be used for residential child care purposes must meet the requirements of the North Carolina State Building Code for the type of occupancy for which the building is to be used. The North Carolina State Building Code is hereby incorporated by reference including subsequent amendments and additions. The North Carolina State Building code may be obtained from the North Carolina Department of Insurance, Code Council Building, 410 North Boylan Avenue, Raleigh, North Carolina, 27603 at a cost of one hundred eighteen dollars (\$118.00).

(b) Residential child care facilities keeping 10 or more children must meet requirements for INSTITUTIONAL UNRESTRAINED OCCUPANCY of the North Carolina State Building Code and Volume I-C requirements for handicapped accessibility.

(c) Residential child care facilities keeping as many as seven and fewer than 10 unrestrained children must meet the requirements of the North Carolina State Building Code Volume I for "RESIDENTIAL CARE FACILITIES."

(d) Residential child care facilities keeping six or fewer unrestrained children with no more than three unable to evacuate the facility without assistance must meet the North Carolina State Building Code Volume I for "RESIDENTIAL CARE FACILITIES."

(e) Residential child care facilities keeping six or fewer unrestrained children who are able to evacuate the facility without assistance must meet the North Carolina State Residential Building Code Volume VII.

(f) Mobile homes, whether mobile or permanently situated, shall not be used for residential child care facilities.

*Authority G.S. 131D-10.5; 143B-153.*

**.0704 FIRE AND BUILDING SAFETY**

(a) Each building shall have a non-pay telephone available at all times. Emergency telephone numbers shall be posted at the telephone.

(b) Care must be exercised by the staff in allowing children to use matches or to handle combustible materials.

(c) Emergency plans and fire evacuation plans approved by the local fire authority must be developed and posted on each floor of each building.

(d) Fire drills must be held monthly at different times during the day and quarterly at night for both children and staff. Documentation of fire drills must be kept.

(e) The staff and children residing in a facility must be trained in the proper reporting of a fire and the ways of escaping from a fire. New residents must be instructed within the first day upon admittance.

(f) For every 2,500 square feet of floor area or portion thereof and for each floor there must be at least one fire extinguisher. Fire extinguishers must be provided in accordance with the



standards of the National Fire Protection Association Standard for Portable Fire Extinguishers NFPA Number 10. They must be inspected annually and kept charged and filled at all times in accordance with NFPA Number 10. NFPA Number 10 is hereby incorporated by reference including subsequent amendments and additions. The NFPA Number 10 may be obtained from NFPA, 11 Tracy Drive, Avon, Massachusetts, 02322 at a cost of twenty four dollars and seventy-five cents (\$24.75).

(g) For seven or more residents, each floor level must be separated from other floors in accordance with the requirements of the applicable building code, and by not less than walls and a solid core, self-closing, 20 minute fire-rated door.

(h) Each floor level must be provided with a minimum of two remotely-located exits.

(i) Fire exits and all exit-access paths including doors, hallways, and stairs, must be well lighted and kept clear of obstructions.

(j) No locks shall be installed on exit or room doors which would prevent occupants from getting out of the building by the simple operation of a single knob or lever.

(k) Emergency lighting must be provided for exiting from the building.

(l) Windows in children's bedrooms must be openable without the use of keys or special tools.

(m) Fire alarm and smoke detector systems must be installed in each child care facility in accordance with the North Carolina State Building Code, be audible throughout the building, be kept in working order and be readily identifiable by the staff and children.

(n) All electrical and heating equipment must be listed by a recognized testing agency; the electrical wiring in the building must conform to the requirements stated in the National Electrical Code for the applicable occupancy. The National Electrical Code is hereby incorporated by reference including subsequent amendments and additions. The National Electrical Code may be obtained from the Department of Insurance, Code Council Section, 410 Boylan Avenue, Raleigh, North Carolina 27603 at a cost of forty-five dollars (\$45.00).

(o) Hot water at fixtures used by residents for bathing or hand-washing must be maintained at a minimum of 100 degrees Fahrenheit and a maximum of not more than 116 degrees Fahrenheit.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0705 GENERAL SANITATION**

(a) The water supply, sewage disposal, solid waste disposal, and food service must meet applicable rules of the Commission of Health Services.

(b) Kitchens providing food service to 13 or more children must meet the requirements of "Rules Governing the Sanitation of Hospitals, Nursing Homes, Rest Homes, Sanitariums, and Educational and Other Institutions" adopted by the Commission of Health Services in 15A NCAC 18A .1300.

(c) Kitchens providing food service to no more than 12 children must meet the requirements of "Rules Governing the Sanitation of Residential Care Facilities" adopted by the

Commission of Health Services in 15A NCAC 18A .1300.

(d) Laundry facilities must be provided.

(e) To assure compliance with all local and state sanitation regulations, construction plans for seven or more residents for a new child care facility, renovations of an existing building for a child care facility, or the reconstruction of an existing child care facility must be submitted to and approved by the county health department in which the facility is located.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0706 BATHING AND TOILET AREAS**

(a) Facilities licensed for the first time after the effective date of Subchapters 41S and 41T, shall provide at least one toilet, one lavatory with hot and cold water, and one tub or shower with hot and cold water must be provided for each six children or fraction thereof. For children under five years old a tub must be provided.

(b) Toilet and bathing facilities for direct care staff must be separate from facilities used by children living in the facility.

(c) Bathrooms must be located as conveniently as possible to the children's bedrooms.

(d) The entrance to a bathroom must not be through another resident's bedroom or bathroom.

*Authority G.S. 131D-10.5; 143B-153.*

#### **.0707 SLEEPING AREAS**

(a) Bedrooms in existing facilities licensed before October 31, 1977 must provide a minimum of 60 square feet of floor space for each child in multi-occupancy bedrooms and a minimum of 80 square feet of floor space in single-occupancy bedrooms. Floor area shall not include closets or wardrobes.

(b) Except as provided in Paragraph (c) of this Rule, bedrooms in facilities licensed or developed after October 31, 1977 must provide a minimum of 80 square feet of floor space for each child in multi-occupancy bedrooms and a minimum of 100 square feet of floor space in single-occupancy bedrooms. Floor area shall not include closets or wardrobes.

(c) Bedrooms in facilities housing children with a maximum stay of not more than 15 days must provide a minimum of 60 square feet of floor space for each child in multi-occupancy bedrooms and a minimum of 80 square feet of floor space in single-occupancy bedrooms. Floor area shall not include closets or wardrobes.

(d) The only door access to a bedroom must not be through another bedroom.

(e) No child may share a bedroom with a staff member.

(f) No bedroom shall house more than four children.

(g) Children of different sexes more than five years of age must not share a bedroom.

(h) Each child must have a bed of his or her own.

(i) Bunk beds shall be limited to no more than one bed above the other bed at least four feet apart vertically.

(j) Beds must be at least three feet apart at the head, foot and sides; bunk beds must be at least five feet apart, horizontally.

(k) Each bed must be provided with a mattress in good repair.

(l) No day-bed, convertible sofa or other bedding of a

temporary nature may be used.

(m) Bedrooms must be provided with a minimum of 48 cubic feet of closet or wardrobe space per child and four cubic feet of drawer space per child.

(n) Each bedroom must be provided with window area equal to eight percent of the floor area of the room.

Authority G.S. 131D-10.5; 143B-153.

#### .0708 LIVING/ACTIVITY AREAS

(a) The living/activity areas must be accessible from an outside entrance without going through sleeping, food service, or food preparation areas.

(b) A minimum total living area of 200 square feet or 40 square feet per child, whichever is greater, must be provided.

(c) Each required living/activity room must be provided with window area equal to eight percent of the floor area of the room.

Authority G.S. 131D-10.5; 143B-153.

#### .0709 DINING AREAS

(a) A minimum dining area of 120 square feet or 14 square feet per child, whichever is greater, must be provided convenient to the kitchen.

(b) Each dining room must be provided with window area equal to eight percent of the floor area of the room.

Authority G.S. 131D-10.5; 143B-153.

#### .0710 HEAT, LIGHT AND VENTILATION

(a) Heat, Heating equipment must be provided that maintains the temperature in the facility at no less than 65 degrees Fahrenheit.

(b) Ventilation.

(1) Living rooms, dining rooms and bedrooms shall have openable windows to the outside.

(2) Rooms including toilets, baths, and kitchens, without openable windows must have mechanical ventilation to the outside.

(c) Air conditioning or at least one fan per bedroom, living, and dining area must be provided when the temperature in the facility exceeds 85 degrees Fahrenheit.

Authority G.S. 131D-10.5; 143B-153.

#### .0711 EXTERIOR SPACE

(a) Outdoor recreational space must be provided.

(b) All structures on the grounds of the facility accessible to children must be free from hazards to health or safety.

(c) The grounds of the facility and the outdoor recreational space must be maintained free from any hazards to health or safety.

(d) Garbage and rubbish which is stored outside must be stored securely in non-combustible, covered containers and must be removed on a regular basis.

(e) Trash collection receptacles and incinerators must be kept separate from play areas and must be located to avoid being a

nuisance to neighbors.

(f) Fences must be kept in good repair.

(g) Areas determined to be unsafe, including but not limited to, steep grades, cliffs, open pits, swimming pools, high voltage boosters, and high-speed roads, must be fenced off or have natural barriers to protect children.

(h) Play and recreational equipment must be located, installed, and maintained to ensure the safety of children.

Authority G.S. 131D-10.5; 143B-153.

#### .0712 INSPECTIONS

The residential child care facility must request and obtain inspections at least annually from the local sanitarian and from the local building inspector or fire inspector. Reports of such inspections must be submitted to the Division of Social Services.

Authority G.S. 131D-10.5; 143B-153.

#### .0713 VEHICLES USED FOR TRANSPORTATION OF CHILDREN

(a) Vehicle Requirements.

(1) Vehicles must comply with all motor vehicle laws and regulations for the State of North Carolina.

(2) Motor vehicles must be maintained in a safe operating condition, must be properly registered, and must have a current, valid inspection sticker for the State of North Carolina.

(3) A first-aid kit must be in all motor vehicles.

(4) The bed of an open body or a stake bed vehicle must not be used for transporting children.

(b) Driver Requirements. The names of and a photostatic copy of a valid driver's license for each person transporting children shall be maintained in a separate file.

(c) Safety Practices.

(1) The interior of each vehicle must be maintained in a clean and safe condition with clear passage to operable doors.

(2) The driver must assure that all passengers follow current North Carolina laws regarding seat belt usage and shall adhere to child passenger restraint laws when transporting children.

(3) The driver shall not transport more persons, including children and adults, than allowed by the design capacity of the vehicle.

(4) Children shall not be transported for more than four continuous hours without a minimum of 30 minutes rest stop.

(5) Children shall not be transported for more than 10 hours in any 24 hour period.

(d) Transportation Records. Insurance verification and the vehicle identification certificate must be kept in the vehicle in accordance with State law.

(e) Insurance. If the residential child care facility's transportation services are provided by a private individual, a firm under contract, or by another arrangement, the facility must maintain a file copy of the individual's or firm's insurance coverage.



(f) Emergency Transportation. The residential child care facility must have a plan for transporting children in case of an emergency.

*Authority G.S. 131D-10.5; 143B-153.*

**SUBCHAPTER 41T - MINIMUM LICENSING  
STANDARDS FOR SPECIALIZED RESIDENTIAL  
CHILD CARE PROGRAMS**

**SECTION .0100 - CHILDREN'S FOSTER CARE  
CAMPS**

**.0101 APPLICABILITY**

In addition to the rules in 10 NCAC 41S, the rules in this Subchapter shall apply to all persons licensed or seeking licensure for a children's foster care camp as defined in 10 NCAC 41S .0201.

*Authority G.S. 131D-10.5; 143B-153.*

**.0102 ADMISSION CRITERIA**

In order to be considered for admission into a foster care camp, a child shall meet the following criteria:

- (1) be between the ages of eight and 17 years old;
- (2) be physically able to participate in a camping experience; and
- (3) voluntarily consent to admission, recognizing/understanding the need for a therapeutic camping experience.

*Authority G.S. 131D-10.5; 143B-153.*

**.0103 PERSONNEL**

(a) Direct service personnel and supervisory personnel, in addition to supervision and training specified in 10 NCAC 41S .0405(d), shall be provided supervision and training in the following areas:

- (1) rescue evacuation, updated every three years; and
- (2) basic emergency water safety course, with certification documented in the camp files and updated every three years.

(b) There shall be a minimum of two counselors with certification in Basic Rescue and Water Safety for each 10 children participating in activities involving water, including, but not limited to: swimming, boating, canoeing, and rafting.

*Authority G.S. 131D-10.5; 143B-153.*

**.0104 SERVICE PLANNING**

Each child shall have a medical assessment, within 60 days prior to admission, documenting the child's ability to participate in the activities of a therapeutic camping experience in an outdoor setting.

*Authority G.S. 131D-10.5; 143B-153.*

**.0105 SERVICE DELIVERY**

(a) An itinerary shall be on file at camp for any off-campus activity lasting longer than 24 hours. The itinerary shall include participants' names, daily schedule, list of check-in points, selected routes and telephone numbers of emergency resources along each route (sheriffs, hospitals, rescue squads).

(b) Education.

- (1) Each camp shall provide an alternative education experience and the educational program shall comply with the special education requirements of the Department of Public Instruction; or, each camp must be registered as and meet the requirements for a non-public school.
- (2) Education in a camp setting must be monitored and evaluated pursuant to either public or non-public school educational testing requirements to determine the child's achievement level.

*Authority G.S. 131D-10.5; 143B-153.*

**.0106 BUILDINGS AND GROUND EQUIPMENT**

(a) Facilities.

- (1) All sleeping units must provide at least the following space:
  - (A) 50 square feet per person;
  - (B) Three feet between the head, feet and sides of beds and sleepers; and
  - (C) 30 inches between sides of beds.
- (2) All camper sleeping facilities shall be limited to one level structures.
- (3) Any structure, sleeping or otherwise, with an occupancy of more than 12 persons, including staff, shall have at least two separate and independent means of exit.
- (4) Open flame lighting shall not be used in sleeping shelters for lighting and heating.

(b) Grounds:

- (1) There shall be potable water available at each camp site.
- (2) At each children's camp there shall be provided a minimum of:
  - (A) one shower head for each 20 children;
  - (B) one flush toilet for each 20 children;
  - (C) one urinal for each 30 male children (urinals may not be substituted for flush toilets);
  - (D) one handwashing facility, adjacent to toilet facilities, for each 20 children; and
  - (E) a wilderness latrine facility approved pursuant to the rules of the Commission of Health Services.

(c) Equipment:

- (1) Laundry facilities or equipment shall be available at each camp for all staff and children.
- (2) Gasoline, kerosene, and other flammable materials shall be stored in covered safe containers plainly labeled as to content.
- (3) Power tools:
  - (A) All power tools, including mowers and

trimmers, must have safety devices and be used according to manufacturer's instruction, maintained in good repair, and used only by those persons trained and experienced in their safety.

- (B) Campers shall receive safety instructions before using such equipment.
- (C) When campers are using such equipment, a trained and responsible adult must be present.
- (D) All power tools shall be stored in a locked place not occupied by children when not in use.
- (4) Fire extinguishers must be available in all areas so designated by fire safety officials and shall be properly charged and have a current inspection label.

*Authority G.S. 131D-10.5; 143B-153.*

## **SECTION .0200 - EMERGENCY SHELTER CARE PROGRAM**

### **.0201 APPLICABILITY**

In addition to the rules in 10 NCAC 41S, the rules in this Subchapter shall apply to all persons licensed or seeking licensure for an emergency shelter care program as defined in 10 NCAC 41S .0201.

*Authority G.S. 131D-10.5; 143B-153.*

### **.0202 ADMISSION PROCEDURES**

(a) At the time of admission, the residential child care facility shall obtain the following information:

- (1) The name, sex, race, birth date and birth place of the child;
- (2) When available, the parents' names, addresses, telephone numbers, birth dates, races, religion and marital status;
- (3) When available, the names, addresses and telephone numbers of siblings and other significant relatives; and
- (4) If the child has had prior placements, the names of care-givers, addresses and dates of prior placements.

(b) Within 72 hours of admission, the facility shall obtain the following:

- (1) a written agreement for admission from the legal custodian;
- (2) consent for release of information;
- (3) consent for emergency medical treatment; and
- (4) consent for family time/visitation.

(c) Within two weeks of admission, the facility shall obtain the following:

- (1) Report of the physical examination in accordance with 10 NCAC 41S .0604(a)(1); and
- (2) A social summary which includes background information on the child, his/her family, his/her presenting problems, and current circumstances.

*Authority G.S. 131D-10.5; 143B-153.*

### **.0203 ADMISSION CRITERIA**

The residential child care facility shall enter into and obtain a written agreement from the child's legal custodian within 72 hours of the child's admission which contains the following:

- (1) A statement documenting the legal custodian's authority to place the child and designating the legal custodian's consent for the child's admission;
- (2) Information which sets forth the role and responsibilities to be performed by the staff in the facility during the child's stay in the program;
- (3) Information that specifies the expectations of the legal custodian during the child's stay in the program;
- (4) Specification of the anticipated length of the child's stay; and
- (5) Specification of the projected goals for the family during the child's stay in the program.

*Authority G.S. 131D-10.5; 143B-153.*

### **.0204 RECORDKEEPING**

Client case record. An individual case record shall be maintained on each child which contains the following:

- (1) Written consent for placement;
- (2) Documentation of placement authority;
- (3) Demographic information on child and the child's family;
- (4) Consents for release of information, emergency medical treatment, family time/visitation;
- (5) Medical records, including the child's physical and immunization records;
- (6) Social summary;
- (7) Individualized service plan and biweekly reviews, including family time plan;
- (8) Progress notes; and
- (9) Discharge summary.

*Authority G.S. 131D-10.5; 143B-153.*

### **.0205 SERVICE PLANNING**

Within one week of admission, an individualized service plan shall be developed and reviewed every other week, thereafter, by the shelter home staff, parents and legal custodian of the child, when appropriate. The individualized service plan shall include:

- (1) The expectation and goals to be reached by the child while in care;
- (2) The tasks and activities of the shelter home staff to meet the needs of the child while in care;
- (3) The tasks and activities of the parents and legal custodian to meet the needs of the child while in care;
- (4) The projected discharge plan;
- (5) The projected length of stay;
- (6) The signatures of the shelter staff, the child, the child's parents and the child's legal custodian if different from the child's parents.

*Authority G.S. 131D-10.5; 143B-153.*

### **.0206 DISCHARGE SERVICES**



(a) The residential child care facility shall establish a policy which specifies that no child shall remain in care longer than 90 days. An exception may be made to this policy if the facility has an established policy which specifies the length of time and the circumstances by which a child will remain in shelter care longer than 90 days.

(b) Prior to discharge, the staff of the residential child care facility shall develop a plan with the child to determine if follow-up services will be provided, the type of services to be provided and the timeframe for conducting these services.

*Authority G.S. 131D-10.5; 143B-153.*

## TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the NC Wildlife Resources Commission intends to amend rules cited as 15A NCAC 10F .0310, .0342. Notice of Rule-making Proceedings was published in the Register on October 1, 1998.

**Proposed Effective Date:** July 1, 2000

**A Public Hearing** will be conducted at 10:00 a.m. on December 16, 1998 at the Archdale Building, Room 332, 512 N. Salisbury Street, Raleigh, NC 27603.

**Reason for Proposed Action:** 15A NCAC 10F .0310 - The Dare County Board of Commissioners initiated the no-wake zones pursuant to G.S. 75A-15, to protect public safety in the area by restricting vessel speed. The wildlife resources commission may adopt this as a temporary rule to S.L. 1997-0403 following the abbreviated notice as indicated in the notice of rule-making proceedings or following the public hearing and a public comment period as indicated in this notice.

15A NCAC 10F .0342 - The Catawba County Board of Commissioners initiated the no-wake zone pursuant to G.S. 75A-15, to protect public safety in the area by restricting vessel speed. The wildlife resources commission may adopt this as a temporary rule pursuant to S.L. 1997-0403 following the abbreviated notice as indicated in the notice of rule-making proceedings or following the abbreviated notice as indicated in the notice of rule-making proceedings or following the public hearing and public comment period as indicated in this notice.

**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 December 1, 1998 to December 31, 1998. Such written comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, North Carolina 27604-1188.

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

do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period)

**Editor's Note:** 15A NCAC 10F .0310 - Text in bold lettering, previously published in the NC Register Volume 12, Issue 24, page 2224.

## CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

### SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

#### SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

#### .0310 DARE COUNTY

(a) Regulated Areas. This Rule applies to the following waters and portions of waters:

- (1) Manteo. Doughs Creek adjacent to Shallowbag Bay and all canals situated within the territorial limits of the Town of Manteo.
- (2) Hatteras. **The waters of Hatteras Harbor and Muddy Creek bounded on the north and south by the high-water mark, on the west by a straight line between channel markers number 20 and 17, and on the east by the mouth of Muddy Creek at Sandy Bay.**

(A) **The waters of Hatteras Harbor and Muddy Creek bounded on the north and south by the high-water mark, on the west by a straight line between channel markers number 20 and 17, and on the east by the mouth of Muddy Creek at Sandy Bay.**

(B) **The waters of Hatteras Inlet North Dock ferry basin and the Hatteras Landing channel, including the vicinity of Coast Guard Beacon Number One in the approach channel as delineated by appropriate markers.**

- (3) Mann's Harbor. The waters of Ferry Dock Road Canal.
- (4) Nags Head:
  - (A) Those waters contained within the canals of Old Nags Head Cove Development;
  - (B) The Roanoke Sound inlets at Pond Island on either side of Marina Drive extending north from US 64-264.
- (5) Wanchese:
  - (A) The waters of Wanchese Harbor;
  - (B) The Canal from its beginning where it connects with the Roanoke Sound south of the dead end road SR 1141 extending northwest roughly parallel to SR 1141 and SR 1142, then westward roughly parallel to NC 345, and finally curving to the southwest roughly parallel to the C.B. Daniels Road to its end.

- (6) Stumpy Point Canal. That portion of Stumpy Point Canal beginning at the Wildlife Resources Commission boating access area and extending inland for a distance of 3,600 feet.
- (7) Stumpy Point Basin. That portion of the Stumpy Point Basin, at the head of the Stumpy Point Bay, which is next to Highway 264 in the dock area and designated by the appropriate markers.
- (8) Town of Southern Shores. The waters contained in the canals and lagoons within the territorial limits of the Town of Southern Shores.
- (9) Colington Harbour. The waters contained in the canals of Colington Harbour.
- (10) Kitty Hawk. Those waters contained in the canals of Kitty Hawk Landing Subdivision.
- (11) Washington Baum Bridge. Those waters of the Roanoke Sound from marker 24B north of the bridge to marker 24A south of the bridge, and 50 yards east of the navigation span west to the shore as designated by the appropriate markers.
- (12) Colington Island. The waters contained in an area beginning at the bath house and recreation center on the western shore of Colington Island, running 600 feet in a northerly direction and extending 300 feet into Albemarle Sound as marked.
- (13) The waters of Baum Bay Harbor.
- (14) The waters of High Bridge Creek.
- (15) Mill Creek - The waters of Pamlico Sound at Mill Creek near Avon as delineated by appropriate markers.
- (16) Ginguite Creek - The waters of Ginguite Creek from Highway 158 north to Lot 15 in Martins Point Subdivision.
- (17) Marina Canal - The waters of Marina Canal starting at the mouth of the canal from the Pamlico Sound to the boat basin adjoining Palmetto Shores Subdivision.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Restricted Swimming Area. No person operating or responsible for the operation of any vessel, surfboard, water skis, or jet skis shall permit the same to enter any marked swimming area described in Subparagraph (12) of Paragraph (a) of this Rule.

(d) Placement and Maintenance of Markers. Subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, the following agencies are designated suitable agencies for placement and maintenance of markers implementing this Rule as to the regulated areas listed in the several Subparagraphs of Paragraph (a) of this Rule:

- (1) the Board of Commissioners of the Town of Manteo as to the areas indicated in Subparagraph (a) of this Rule (1);
- (2) the Board of Commissioners of Dare County as to the areas indicated in Subparagraphs (2) through (7), ~~(9) and (11)~~; (9), (11), (13), and (15), (16) and (17).
- (3) the Board of Commissioners of the Town of Southern

- (4) Shores as to the areas indicated in Subparagraph (8); the Board of Commissioners of the Town of Kitty Hawk as to the areas indicated in Subparagraph ~~(a)(10)~~; (a)(10) and (14).

*Authority G.S. 75A-3; 75A-15.*

#### .0342 CATAWBA COUNTY

(a) Regulated Areas. This Rule applies to the following waters of Lake Hickory:

- (1) the public fishing pier located at the old Wildlife Club off 12th Street Drive, NW, City of Hickory;
- (2) the shores of the Dixie Boat Club, Inc.;
- (3) that area within 50 yards of the Moore's Ferry Boat Marina and Boathouse on 44th Avenue, Circle NW;
- (4) the small cove lying between Gull Cove Lane and Quiet Cove Lane;
- (5) the cove entering the Lake Hickory RV Resort Marina as delineated by appropriate markers.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed in the waters of the regulated areas specified in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The governing board of the City of Hickory and the Catawba County Board of Commissioners are designated suitable agencies for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

*Authority G.S. 75A-3; 75A-15.*



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 15A - DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

**SECTION .0300 - GAME FISH**

**Rule-making Agency:** North Carolina Wildlife Resources Commission

**Rule Citation:** 15A NCAC 10C .0302, .0305, .0405

**Effective Date:** November 1, 1998

**Findings Reviewed by Beccher R. Gray:** Approved

**Authority for the rule-making:** G.S. 113-134; 113-273; 113-275; 113-276; 113-276.1; 113-292; 113-302; 113-304; 113-305

**Reason for Proposed Action:** 15A NCAC 10C .0302 - To regulate/restrict taking of inland game fish which is necessary to manage and conserve the resource.

15 NCAC 10C .0305 - To regulate/restrict creel and size limits for taking of inland game fish which is necessary to manage and conserve the resource.

15 NCAC 10C .0405 - To regulate/restrict possession of licenses for nongame fish which is necessary to manage and conserve the resource.

**Comment Procedures:** The North Carolina Wildlife Resources Commission has the authority to adopt temporary rule pursuant to S.L. 1997-0403. These temporary rules are adopted following the public hearing and public comment period established for permanent rule adoption. A public hearing was held on September 16, 1998 for the permanent rules and the record of hearing for public comment was closed on October 1, 1998. The submission for permanent rule is on file with the Rules Review Commission.

**CHAPTER 10  
WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10C - INLAND FISHING  
REGULATIONS**

**.0302 MANNER OF TAKING INLAND GAME FISHES**

(a) Except as provided in this rule below, it is unlawful for any person to take inland game fishes from any of the waters of North Carolina by any method other than with hook and line. Landing nets may be used to land fishes caught on hook and line. Game fishes taken incidental to commercial fishing operations in joint fishing waters or coastal fishing waters shall be immediately returned to the water unharmed. Game fishes taken incidental to the use of licensed special devices for taking nongame fishes from inland fishing waters as authorized by 15A NCAC 10C .0407 shall be immediately returned to the water unharmed, except in the Pee Dee River downstream from the Blewett Falls dam, where that a daily creel limit of American and hickory shad may be taken with dipnets and bow nets special fishing devices during the permitted season from March 1 through April 30 in those waters where such gear may be lawfully used. In the Pee Dee River below Blewett Falls dam shad may be taken with any special fishing device during the authorized season for that device.

(b) In the inland waters of the Roanoke River upstream of U.S. 258 bridge, only a single barbless hook or a lure with a single barbless hook may be used from 1 April to 30 June. Barbless as used in this Rule, requires that the hook does not have a barb or the barb is bent down.

*History Note:* Authority G.S. 113-134; 113-273; 113-292; 113-302;

Eff. February 1, 1976;

Amended Eff. July 1, 1996; October 1, 1994; July 1, 1993; May 1, 1992; January 1, 1982;

Temporary Amendment Eff. November 1, 1998.

**.0305 OPEN SEASONS: CREEL AND SIZE LIMITS**

(a) Generally. Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size limits are as indicated in the following table:

GAME FISHES	DAILY CREEL LIMITS	MINIMUM SIZE LIMITS	OPEN SEASON
Mountain Trout:			
Wild Trout Waters	4	7 in.	ALL YEAR (exc. 2)
Hatchery Sup- ported Trout Waters and undesignated	7	None	All year, except March 1 to 6:00 a.m. on first Saturday in April

# TEMPORARY RULES

waters			(exc. 2)
Muskellunge and Tiger Musky	2	30 in.	ALL YEAR
Chain Pickerel (Jack)	None	None	ALL YEAR
Walleye	8 (excs. 8 & 9)	None	ALL YEAR (exc. 8)
Sauger	8	15 in.	ALL YEAR
Black Bass:			
Largemouth	5 (exc. 9)	14 in. (excs. 3, 7 & 10)	ALL YEAR (exc. 17)
Smallmouth and Spotted	5 (exc. 9)	12 in. (excs. 3, 7 & 10)	ALL YEAR
White Bass	25	None	ALL YEAR
Sea Trout (Spotted or Speckled)	10	12 in.	ALL YEAR
Flounder	None	13 in.	ALL YEAR
Red drum (channel bass, red fish, puppy drum)	5	18 in.	ALL YEAR
Striped Bass and their hybrids (Morone Hybrids)	8 aggregate (excs. 1 & 5)	16 in. (excs. 1, 5 & 11)	ALL YEAR (excs. 5, 13, & 15)
Shad: (American and hickory)	10 aggregate (exc. 18)	None	ALL YEAR ( <del>exc. 18</del> ) (excs. 18 & 19)
Kokanee Salmon	7	None	ALL YEAR
Panfishes	None (excs. 4, 12, & 16)	None (exc. 12)	ALL YEAR (exc. 4)
NONGAME FISHES	None (exc. 14)	None (exc. 14)	ALL YEAR (excs. 6)

## (b) Exceptions

- (1) In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant Dam, and in John H. Kerr, Gaston, and Roanoke Rapids Reservoirs, and Lake Norman, the creel limit on striped bass and Morone hybrids is four in the aggregate and the minimum size limit is 20 inches.
- (2) In designated public mountain trout waters the season for taking all species of fish is the same as the trout fishing season. There is no closed season on taking trout from Nantahala River and all tributaries (excluding impoundments) upstream from Nantahala

Lake, and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.

- (3) Bass taken from Calderwood Reservoir may be retained without restriction as to size limit.
- (4) On Mattamuskeet Lake, special federal regulations apply.
- (5) In the inland fishing waters of Cape Fear, Neuse, Pee-Dee, Pungo and Tar-Pamlico rivers and their tributaries and the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers, extending upstream to the first impoundment, and



Lake Mattamuskeet, the daily creel limit for striped bass and their hybrids is three fish and the minimum length limit is 18 inches. In the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers-from April 1 to May 31 no fish between the lengths of 22 inches and 27 inches shall be retained.

- (6) See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.
- (7) The maximum combined number of black bass of all species that may be retained per day is five fish, no more than two of which may be smaller than the applicable minimum size limit. The minimum size limit for all species of black bass is 14 inches, with no exception in Lake Luke Marion in Moore County, in Reedy Creek Park lakes in Mecklenburg County, in Lake Rim in Cumberland County, in Currituck Sound and tributaries north of Wright Memorial Bridge, in North River and tributaries in Currituck and Camden Counties north of a line between Camden Point and the end of SR 1124, in High Rock Lake downstream of I-85, in Badin Lake, in Falls Lake, in Lake Tillery, in Blewett Falls Lake, and in the New River and its tributaries in Onslow County. In and west of Madison, Buncombe, Henderson and Polk Counties and in designated public mountain trout waters the minimum size limit is 12 inches. In B. Everett Jordan Reservoir a minimum size limit of 16 inches, with no exception, applies to largemouth bass. In Falls of Neuse Reservoir, east of SR 1004, and Tuckertown Lake no black bass between the lengths of 12 inches and 16 inches may be retained, and the minimum size limit for black bass is 16 inches, except that the daily creel may contain two black bass of less than 12 inches in length. In W. Kerr Scott Reservoir there is no minimum size limit for spotted bass.
- (8) A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries, and the daily creel limit for walleye is four fish in Linville River upstream from the NC 126 bridge above Lake James.
- (9) The creel limit for black bass and walleye taken from Calderwood Reservoir is 10.
- (10) The minimum size limit for all black bass, with no exception, is 18 inches in the following trophy bass lakes:
  - (A) Cane Creek Lake in Union County;
  - (B) Lake Thom-A-Lex in Davidson County; and
  - (C) Sutton Lake in New Hanover County.
- (11) In all impounded inland waters and their tributaries, except those waters described in Exceptions (1) and (5), the daily creel limit of striped bass and their hybrids may include not more than two fish of smaller size than the minimum size limit.
- (12) In Lake Tillery, Falls Lake, High Rock Lake, Badin Lake, Tuckertown Lake, Lake Hyco, Lake Ramseur and Cane Creek Lake a daily creel limit of 20 fish and a minimum size limit of 8 inches apply to crappie. In

Lake James, a daily creel limit of 20 fish applies to crappie.

- (13) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and creel limits shall be the same as those established by duly adopted rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.
- (14) The daily creel and length limits for channel, white, and blue catfish in designated urban lakes are provided for in 15A NCAC 10C .0401(d).
- (15) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.
- (16) In the entire Lumber River from the Camp MacKall bridge (SR 1225, at the point where Richmond, Moore, Scotland, and Hoke counties join) to the South Carolina state line and in all public fishing waters east of I-95, except Tar River Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of which shall be redbreast sunfish.
- (17) In Sutton Lake, no largemouth bass may be retained from December 1 through March 31.
- (18) In the Pee Dee River downstream from the Blewett Falls dam, shad may be taken with special fishing devices without restriction to creel limits as provided for in 15A NCAC 10C .0404 (b) during the permitted special fishing device seasons specified in 15A NCAC 10C .0407. American and hickory shad taken under this Subparagraph may be sold as authorized under subsection 10C .0401.
- (19) The season for taking American and hickory shad with dip nets and bow nets is March 1 through April 30, except in Pee Dee River downstream from Blewett Falls dam where the season prescribed in 15A NCAC 10C .0407(4) and (75) is in effect.

*History Note: Filed as a Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Filed as a Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991;*

*Filed as a Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990;*

*Filed as a Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990;*

*Authority G.S. 113-134; 113-292; 113-304; 113-305;*

*Eff. February 1, 1976;*

*Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992.*

*Temporary Amendment Eff. November 1, 1998*

SECTION .0400 - NONGAME FISH

.0405 POSSESSION OF LICENSES

Except as indicated in this Rule below, every individual participating in the taking of fish through the use of any special device must have the special device fishing license issued to him, personally, in his possession or readily available for inspection. A bow net or a dip net may be used by an individual other than the licensee with the licensee's permission, but such user must have the license in his possession or readily available for inspection. ~~inspection: provided, that when~~ When using drag seines authorized for taking nongame fishes at beaches on inland fishing waters where there are migratory saltwater fishes (~~herring, shad~~ (herring or mullet), only the principal owner and operator is required to be licensed.

*History Note:* Authority G.S. 113-134; 113-275; 113-276; 113-276.1; 113-292;

*Eff.* February 1, 1976;

*Temporary Amendment Eff.* November 1, 1998.

TITLE 21 - OCCUPATIONAL LICENSING  
BOARDS

CHAPTER 16 - BOARD OF DENTAL  
EXAMINERS

**Rule-making Agency:** North Carolina State Board of Dental Examiners

**Rule Citation:** 21 NCAC 16M.0101

**Effective Date:** October 28, 1998

**Findings Reviewed and Approved by:** Beecher R. Gray

**Authority for the rule-making:** G.S. 90-28; 90-39; 90-48

**Reason for Proposed Action:** The amendment of this rule is necessary because without an increase in funds, the Caring Dentist Program cannot effectively manage its current caseload nor accept new participants.

**Comment Procedures:** Written comments may be submitted on rule-making to Christine H. Lockwood, Executive Director of the Board at the Board's office. The Board's address is PO Box 32270, Raleigh, NC 27622-2270.

SUBCHAPTER 16M - FEES PAYABLE

.0101 DENTISTS

(a) The following fees shall be payable to the Board:

- (1) Application for general dentistry examination \$500.00
- (2) Application for renewal of instructor's

- license and examination \$ 75.00
- (3) Application for provisional license \$100.00
- (4) Application for intern permit or renewal thereof \$100.00
- (5) Certificate of license to a resident dentist desiring to change to another state or territory \$ 25.00
- (6) Duplicate license \$ 25.00
- (7) Reinstatement of license after retirement from practice in this State \$225.00
- (8) Penalty fee for late renewal of any license or permit \$ 50.00

(b) Each dentist renewing his license to practice dentistry in North Carolina shall be assessed a fee of ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00), in addition to the annual renewal fee, to be contributed to the operation of the Caring Dentist Program.

*History Note:* Authority G.S. 90-28; 90-39; 90-48;

*Eff.* September 3, 1976;

*Readopted Eff.* September 26, 1977;

*Amended Eff.* August 1, 1998; December 1, 1994; May 1, 1989;

March 1, 1988; May 1, 1987;

*Temporary Amendment Eff.* October 28, 1998.

\*\*\*\*\*

CHAPTER 46 - BOARD OF PHARMACY

**Rule-making Agency:** North Carolina Board of Pharmacy

**Rule Citation:** 21 NCAC 46.1815

**Effective Date:** October 29, 1998

**Findings Reviewed and Approved by:** Beecher R. Gray

**Authority for the rule-making:** G.S. 90-85.6; 90-85.32

**Reason for Proposed Action:** The adoption of this rule is necessary to allow patients to obtain an emergency prescription refill when refill authorization from the prescriber is not readily obtainable due to an interruption in medical services.

**Comment Procedures:** Written comments may be submitted on the rule-making to David R. Work, Executive Director of the Board at the Board's office. The Board's address is PO Box 459, Carrboro, NC 27510-0459.

SECTION .1800 - PRESCRIPTIONS

.1815 EMERGENCY PRESCRIPTION  
REFILL DUE TO INTERRUPTION  
OF MEDICAL SERVICES

In the event a pharmacist or device and medical equipment permit holder receives a request for a prescription refill and the pharmacist or permit holder is unable to obtain readily refill authorization from the prescriber because of the prescriber's



inability to provide medical services to the patient, the pharmacist or permit holder may dispense a one-time emergency supply of up to 90 days of the prescribed medication, provided that:

- (1) The prescription is not for a Schedule II controlled substance;
- (2) The medication is essential to the maintenance of life or to the continuation of therapy in a chronic condition;
- (3) In the pharmacist's or permit holder's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences;
- (4) The dispensing pharmacist or permit holder creates a written order entered in the pharmacy's automated data processing system containing all of the prescription information required by Section .2300 of these Rules and signs that order;
- (5) The dispensing pharmacist or permit holder notifies, or makes a good faith attempt to notify, the prescriber or the prescriber's office of the emergency dispensing within 72 hours after such dispensing.

*History Note: Authority G.S. 90-85.6; 90-85.32;  
Temporary Adoption Eff. October 29, 1998.*

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of September 17, 1998 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 when no notice was required to be published in the Register. The rules published in full text are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

*These rules unless otherwise noted, will become effective on the 31st legislative day of the 1999 Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.*

**APPROVED RULE CITATION**

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

10	NCAC 03H	.2210*Amended Eff. October 1, 1998	not required, G.S. 150B-21.5
12	NCAC 11	.0503	12:20 NCR 1824
12	NCAC 11	.0506-.0507	12:20 NCR 1824
15A	NCAC 02H	.0610	12:08 NCR 667
15A	NCAC 07H	.0308*	13:01 NCR 26
15A	NCAC 10B	.0207*	12:24 NCR 2205
15A	NCAC 13A	.0109-.0111	12:22 NCR 2001
15A	NCAC 13B	.1301	12:24 NCR 2211
17	NCAC 05B	.1304* Repealed Eff. October 1, 1998	not required, G.S. 150B-21.5(a)
19A	NCAC 02D	.0415	12:24 NCR 2219
21	NCAC 03	.0101-.0103	12:22 NCR 2007
21	NCAC 03	.0201	12:22 NCR 2007
21	NCAC 03	.0301-.0304	12:22 NCR 2007
21	NCAC 03	.0401	12:22 NCR 2007
21	NCAC 03	.0501*	12:22 NCR 2008
21	NCAC 14I	.0107*	13:02 NCR 246
21	NCAC 14N	.0103*	12:11 NCR 936

**TITLE 10 - DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

**SUBCHAPTER 3H - RULES FOR THE LICENSING  
OF NURSING HOMES**

**SECTION .2200 - GENERAL STANDARDS  
OF ADMINISTRATION**

**.2210 REPORTING AND INVESTIGATING ABUSE,  
NEGLECT OR MISAPPROPRIATION**

(a) The facility shall take reasonable measures to prevent patient abuse, patient neglect, or misappropriation of patient property, including but not limited to orientation and instruction of facility staff on patients' rights, and the screening of and requesting of references for all prospective employees.

(b) The administrator shall ensure that the Health Care Personnel Registry Section of the Division of Facility Services is notified within 24 hours or as soon as practicable of all allegations which appear to a reasonable person to be related to patient abuse, neglect or misappropriation of patient property.

(c) The facility shall thoroughly investigate allegations of patient abuse, patient neglect, or misappropriation of patient

property in accordance with 42 CFR subsection 483.13 which is incorporated by reference, including subsequent amendments, and shall document all relevant information pertaining to such investigation and shall take whatever steps are necessary to prevent further incidents of abuse, neglect or misappropriation of patient property while the investigation is in progress. Copies of the Code of Federal Regulations may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 for thirty eight dollars (\$38.00) and may be purchased with a credit card by a direct telephone call to the G.P.O. at (202) 783-3238.

(d) The administrator shall ensure that the report of investigation is printed or typed and postmarked to the Health Care Personnel Registry Section of the Division of Facility Services within five working days of the allegation. The report shall include the date and time of the alleged incident of abuse, neglect or misappropriation of property; the patient's full name and room number; details of the allegation and any injury; names of the accused and any witnesses; names of the facility staff who investigated the allegation; results of the investigation; and any corrective action that may have been taken by the facility.

*History Note: Authority G.S. 131E-104; 131E-131;*



131E-255;  
 Eff. January 1, 1996;  
 Amended Eff. October 1, 1998.

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

**CHAPTER 7 - COASTAL MANAGEMENT**

**SUBCHAPTER 7H - STATE GUIDELINES FOR  
 AREAS OF ENVIRONMENTAL CONCERN**

**SECTION .0300 - OCEAN HAZARD AREAS**

**.0308 SPECIFIC USE STANDARDS FOR OCEAN  
 HAZARD AREAS**

(a) Ocean Shoreline Erosion Control Activities:

(1) Use Standards Applicable to all Erosion Control Activities:

- (A) All oceanfront erosion response activities shall be consistent with the general policy statements in 15A NCAC 7M .0200.
- (B) Permanent erosion control structures may cause significant adverse impacts on the value and enjoyment of adjacent properties or public access to and use of the ocean beach, and, therefore, are prohibited. Such structures include, but are not limited to: bulkheads; seawalls; revetments; jetties; groins and breakwaters.
- (C) Rules concerning the use of oceanfront erosion response measures apply to all oceanfront properties without regard to the size of the structure on the property or the date of its construction.
- (D) All permitted oceanfront erosion response projects, other than beach bulldozing and temporary placement of sandbag structures, shall demonstrate sound engineering for their planned purpose.
- (E) Shoreline erosion response projects shall not be constructed in beach or estuarine areas that sustain substantial habitat for important fish and wildlife species unless adequate mitigation measures are incorporated into project design, as set forth in Rule .0306(i) of this Section.
- (F) Project construction shall be timed to minimize adverse effects on biological activity.
- (G) Prior to completing any erosion response project, all exposed remnants of or debris from failed erosion control structures must be removed by the permittee.
- (H) Erosion control structures that would otherwise be prohibited by these standards may be permitted on finding that:
  - (i) the erosion control structure is necessary

to protect a bridge which provides the only existing road access to a substantial population on a barrier island; that is vital to public safety; and is imminently threatened by erosion;

- (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate to protect public health and safety; and
  - (iii) the proposed erosion control structure will have no adverse impacts on adjacent properties in private ownership and will have minimal impacts on public use of the beach.
- (I) Structures that would otherwise be prohibited by these standards may also be permitted on finding that:
- (i) the structure is necessary to protect an historic site of national significance, which is imminently threatened by shoreline erosion; and
  - (ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate and practicable to protect the site; and
  - (iii) the structure is limited in extent and scope to that necessary to protect the site; and
  - (iv) any permit for a structure under this Sub-subpart (I) of this Subparagraph may be issued only to a sponsoring public agency for projects where the public benefits clearly outweigh the short or long range adverse impacts. Additionally, the permit must include conditions providing for mitigation or minimization by that agency of any significant and unavoidable adverse impacts on adjoining properties and on public access to and use of the beach.
- (J) Structures that would otherwise be prohibited by these standards may also be permitted on finding that:
- (i) the structure is necessary to maintain an existing commercial navigation channel of regional significance within federally authorized limits; and
  - (ii) dredging alone is not practicable to maintain safe access to the affected channel; and
  - (iii) the structure is limited in extent and scope to that necessary to maintain the channel; and
  - (iv) the structure will not result in substantial adverse impacts to fisheries or other public trust resources; and
  - (v) any permit for a structure under this Sub-subpart (J) of this Subparagraph

may be issued only to a sponsoring public agency for projects where the public benefits clearly outweigh the short or long range adverse impacts. Additionally, the permit must include conditions providing for mitigation or minimization by that agency of any significant and unavoidable adverse impacts on adjoining properties and on public access to and use of the beach.

- (K) Proposed erosion response measures using innovative technology or design will be considered as experimental and will be evaluated on a case-by-case basis to determine consistency with 15A NCAC 7M .0200 and general and specific use standards within this Section.
- (2) Temporary Erosion Control Structures:
  - (A) Permittable temporary erosion control structures shall be limited to sandbags placed above mean high water and parallel to the shore.
  - (B) Temporary erosion control structures as defined in Part (2)(A) of this Subparagraph may be used only to protect imminently threatened roads and associated right of ways, and buildings and associated septic systems. A structure will be considered to be imminently threatened if its foundation septic system, or right-of-way in the case of roads, is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when site conditions, such as a flat beach profile or accelerated erosion, tend to increase the risk of imminent damage to the structure.
  - (C) Temporary erosion control structures may be used to protect only the principal structure and its associated septic system, but not such appurtenances as gazebos, decks or any amenity that is allowed as an exception to the erosion setback requirement.
  - (D) Temporary erosion control structures may be placed seaward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.
  - (E) Temporary erosion control structures must not extend more than 20 feet past the sides of the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet seaward of the structure to be protected or the right-of-way in the case of roads.
  - (F) A temporary erosion control structure may remain in place for up to two years after the date of approval if it is protecting a building with a total floor area of 5000 sq. ft. or less, or, for up to five years if the building has a total floor area of more than 5000 sq. ft. A temporary erosion control structure may remain in place for up to five years if it is protecting a bridge or a road. The property owner shall be responsible for removal of the temporary structure within 30 days of the end of the allowable time period. A temporary erosion control structure may remain in place for up to five years regardless of the size of the structure if the community in which it is located is actively pursuing a beach nourishment project. For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment project if it has:
    - (i) been issued a CAMA permit approving such project, or
    - (ii) been deemed worthy of further consideration by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, or
    - (iii) received a favorable economic evaluation report on a federal project approved prior to 1986
  - (G) Once the temporary erosion control structure is determined to be unnecessary due to relocation or removal of the threatened structure, it must be removed by the property owner within 30 days.
  - (H) Removal of temporary erosion control structures may not be required if they are covered by dunes with vegetation sufficient to be considered stable and natural.
  - (I) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.
  - (J) Sandbags used to construct temporary erosion control structures shall be tan in color and three to five feet wide and seven to 15 feet long when measured flat. Base width of the structure shall not exceed 20 feet, and the height shall not exceed six feet.
  - (K) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.
  - (L) An imminently threatened structure may be protected only once, regardless of ownership. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Part (F) of this Subparagraph shall begin at the time the initial erosion control structure is installed. For the purpose of this Rule:



- (i) a building and septic system shall be considered as separate structures.
- (ii) a road or highway shall be allowed to be incrementally protected as sections become imminently threatened. The time period for removal of each section of sandbags shall begin at the time that section is installed in accordance with Part (F) of this Subparagraph.
- (M) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Part (F) of this Subparagraph.
- (N) Existing sandbag structures that have been properly installed prior to May 1, 1995 shall be allowed to remain in place according to the provisions of Parts (F), (G) and (H) of this Subparagraph with the pertinent time periods beginning on May 1, 1995.
- (3) Beach Nourishment. Sand used for beach nourishment shall be compatible with existing grain size and type. Sand to be used for beach nourishment shall be taken only from those areas where the resulting environmental impacts will be minimal.
- (4) Beach Bulldozing. Beach bulldozing (defined as the process of moving natural beach material from any point seaward of the first line of stable vegetation to create a protective sand dike or to obtain material for any other purpose) is development and may be permitted as an erosion response if the following conditions are met:
  - (A) The area on which this activity is being performed must maintain a slope of adequate grade so as to not endanger the public or the public's use of the beach and shall follow the pre-emergency slope as closely as possible. The movement of material utilizing a bulldozer, front end loader, backhoe, scraper, or any type of earth moving or construction equipment shall not exceed one foot in depth measured from the pre-activity surface elevation;
  - (B) The activity must not exceed the lateral bounds of the applicant's property unless he has permission of the adjoining land owner(s);
  - (C) Movement of material from seaward of the low water line will require a CAMA Major Development and State Dredge and Fill Permit;
  - (D) The activity must not significantly increase erosion on neighboring properties and must not have a significant adverse effect on important natural or cultural resources;
  - (E) The activity may be undertaken to protect threatened on-site waste disposal systems as well as the threatened structure's foundations.
- (b) Dune Establishment and Stabilization. Activities to establish dunes shall be allowed so long as the following conditions are met:
  - (1) Any new dunes established shall be aligned to the greatest extent possible with existing adjacent dune ridges and shall be of the same general configuration as adjacent natural dunes.
  - (2) Existing primary and frontal dunes shall not, except for beach nourishment and emergency situations, be broadened or extended in an oceanward direction.
  - (3) Adding to dunes shall be accomplished in such a manner that the damage to existing vegetation is minimized. The filled areas will be immediately replanted or temporarily stabilized until planting can be successfully completed.
  - (4) Sand used to establish or strengthen dunes must be of the same general characteristics as the sand in the area in which it is to be placed.
  - (5) No new dunes shall be created in inlet hazard areas.
  - (6) Sand held in storage in any dune, other than the frontal or primary dune, may be redistributed within the AEC provided that it is not placed any farther oceanward than the crest of a primary dune or landward toe of a frontal dune.
  - (7) No disturbance of a dune area will be allowed when other techniques of construction can be utilized and alternative site locations exist to avoid unnecessary dune impacts.
  - (c) Structural Accessways:
    - (1) Structural accessways shall be permitted across primary dunes so long as they are designed and constructed in a manner which entails negligible alteration on the primary dune. Structural accessways may not be considered threatened structures for the purpose of Paragraph (a) of this Rule.
    - (2) An accessway shall be conclusively presumed to entail negligible alteration of a primary dune:
      - (A) The accessway is exclusively for pedestrian use;
      - (B) The accessway is less than six feet in width; and
      - (C) The accessway is raised on posts or pilings of five feet or less depth, so that wherever possible only the posts or pilings touch the frontal dune. Where this is deemed impossible, the structure shall touch the dune only to the extent absolutely necessary. In no case shall an accessway be permitted if it will diminish the dune's capacity as a protective barrier against flooding and erosion; and
      - (D) Any areas of vegetation that are disturbed are revegetated as soon as feasible.
    - (3) An accessway which does not meet Parts (2)(A) and (B) of this Paragraph shall be permitted only if it meets a public purpose or need which cannot otherwise be met and it meets Part (2)(C) of this Paragraph. Public fishing piers shall not be deemed to be prohibited by this Rule, provided all other applicable standards are met.
    - (4) In order to avoid weakening the protective nature of primary and frontal dunes a structural accessway

(such as a "Hatteras ramp") shall be provided for any off-road vehicle (ORV) or emergency vehicle access. Such accessways shall be no greater than 10 feet in width and shall be constructed of wooden sections fastened together over the length of the affected dune area.

(d) Construction Standards. New construction and substantial improvements (increases of 50 percent or more in value on square footage) to existing construction shall comply with the following standards:

- (1) In order to avoid unreasonable danger to life and property, all development shall be designed and placed so as to minimize damage due to fluctuations in ground elevation and wave action in a 100 year storm. Any building constructed within the ocean hazard area shall comply with the North Carolina Building Code including the Coastal and Flood Plain Construction Standards, Chapter 34, Volume 1 or Section 39, Volume 1-B and the local flood damage prevention ordinance as required by the National Flood Insurance Program. If any provision of the building code or a flood damage prevention ordinance is inconsistent with any of the following AEC standards, the more restrictive provision shall control.
- (2) All structures in the ocean hazard area shall be on pilings not less than eight inches in diameter if round or eight inches to a side if square.
- (3) All pilings shall have a tip penetration greater than eight feet below the lowest ground elevation under the structure. For those structures so located on the primary dune or nearer to the ocean, the pilings must extend to five feet below mean sea level.
- (4) All foundations shall be adequately designed to be stable during applicable fluctuations in ground elevation and wave forces during a 100 year storm. Cantilevered decks and walkways shall meet this standard or shall be designed to break-away without structural damage to the main structure.

*History Note:* Filed as a Temporary Amendment Eff. June 20, 1989, for a period of 180 days to expire on December 17, 1989; Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a., b., d.; 113A-124; Eff. June 1, 1979; Amended Eff. August 3, 1992; December 1, 1991; March 1, 1990; December 1, 1989; RRC Objection Eff. November 19, 1992 due to ambiguity; RRC Objection Eff. January 21, 1993 due to ambiguity; Amended Eff. March 1, 1993; December 28, 1992; RRC Objection Eff. March 16, 1995 due to ambiguity; Amended Eff. April 1, 1999; December 1, 1996; February 1, 1996; May 4, 1995.

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

### **SUBCHAPTER 10B - HUNTING AND TRAPPING**

## **SECTION .0200 - HUNTING**

### **.0207 RABBITS**

(a) Open Season: The open season for taking rabbits shall be the first Saturday preceding Thanksgiving through the last day of February.

(b) Bag Limits: The daily bag limit shall be five. The possession limit shall be 10. The season limit shall be 75.

(c) Box-traps: During the hunting season specified in Paragraph (a) of this Rule and subject to the bag, possession and season limits set forth in Paragraph (b) of this Rule, rabbits may be taken with box-traps. A valid hunting license shall serve as a transportation permit for live rabbits taken pursuant to this Rule.

*History Note:* Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2; Eff. February 1, 1976; Amended Eff. July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984; Temporary Amendment Eff. August 1, 1998; Amended Eff. April 1, 1999.

---

## **TITLE 17 - DEPARTMENT OF REVENUE**

### **CHAPTER 5 - CORPORATE FRANCHISE, INCOME, AND INSURANCE TAXES**

#### **SUBCHAPTER 5B - FRANCHISE TAX**

### **SECTION .1300 - INVESTMENT IN TANGIBLE PROPERTIES IN NORTH CAROLINA BASE**

#### **.1304 CARRIER OPERATIONS PROPERTY EXEMPT FROM INVESTMENT BASE**

*History Note:* Authority G.S. 105-122; 105-262; Eff. February 1, 1976; Amended Eff. January 1, 1994; Repealed Eff. October 1, 1998.

---

## **TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

### **CHAPTER 3 - NORTH CAROLINA BOARD OF ATHLETIC TRAINER EXAMINERS**

### **SECTION .0500 - ATHLETIC TRAINER PROTOCOL**

#### **.0501 MINIMUM REQUIREMENTS**

The practice protocol for each athletic trainer pursuant to G.S. 90-523(2) shall be a general outline of practices for which the athletic trainer has been trained and shall be individualized to accommodate the skills of the athletic trainer. The practice protocol shall not allow the athletic trainer to undertake medical



diagnosis or to prescribe or dispense prescription drugs or prescription devices. The practice protocol shall not allow the athletic trainer to independently provide treatments for athletes with fractures, head or spinal injuries, or other serious medical conditions, except the athletic trainer may render appropriate first aid or emergency care. The protocol shall specify provisions for physician involvement in the event of serious injuries. The athletic trainer and the physician shall sign and file a statement with the North Carolina Medical Board agreeing to abide by the protocol. The format of the protocol shall be typewritten on letter size paper.

*History Note: Authority G.S. 90-523; 90-525;  
Temporary Adoption Eff. March 16, 1998;  
Eff. May 1, 1999.*

## **CHAPTER 14 - BOARD OF COSMETIC ART EXAMINERS**

### **SUBCHAPTER 14I - OPERATIONS OF SCHOOLS OF COSMETIC ART**

#### **SECTION .0100 - RECORD KEEPING**

##### **.0107 REPORT OF ENROLLMENT**

(a) A cosmetic art school shall report cosmetology enrollments to the Board not later than 30 working days after a student enrolls in school. A cosmetic art school shall report manicurist enrollments to the Board not later than 15 working days after a student enrolls in school. If a student's enrollment is not reported within 30 working days for cosmetology and 15 working days for manicurist, the cosmetic art school shall file a copy of the student's daily time records when it reports the student's enrollment.

(b) A student whose enrollment has not been properly reported to the Board shall not be accepted for either the cosmetology examination or the manicurist and no hours will be credited.

(c) A student may only be enrolled in one school for a particular course of study during any given time period.

*History Note: Authority G.S. 88-23; 88-30;  
Eff. February 1, 1976;  
Amended Eff. April 1, 1999; August 1, 1998; April 1, 1991;  
January 1, 1989; April 1, 1988.*

### **SUBCHAPTER 14N - EXAMINATIONS**

#### **SECTION .0100 - GENERAL PROVISIONS**

##### **.0103 GENERAL EXAMINATION INSTRUCTIONS**

- (a) All candidates scheduled for an examination shall bring:
- (1) their social security number;
  - (2) a form of identification with a current picture;
  - (3) a kit containing all supplies necessary to perform all services required by the examination;
  - (4) a No. 2 pencil; and
  - (5) the examination notification.

(b) Candidates for the cosmetologist examination shall bring two mannequins that conform with applicable requirements set forth in 21 NCAC 14N .0105.

(c) Candidates for the cosmetologist teacher and manicurist teacher examinations shall bring a kit containing the supplies necessary to perform all services required by the examination.

(d) Candidates shall not be accepted after roll call.

(e) No candidates shall be allowed to bring books, electronic devices, calculators, papers, or reference materials of any kind into the testing room, except as provided in Paragraph (f) of this Rule.

(f) Cosmetology teacher and manicurist teacher candidates may use visual aids, prepared in advance, during the practical examination. During the lesson planning part of the examination, only a text book brought by that candidate may be used.

*History Note: Authority G.S. 88-10(2); 88-12(2); 88-16; 88-17; 88-21(a)(16); 88-23; 88-30(4);  
Eff. June 1, 1992;  
Amended Eff. April 1, 1999.*

***This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, December 17, 1998, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, December 14, 1998, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.***

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**  
 Teresa L. Smallwood, Vice Chairman  
 Jim Funderburke  
 Vernice B. Howard  
 Philip O. Redwine  
 David Twiddy

**Appointed by House**  
 Paul Powell, Chairman  
 Anita White, 2<sup>nd</sup> Vice Chairman  
 Mark Garside  
 Steve Rader  
 George Robinson

**RULES REVIEW COMMISSION MEETING DATES**

December 17, 1998

January 21, 1999

**RULES REVIEW COMMISSION**

**October 22, 1998  
 MINUTES**

The Rules Review Commission met on October 22, 1998, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, Stephen P. Rader, George S. Robinson, David R. Twiddy, Vernice B. Howard, Jim R. Funderburk, Anita A. White, and Mark P. Garside.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Noah H. Huffstetler	Kilpatrick Stockton
Jim Wellons	JUSTICE/DHHS
Ben Dean	Smith Helms Mulliss & Moore
Lee Hoffman	DHHS/DFS/CON
Jackie Herbster	Kilpatrick Stockton
Emily Lee	Transportation
Dedra Alston	DENR
Shirley Bullard	DHHS/Division of Public Health
Jackie Sheppard	DHHS/DFS
Richard Moore	DHHS/Controller's Office
Lars Nance	JUSTICE/Wildlife Resources Commission
Jessica Gill	DENR/Coastal Resources Commission
Charles Jones	DENR/Coastal Resources Commission
Sharnese Ransome	DHHS/Social Services
Portia Rochelle	DHHS/DMA
Kris Horton	DHHS/Social Services
Ed Norman	DENR
Scott Perry	JUSTICE/Criminal Justice Standards
Lisa Thompson	JUSTICE/Criminal Justice Standards

**APPROVAL OF MINUTES**



The meeting was called to order at 10:05 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the September 17, 1998 meeting. There being none, the minutes were approved.

### **FOLLOW-UP MATTERS**

12 NCAC 11 .0501, .0502, .0504, and .0505: JUSTICE/NC Alarms Systems Licensing Board - Rule .0501 was withdrawn by the agency and the rewritten rules submitted for .0502, .0504, and .0505 were approved by the Commission.

14A NCAC 7 .0313: CRIME CONTROL AND PUBLIC SAFETY - The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 7H .1705: DENR/Coastal Resources Commission - The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 13B .1624: DENR/Commission for Health Services - No response was received from the agency on this rule.

19A NCAC 2D .0816: DEPARTMENT OF TRANSPORTATION - The rewritten rule submitted by the agency was approved by the Commission.

### **LOG OF FILINGS**

Chairman Powell presided over the review of the log and all rules were unanimously approved with the following exceptions:

4 NCAC 3B .0101: COMMERCE/Banking Commission - The Commission objected to this rule due to lack of statutory authority and lack of necessity. Paragraphs (b) and (d) are not consistent with G.S. 150B-20 and thus there is no authority for them. If they were consistent, they would repeat the statute and be unnecessary.

4 NCAC 3B .0102: COMMERCE/Banking Commission - The Commission objected to this rule due to lack of statutory authority, ambiguity, and lack of necessity. Paragraph (a) is not consistent with G.S. 150B-21.2 and if it were it would be unnecessary because it would repeat the statute. In (c), it is not clear when the agency will publish in three newspapers.

4 NCAC 3B .0103: COMMERCE/Banking Commission - The Commission objected to this rule due to lack of statutory authority. In (b), there is no authority cited for requiring 10 days notice to make an oral presentation. "Good cause" also is not the specific guidelines necessary for an agency to waive a rule pursuant to G.S. 150B-19(6) in (b) or (c). Paragraph (e) is not consistent with G.S. 150B-21.2(f). Paragraph (h) is not consistent with G.S. 150B-21.2(h) by limiting requests to persons it defines as "interested" and requiring the request to be in writing. Paragraph (i) is not consistent with G.S. 150B-21.2(i).

4 NCAC 3H .0002: COMMERCE/Banking Commission - The Commission objected to this rule due to lack of statutory authority. The \$3,000 application fee in (2) is not consistent with the \$5,000 application fee set in G.S. 53-211(a).

The remaining rules from the Banking Commission were withdrawn by the agency.

10 NCAC 3R .6112: DHHS/Medical Care Commission - The Commission objected to this rule due to lack of statutory authority and necessity. The Commission determined that there is no authority for the agency to predetermine from whom applications can be taken and the rule is not necessary for the agency to perform its statutory function. Commissioners Rader, Funderburk, and Howard voted not to object to the rule.

12 NCAC 9B .0301: JUSTICE/Criminal Justice Education & Training Standards Commission - The Commission objected to this rule due to lack of statutory authority and necessity. Unless there are instructors or certifications still subject to (b), it appears to be unnecessary (beyond any historical significance) and should be deleted. There is no authority for the provision in (d) requiring instructors to meet any continuing education courses "deemed necessary and appropriate by the Commission" unless these requirements are set out in rules. If this requirement refers to "instructor updates" set out in other rules, then that is not clear. There is actually no authority cited for requiring any continuing education or recertification for instructors in general, although there is for instructors for "radio microwave, laser, and other electronic speed-measuring instruments." G.S. 17C-6(12).

12 NCAC 9B .0603: JUSTICE/Criminal Justice Education & Training Standards Commission - The Commission objected to this rule due to lack of statutory authority. There is no authority to incorporate by reference an agency's own manual, as set out in (b) or to require compliance with it, as set out in (a).

15A NCAC 6E .0105: DENR/Soil and Water Conservation - This rule was withdrawn by the agency.

15A NCAC 10F .0301: DENR/Wildlife Resources Commission - The Commission objected to this rule due to lack of statutory authority. There is a waiver provision in (g)(1) allowing the Executive Director of the WRC to permit enclosed swimming areas to exceed 5000 square feet. There are no guidelines specified, as required by G.S. 150B-19(6), for exercising that waiver.

15A NCAC 16A .0101: DENR/Commission for Health Services - The Commission objected to this rule due to lack of necessity. There are no substantive requirements, prohibitions, or allowances in this rule.

15A NCAC 18A .2522: DENR/ Commission for Health Services - The Commission objected to this rule due to lack of statutory authority. There is a waiver provision in (g) but there are no specific guidelines for exercising the waiver.

15A NCAC 18A .2537: DENR/ Commission for Health Services - The Commission objected to this rule due to lack of statutory authority. There is no authority cited for the provision in (c) requiring a swimming pool operator to meet certain educational criteria. There are also no standards cited for approving "a course of instruction" referred to in (c).

15A NCAC 18A .2804: DENR/ Commission for Health Services - The Commission objected to this rule due to ambiguity. It is unclear what is meant by or who are meant by "...sources that are regulated by..." in (a). It is unclear how a child care center is to make this determination, what their responsibility is in attempting to make this determination, and how to determine if they have complied. Compare this paragraph to (f) which is pretty straight forward.

15A NCAC 18A .2808: DENR/ Commission for Health Services - The Commission objected to this rule due to ambiguity. It is unclear what constitutes an "approved source" for ice or how that is determined.

15A NCAC 18A .2827: DENR/ Commission for Health Services - The Commission objected to this rule due to lack of statutory authority. In (c) there is a provision for the department to approve "partition, screen, or other means..." to separate a sick child. There are no standards set for such approval and thus no authority for this provision. Note that when it was the Environmental Health Specialist, a local official and one outside the control of the agency, then it was acceptable for that official to make its own individual decision without any written guidelines or rules.

15A NCAC 18A .2833: DENR/ Commission for Health Services - The Commission objected to this rule due to ambiguity. It is unclear in (b) what constitutes a swimming or wading pool that is a "permanent structural feature" of the child care center.

21 NCAC 32F .0003: NC MEDICAL BOARD - This rule was returned to the agency for failure to comply with the APA which requires a 15 day notice period.

#### **DIRECTOR'S REPORT**

Elections are tentatively scheduled for next month. The Commissioners approved a lease for the same office space for another year.

#### **COMMISSION PROCEDURES AND OTHER MATTERS**

The next meeting will be on November 19, 1998.

The meeting adjourned at 12:55 p.m.

Respectfully submitted,  
Sandy Webster



*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. Also, the Contested Case Decisions are available on the Internet at the following address: <http://www.state.nc.us/OAH/hearings/decision/caseindex.htm>.*

**OFFICE OF ADMINISTRATIVE HEARINGS**

*Chief Administrative Law Judge*  
JULIAN MANN, III

*Senior Administrative Law Judge*  
FRED G. MORRISON JR.

**ADMINISTRATIVE LAW JUDGES**

Sammie Chess Jr.  
Beecher R. Gray  
Melissa Owens  
Meg Scott Phipps

Robert Roosevelt Reilly Jr.  
Dolores O. Smith

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>				
Alcoholic Beverage Control Commission v. Kenneth Jerome	97 ABC 1205	Phipps	07/23/98	
Alcoholic Beverage Control Commission v. Jesse Jacob Joyner, Jr.	97 ABC 1438	Phipps	06/19/98	
Alcoholic Beverage Control Commission v. Trade Oil Company, Inc.	98 ABC 0033	Reilly	08/21/98	
Alcoholic Beverage Control Commission v. Pantana Bobs, Inc.	98 ABC 0293	Reilly	09/17/98	13 11 NCR 933
Alcoholic Beverage Control Comm v. Partnership T/A C & J's Shipwreck	98 ABC 0296	Morrison	08/19/98	
Alcoholic Beverage Control Commission v. Axis Entertainment	98 ABC 0357*	Reilly	07/02/98	
Sokha Huor Ramadneh v. Alcoholic Beverage Control Commission	98 ABC 0382	Smith	06/30/98	13 03 NCR 350
Alcoholic Beverage Control Commission v. Delores Williams Alnaqib	98 ABC 0392	Chess	07/30/98	
Alcoholic Beverage Control Commission v. Axis Entertainment	98 ABC 0401**	Reilly	07/02/98	
Alcoholic Beverage Control Commission v. James Aubrey Stephenson	98 ABC 0494	Chess	09/01/98	
Alcoholic Beverage Control Commission v. Bridgette Dee Williams	98 ABC 0501	Reilly	08/11/98	
Alcoholic Beverage Control Commission v. Robert Lee, Inc.	98 ABC 0518	Gray	08/11/98	
Alcoholic Beverage Control Comm v. Partnership, T/A Variety Pic Up #21	98 ABC 0714	Morrison	10/09/98	
Tarus Jackson v. Alcoholic Beverage Control Commission	98 ABC 0768	Smith	07/13/98	
Alcoholic Beverage Control Comm v. Simple Elegance Restaurants, Inc.	98 ABC 0850	Phipps	10/26/98	
Alcoholic Beverage Control Comm v. Daniel Hinton Green	98 ABC 0889	Morrison	11/06/98	
Alcoholic Beverage Control Comm v. Zaheer Ahmad Bajwa	98 ABC 0960	Owens	10/30/98	
<b>BOARD OF CONTRACTORS</b>				
Heritage Pointe Builders, Inc. & Patrick Hannon v. Bd. of Contractors	97 LBC 0243	Phipps	08/17/98	
<b>CRIME CONTROL AND PUBLIC SAFETY</b>				
Loretta Battle v. Crime Victims Compensation Commission	97 CPS 0654	Gray	08/10/98	
Cynthia Austin v. Crime Victims Compensation Commission	97 CPS 1499	Reilly	08/12/98	13 05 NCR 533
Marcella Skaggs v. Crime Victims Compensation Commission	98 CPS 0065	Owens	06/05/98	
Talmadge E. McHenry v. Crime Victims Compensation Commission	98 CPS 0116	Gray	06/24/98	
Linda Caldwell Wiggins v. Crime Victims Compensation Commission	98 CPS 0153	Chess	08/27/98	
Kenneth T. Lytle v. Crime Victims Compensation Commission	98 CPS 0176	Reilly	07/06/98	
Shirley Henryland v. Crime Victims Compensation Commission	98 CPS 0263	Morrison	08/11/98	
Brenda Jean Thomas v. Crime Victims Compensation Commission	98 CPS 0314	Morrison	08/11/98	
Tareyton L. Johnson v. Crime Victims Compensation Commission	98 CPS 0327	Reilly	09/02/98	
Mia Thompson-Clark v. Crime Victims Compensation Commission	98 CPS 0349	Chess	05/14/98	
Godfrey Akenabor v. Crime Victims Compensation Commission	98 CPS 0427	Owens	10/30/98	
Rufus K. Williams v. Department of Crime Control & Public Safety	98 CPS 0676	Morrison	10/23/98	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Faye E. Powell v. Crime Victims Compensation Commission	98 CPS 0808	Owens	08/28/98	
Hubert Lee Grant v. Crime Victims Compensation Commission	98 CPS 0839	Morrison	10/21/98	13 10 NCR 853
Mary Elizabeth Troutman v. Crime Victims Compensation Comm	98 CPS 0901	Smith	11/12/98	
Brenda H. Alston v. Crime Victims Compensation Commission	98 CPS 0952	Phipps	11/10/98	
Shirley P. Chen v. Crime Victims Compensation Commission	98 CPS 1015	Phipps	09/17/98	
<b>ENVIRONMENT AND NATURAL RESOURCES</b>				
Ladane Williamson and Odell Decarol Williamson v. DENR	96 EHR 1926	Gray	09/01/98	13 07 NCR 609
Teresa Heflin v. Department of Environment and Natural Resources	97 EHR 0409	Morrison	07/29/98	
Ronald Prater v. Department of Environment and Natural Resources	97 EHR 0451	Reilly	07/02/98	
James F. Smith v. Department of Environment and Natural Resources	97 EHR 1365	Chess	07/17/98	
William Hickman v. Department of Environment and Natural Resources	97 EHR 1388	Gray	11/06/98	13 11 NCR 928
Hickory Alliance v. Department of Environment and Natural Resources and Godfrey Lumber Company, Inc.	97 EHR 1607	Reilly	07/17/98	
John M. Silva v. Department of Environment and Natural Resources	97 EHR 1646	Chess	06/03/98	
Godfrey Lumber Company, Inc. v. Dept. /Environment & Natural Resources and Hickory Alliance	97 EHR 1676	Reilly	07/17/98	
Gregory B. Jackson, Brenda R. Jackson v. Greene Cty. Hlth. Dept., ENR	98 EHR 0042	Reilly	07/02/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0072*	Gray	06/25/98	
Scotland Water, Cedar Circle v. Environment and Natural Resources	98 EHR 0236	Smith	06/09/98	
Womble & Company v. Dept. of Environment and Natural Resources	98 EHR 0345	Chess	11/05/98	
Eric Glenn Harrison v. Environment and Natural Resources	98 EHR 0373	Reilly	08/28/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0448*	Gray	06/25/98	
Wilbur E. Earp v. Department of Environment and Natural Resources	98 EHR 0606	Smith	10/21/98	
Norell Bahrs v. Carteret Cty. Health Dept., DENR	98 EHR 0884	Owens	11/02/98	
Charles Davis v. Department of Environment and Natural Resources	98 EHR 0890	Owens	11/09/98	
<b>Division of Coastal Management</b>				
Preston Warren v. Division of Coastal Management, Wilmington, NC	98 EHR 0177	Phipps	10/05/98	
<b>Division of Environmental Health</b>				
Gerald P. Sigal v. DENR, Division of Environmental Health	98 EHR 0051	Smith	10/02/98	
<b>Division of Environmental Management</b>				
Save Our Rivers, Inc., et al v. Town of Highlands, EHNR, Env. Mgmt., William W. Cobey, Jr., Secretary	91 EHR 0377	Gray	07/30/98	
US Dept. of the Interior Nat'l Park Svce. v. Environmental Mgmt. Comm	98 EHR 0410	Smith	08/20/98	13 06 NCR 578
<b>Division of Marine Fisheries</b>				
Lady LaShanda Melvin Bryant v. EHNR, Division of Marine Fisheries	97 EHR 1459	Gray	07/20/98	
Gerald Moore, et al v. DENR, Division of Marine Fisheries	98 EHR 0322	Owens	10/08/98	13 09 NCR 797
<b>Division of Solid Waste Management</b>				
Steve Aldridge, et. al v. DENR, Division of Solid Waste Management	98 EHR 0665	Chess	09/09/98	13 07 NCR 617
<b>Division of Water Quality</b>				
Raymond L. Martin v. DENR, Division of Water Quality	98 EHR 0590	Gray	09/21/98	
Worsley Oil Companies, Inc. v. DENR, DWQ, Groundwater Section	98 EHR 0735	Chess	08 24/98	
Silver Bullet, Inc. v. DENR, Division of Water Quality	98 EHR 0931	Chess	08/20/98	
<b>HEALTH AND HUMAN SERVICES</b>				
Stanley C. Ochulo v. Off./Administrative Hearings, Mr. R. Marcus Lodge	98 DHR 0021	Reilly	06/24/98	
Oliver C. Johnson, Hazel T. Johnson v. Health and Human Services	98 DHR 0090	Gray	07/08/98	
Louise Streater v. Health and Human Services	98 DHR 0196	Gray	06/03/98	
Richard E. Lawrence, Rebecca A. Lawrence v. Health and Human Services	98 DHR 0209	Phipps	07/15/98	
John David Brinson v. Department of Human Resources	98 DHR 0369	Owens	08 17/98	
Stephanie Wade v. Department of Health and Human Services	98 DHR 0666	Reilly	08 19/98	
Carolyn L. Freeman v. Department of Human Resources	98 DHR 0721	Gray	08/05/98	
Otis L. Mack, Jr. v. Office of Administrative Hearings	98 DHR 0729	Phipps	09/09/98	
Christopher Germano, Lee Germano v. Department of Health	98 DHR 0780	Owens	07/28/98	
E. Jean Woods v. EDS - Medicaid	98 DHR 1118	Gray	10/26/98	
<b>Division of Child Development</b>				
Dulatown Presbyterian Children's Ctr. v. DHHS, Child Development	98 DHR 0654	Gray	08/06/98	
Cassandra Myers v. Division of Child Development	98 DHR 0948	Owens	09/03/98	
Dulatown Presbyterian Children Ctr. v. DHR, Child Development	98 DHR 1112	Morrison	10/16/98	
Dora's Child Development Center v. Mecklenburg Cty. DSS, and DHR	98 DHR 1184	Phipps	09 25/98	
<b>Division of Facility Services</b>				
Pearlie W. Lawson v. DHHS, Facility Svcs., Health Care Personnel Reg	97 DHR 1034	Becton	07/30/98	
Annie K. Morgan v. Health & Human Services, Facility Services	97 DHR 1046*	Phipps	07/23/98	
Mooresville Hospital Mgmt. Associates, Inc. d/b/a Lake Norman Regional	97 DHR 1209	Reilly	06 23/98	



# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Medical Center v. DHR, Facility Services, Certificate of Need Section and Autumn Corporation and McKinley V. Jurney				
Warren Moore & Catherine Moore v. DHR, Div. of Facility Services	97 DHR 1279	Mann	09/08/98	
Constellation Health Services, Inc. and Constellation Senior Services, Inc. v. DHR, Facility Services, Group Care Licensure Section and Diversified Health Group, L.L.C. and The Innovative Health Group, Inc	97 DHR 1529	Gray	06/24/98	
Dialysis Care of NC, LLC, d/b/a Dialysis Care of Rowan County v. DHR, Division of Facility Services, Certificate of Need Section v. Biomedical Applications of NC, Inc. d/b/a BMA of Kannapolis d/b/a Metrolina Kidney Center of Kannapolis (Lessee) and Metrolina Nephrology Associates, P.A. (Lessor)	97 DHR 1588	Phipps	08/31/98	
Robin Annette Reavis v. Health and Human Svcs., Div. of Facility Svcs	97 DHR 1672	Reilly	08/12/98	
Jennifer Blofeld v. DHHS, Facility Svcs., Health Care Personnel Registry	98 DHR 0096	Gray	08/21/98	
Sunlite Retirement Home, Winnie Jane Johnson v. DHR, Facility Services	98 DHR 0124	Phipps	06/11/98	
Helen Shokoti v. Health and Human Services, Div. of Facility Services	98 DHR 0173	Chess	08/26/98	
Ann Davis Rest Home v. Group Care Licensure Section	98 DHR 0197	Phipps	06/23/98	
Diane Lingard v. DHR, Facility Svcs, Health Care Personnel Reg.	98 DHR 0214	Becton	06/22/98	
Kimberly Annette Smith Hull v. DHHS, Division of Facility Services	98 DHR 0239	Phipps	06/23/98	
Deborah Ann Holt v. DHHS, Division of Facility Services	98 DHR 0348	Phipps	06/22/98	
Terri Michelle Tyler v. Health & Human Svcs, Div. of Facility Services	98 DHR 0458	Gray	08/21/98	
Doris Jones Holmes v. DHHS, Facility Svcs, Health Care Personnel Reg	98 DHR 0463	Gray	08/21/98	
Annie K. Morgan v. Health & Human Services., Facility Services	98 DHR 0496*	Phipps	07/23/98	
Shirley Bowling v. DHHS, Facility Services, Health Care Personnel Reg.	98 DHR 0547	Gray	11/09/98	
Johnnie E. Williams v. DHHS, Division of Facility Services	98 DHR 0639	Reilly	07/02/98	
Christy Jeton Hall v. DHHS, Division of Facility Services	98 DHR 0706	Gray	10/12/98	
Latonia Denise Thomas v. DHHS, Division of Facility Services	98 DHR 0809	Gray	10/23/98	
Tracey Deirde Galloway v. DHHS, Facility Svcs., Health Care Per. Reg.	98 DHR 0824	Gray	09/24/98	
Rose Marie Hadley v. DHHS, Division of Facility Services	98 DHR 0970	Smith	10/08/98	
<i>Division of Medical Assistance</i>				
Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas Medical Ctr. and Harry Mahannah, M.D. v. DHHS, Division of Medical Assistance	97 DHR 0621	Smith	07/08/98	
Alic F. Schneider, Julia R. Hammonds v. DHHS, Medical Assistance	98 DHR 0994	Morrison	10/29/98	
<i>Division of Social Services</i>				
William & Crystal Steakley v. DHHS, Division of Social Services	98 DHR 0076	Gray	07/20/98	
Raji Abdus-Salaam v. Department of Human Resources, DSS-DCA	98 DHR 0771	Owens	07/30/98	
<i>Child Support Enforcement Section</i>				
Robert H. Black v. Guilford County Child Support Enforcement	96 CRA 1548	Mann	10/09/98	
Dorman E. Drake v. Department of Human Resources	96 CRA 1717	Smith	08/25/98	
Garry R. McNeill v. Department of Human Resources	96 CRA 1743	Reilly	10/22/98	
Robert Alan Davis v. Department of Human Resources	96 CRA 1781*	Phipps	08/20/98	
Michael W. White v. Department of Human Resources	96 CRA 1784	Gray	09/25/98	
Troy R. Emmons, Jr. v. Department of Human Resources	96 CRA 1798	Reilly	08/25/98	
Marvin A. Pike v. Department of Human Resources	96 CRA 1814	Chess	09/24/98	
Mary Putnam Avery v. DSS, Durham County Child Support Enforcement	96 CRA 1849	Morrison	09/01/98	
Gilbert G. Gray v. Department of Human Resources	96 CRA 1858	Morrison	10/08/98	
Herbert Leon Sellers v. Department of Human Resources	96 CRA 1932	Smith	11/06/98	
David W. Davis v. Department of Human Resources	96 CRA 1976	Smith	11/06/98	
Dale W. Hutchinson v. Department of Human Resources	96 CRA 1981	Mann	08/26/98	
Joe A. Lynch v. Department of Human Resources	97 CRA 0045	Phipps	10/09/98	
Kenneth Eugene Scott v. Department of Human Resources	97 CRA 1232	Chess	11/06/98	
Mark Owens Frink v. Department of Human Resources	97 CRA 1524	Mann	10/09/98	
Jeffery Lee Graves v. Department of Human Resources	98 CRA 0137	Becton	06/23/98	
Donald L. Carr, Jr. v. Department of Human Resources	98 CRA 0545	Reilly	06/08/98	
Marvin Diggs v. Department of Human Resources	98 CRA 0588	Reilly	06/24/98	
Michael Patrick Dyme v. Department of Health & Human Services	98 CRA 0787	Gray	09/17/98	
Sherman L. Arnold Sr. v. Department of Health & Human Services	98 CRA 1152	Mann	10/28/98	
Dennis Lee McNeill v. Department of Human Resources	96 CSE 1305	Gray	06/22/98	
Byron O. Ashby II v. Department of Human Resources	96 CSE 1435	Mann	07/15/98	
Hubert L. Morrison v. Department of Human Resources	96 CSE 1649	Reilly	08/12/98	
Robert Alan Davis v. Department of Human Resources	96 CSE 1780*	Phipps	08/20/98	
Larry S. Robinson v. Child Support Enforcement Agency	96 CSE 1848	Gray	11/05/98	
Darryl C. Thompson v. Department of Health & Human Services	96 CSE 1854* <sup>13</sup>	Chess	09/01/98	
Darryl C. Thompson v. Department of Health & Human Services	96 CSE 1902* <sup>13</sup>	Chess	09/01/98	
Michael Anthony Hill v. Department of Human Resources	96 CSE 2028	Mann	08/26/98	
Joseph L. Hill v. Department of Human Resources	97 CSE 0624	Chess	11/06/98	
Michael A. Wilder v. Department of Human Resources	97 CSE 1301	Chess	07/17/98	
Billy Anthony Jr. v. Department of Human Resources	97 CSE 1393	Reilly	06/24/98	
Alton D. Bagley v. Department of Human Resources	97 CSE 1424	Chess	06/02/98	
Bernel B. Berry Jr. v. Department of Human Resources	97 CSE 1435	Smith	06/12/98	

# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Darryl Simpkins v. Department of Health & Human Services	97 CSE 1436	Chess	08/11/98	
Anthony Montgomery v. Department of Human Resources	97 CSE 1442	Phipps	06/17/98	
Joseph Gerard McPhillips v. Department of Human Resources	97 CSE 1467	Mann	10/09/98	
Terry Letterman v. Department of Human Resources	97 CSE 1492	Smith	06/22/98	
William E. Mines v. Department of Human Resources	97 CSE 1527	Mann	09/08/98	
Christopher Alan v. Department of Human Resources	97 CSE 1544	Chess	10/16/98	
Annette Chipman v. Department of Human Resources	97 CSE 1545	Phipps	07/23/98	
Paul J. Mobley, Jr. v. Department of Human Resources	97 CSE 1568	Phipps	06/17/98	
Alvin G. Piper v. Department of Health & Human Services	97 CSE 1599	Phipps	11/10/98	
Robert A. Sherer v. Department of Human Resources	97 CSE 1605	Mann	07/15/98	
Rodney A. Morrison v. Department of Human Resources	97 CSE 1611	Gray	10/23/98	
Gregory Andre Brown v. Department of Health & Human Services	97 CSE 1656	Gray	08/27/98	
Rodger Hazen II v. Department of Human Resources	97 CSE 1666	Chess	07/17/98	
Wade A. Burgess v. Department of Human Resources	98 CSE 0071	Morrison	06/12/98	
Robert L. Robinson v. Department of Human Resources	98 CSE 0130	Reilly	07/15/98	
Jamie A. Hurtt v. Department of Health & Human Services	98 CSE 0307	Morrison	07/06/98	
Renardo Jenkins v. Department of Human Resources	98 CSE 0310	Smith	06/23/98	
Anthony Love v. Department of Human Resources	98 CSE 0312	Phipps	06/23/98	
Steven Kent Gold v. Department of Human Resources	98 CSE 0333	Morrison	07/01/98	
Leroy J. Poole v. Department of Human Resources	98 CSE 0375	Reilly	07/02/98	
Hoyal A. McLean v. Department of Health & Human Services	98 CSE 0420	Smith	07/29/98	
Michael Bernard Hill v. Department of Health & Human Services	98 CSE 0421	Becton	07/15/98	
Charlie Ratliff Jr. v. Department of Health & Human Services	98 CSE 0449	Mann	07/15/98	
Donald W. Lee v. Department of Health & Human Services	98 CSE 0469	Gray	11/09/98	
Bobby D. Cook v. Department of Health & Human Services	98 CSE 0483	Reilly	10/06/98	
John B. Hall v. Department of Human Resources	98 CSE 0506	Chess	07/20/98	
Derrick A. Brinton v. Department of Human Resources	98 CSE 0555	Smith	08/07/98	
Tabatha D. Pate v. Department of Human Resources	98 CSE 0556	Becton	06/23/98	
Amanda F. Blount v. Department of Human Resources	98 CSE 0560	Chess	07/29/98	
Gregory Carty (IV #1564206) v. Department of Human Resources	98 CSE 0561* <sup>1,2</sup>	Phipps	09/23/98	
Gregory Carty (IV #1564166) v. Department of Human Resources	98 CSE 0562* <sup>1,2</sup>	Phipps	09/23/98	
John L. Bullard v. Department of Human Resources	98 CSE 0569	Morrison	08/06/98	
Frank A. Cotton v. Department of Human Resources	98 CSE 0578	Gray	10/08/98	
Charlie Gray Hunt Jr. v. Department of Human Resources	98 CSE 0607	Smith	06/22/98	
Willie R. Cruse v. Department of Health & Human Services	98 CSE 0653	Mann	08/26/98	
Thomas H. Lotze, Jr. v. Department of Health & Human Services	98 CSE 0658	Phipps	08/31/98	
Robert L. Williams v. Department of Human Resources	98 CSE 0682	Smith	06/22/98	
Patrick Bass v. Department of Health & Human Services	98 CSE 0689	Owens	09/18/98	
Tawanna Wheeler v. Department of Health & Human Services	98 CSE 0691	Owens	10/09/98	
Timothy Kinney v. Department of Health & Human Services	98 CSE 0728	Smith	09/17/98	
Teresa L. Galloway v. Department of Health & Human Services	98 CSE 0769	Becton	07/30/98	
Michael A. Looper v. Department of Health & Human Services	98 CSE 0783	Chess	09/08/98	
Kenneth E. Strickland v. Department of Health & Human Services	98 CSE 0817	Mann	09/08/98	
Hoyt H. Bunt Jr. v. Department of Health & Human Services	98 CSE 0818	Morrison	09/15/98	
Vernon Reginald Pinkney v. Department of Health & Human Services	98 CSE 0833	Owens	07/29/98	
Eljah G. Deans v. Department of Health & Human Services	98 CSE 0867	Phipps	07/20/98	
James Howard Alexander v. Department of Health & Human Services	98 CSE 0869	Reilly	08/06/98	
Lee J. Coggins v. Department of Human Resources	98 CSE 0894	Smith	08/20/98	
Mark J. Houlbrook v. Department of Health & Human Services	98 CSE 0949	Smith	09/08/98	
Henry A. Harriel, Jr. v. Department of Health & Human Services	98 CSE 0975	Chess	09/01/98	
Denilra Jeffries v. Department of Health & Human Services	98 CSE 1036	Morrison	09/15/98	
Bryan L. Barksdale v. Department of Health & Human Services	98 CSE 1052	Morrison	10/09/98	
Karen Mitchell v. Department of Human Resources	98 CSE 1095	Reilly	10/06/98	
Vickie E. Lane v. Michael L. Adams, Department of Human Resources	96 DCS 2105	Gray	07/08/98	
Carla P. Robinson v. Department of Human Resources	97 DCS 0124	Reilly	11/10/98	
Rachel D. Farmer v. Department of Health & Human Services	97 DCS 0251	Phipps	08/31/98	
Janice Scott Padgett (Fisher) v. Department of Human Resources	97 DCS 1219	Smith	07/29/98	
Barbara Fanta-Blandine v. Department of Human Resources	97 DCS 1486	Morrison	06/22/98	
Sharon Brim v. Department of Health & Human Services	97 DCS 1574	Gray	08/04/98	
Terita M. Sharpe v. Department of Human Resources	98 DCS 0468	Morrison	06/09/98	
Ruth McFadden v. Department of Human Resources	98 DCS 0675	Reilly	07/15/98	
<b>Division of Women's and Children's Health</b>				
Khamis A. Sirhan v. DHHS, Women's Children's Health, Nutrition Svcs	98 DHR 0219	Reilly	08/11/98	
Joseph A. Nawas v. DHHS, Women's Children's Health, Nutrition Svcs	98 DHR 0637	Phipps	07/02/98	
Evelyn Powell v. Nutrition Services Section	98 DHR 1135	Smith	11/13/98	
<b>JUSTICE</b>				
James Todd Tippet v. NC Company Police Program	97 DOJ 1368	Phipps	09/10/98	
<b>Alarm Systems Licensing Board</b>				
Claude David Huggins v. Alarm Systems Licensing Board	98 DOJ 0871	Morrison	07/09/98	
<b>Auctioneer Licensing Board</b>				



# CONTESTED CASE DECISIONS

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Wiley R. Tyndall v. Auctioneer Licensing Board	97 DOJ 1236	Phipps	07/24/98	
Gavin Haviv Abadi v. Auctioneer Licensing Board	98 DOJ 1060	Smith	10/21/98	
<b>Education and Training Standards Division</b>				
Thomas Dwayne Brown v. Sheriffs' Education & Training Standards Comm.	97 DOJ 1319	Phipps	07/29/98	
Kenneth Joseph Jackson v. Sheriffs' Education & Training Standards Comm.	97 DOJ 1578*	Gray	08/20/98	
Odus Fitzgerald Darden v. Sheriffs' Education & Training Standards Comm.	97 DOJ 1698	Reilly	06/12/98	
Kenneth Earl Brantley v. Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0046	Gray	11/04/98	13:11 NCR 936
Hoyle Kenneth Wise, Jr. v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0022	Smith	07/14/98	
Hearl Oxendine v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0121	Smith	06/22/98	
James Farrell Roberts v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0147	Smith	07/16/98	
Phillip Keith McPherson v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0388	Reilly	07/24/98	
Daryl LaMar Bryant v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0430	Gray	07/21/98	
Harold F. Esters v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0431	Gray	08/21/98	
William Scott Key v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0432	Becton	06/08/98	
Cecil W. Duke, Jr. v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0479	Chess	10/07/98	
Amado Martinez v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0526	Morrison	09/09/98	
Johnny Wayne Wills v. Criminal Justice Education & Training Stds. Comm.	98 DOJ 0574	Chess	07/30/98	
James E. Ellerbe v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0600	Morrison	08/07/98	
Paul Harvey Taylor v. DOJ, Criminal Justice Ed. & Training Stds. Comm.	98 DOJ 0841	Phipps	09/16/98	
Kenneth Joseph Jackson v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0847*	Gray	08/20/98	
Robert Ryan Hardison v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0878	Phipps	09/08/98	
Tracey Jerome Clark v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0879	Owens	08/31/98	
Kevin Lamar Dorsey v. Sheriffs' Education & Training Standards Comm.	98 DOJ 0930	Phipps	09/22/98	
Willoughby McCormick, Jr. v. Sheriffs' Ed. & Training Standards Comm.	98 DOJ 1007	Reilly	10/13/98	
<b>Private Protective Services Board</b>				
Claims Verification, Inc. v. Private Protective Services Board	98 DOJ 0848	Smith	08/04/98	
Walter R. Shirer v. Private Protective Services Board	98 DOJ 0937	Morrison	09/17/98	
Stacey L. Williams v. Private Protective Services Board	98 DOJ 0938	Morrison	08/18/98	
Eugene Norman Garrett v. Private Protective Services Board	98 DOJ 0939	Morrison	08/18/98	
Danny Charles Garrett v. Private Protective Services Board	98 DOJ 1081	Morrison	09/17/98	
Alfred D. Malson v. Private Protective Services Board	98 DOJ 1141	Morrison	09/29/98	
Rodney Hamilton Marsh v. Private Protective Services Board	98 DOJ 1142	Owens	11/04/98	
Melvin Eugene Davis v. Private Protective Services Board	98 DOJ 1145	Morrison	09/22/98	
Glen Leon Fichette v. Private Protective Services Board	98 DOJ 1307	Owens	11/03/98	
<b>LABOR</b>				
Hildreth Mechanical & Maintenance v. Labor/Labor Standards	98 DOL 0903	Mann	11/04/98	
Labor World, Eric Feinstein v. Labor, Harry E. Payne, Jr.	98 DOL 1256	Gray	11/05/98	
<b>BOARD OF MEDICAL EXAMINERS</b>				
Joe D. Crawford, M.D. v. Medical Bd. of NC Bd. of Medical Examiners	98 BME 0870	Owens	07/30/98	
<b>PUBLIC INSTRUCTION</b>				
Linda & Danny Howard for Nikki Howard v. DHHS, Murdoch Center	97 EDC 1047	Gray	11/03/98	
George & Ruth Sinclair for Adam Sinclair v. Wake County Schools (Special Education Services)	97 EDC 1233	Phipps	08/11/98	
Nicholas Eirschele, By and Through His Parents, Charles & Kathleen Eirschele v. Craven County Board of Education	97 EDC 1234	Phipps	07/16/98	
Dewitt Brinson & Elizabeth Brinson v. Craven County Board of Education	97 EDC 1298	Phipps	10/26/98	
Gene Edward Lloyd v. Department of Public Instruction	98 EDC 0110	Reilly	09/10/98	
Mrs. Phyllis Y. Moore v. Cumberland County Schools	98 EDC 0305	Gray	08/05/98	
Laney Bruce Harrill v. State Board of Education	98 EDC 0350	Smith	09/17/98	
L.K. on behalf of her son, J.H., as well as on her own behalf v. St. Bd./Ed.	98 EDC 0370	Smith	10/14/98	
Joseph J. Sarrero v. Department of Public Instruction	98 EDC 0459	Owens	08/10/98	
M.E. and her husband, P.E., individually, and on behalf of their son, C.E. v. Bd. of Ed. for Buncombe Cty. a/k/a Buncombe Cty. Public Schools, et al	98 EDC 0566	Gray	10/01/98	
Linda & Danny Howard for Nikki Howard v. Lenoir Cty. Bd. of Ed.	98 EDC 1047	Gray	10/30/98	
<b>STATE BAR</b>				
Linda R. Sharp v. North Carolina State Bar	98 BAR 1344	Morrison	11/09/98	
<b>STATE PERSONNEL</b>				
<b>Department of Correction</b>				
Annie D. Dizon v. NC Correctional (Inst.) Center for Women	97 OSP 0166	Mann	11/06/98	
Terry T. Rees v. Department of Correction	97 OSP 1671*	Smith	06/30/98	
Mohammad H. Baloch, M.D. v. Department of Correction	98 OSP 0014	Gray	09/01/98	
Leon Owens v. Department of Correction	98 OSP 0050	Becton	07/10/98	
Terry T. Rees v. Department of Correction	98 OSP 0119*	Smith	06/30/98	
Michael A. Smith v. Department of Correction	98 OSP 0231*	Reilly	08/11/98	
Michael A. Smith v. Department of Correction	98 OSP 0317*	Reilly	08/11/98	
Jayne D. Bledsoe v. Correction, Div. of Adult Probation & Parole	98 OSP 0543	Owens	07/29/98	

# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Carl W. Craven, II v. Pender Correctional Institution	98 OSP 0633	Smith	06/25/98	
Ervin Shaw v. Martin Horner, Asst. Super., Corr., Sandy Ridge Corr. Ctr.	98 OSP 0671	Phipps	10/09/98	
Joseph Szilagyi v. Department of Correction	98 OSP 0757	Owens	10/05/98	
Dennis S. Harrell v. Dept. of Correction, Caledonia Correctional Institute	98 OSP 0846	Morrison	09/08/98	
Tommy L. Hancock v. Department of Correction	98 OSP 0881	Owens	08/04/98	
Tommy L. Hancock v. Department of Correction	98 OSP 0882	Owens	10/09/98	
Bertha Darden v. Raymond Smith & Dept. of Correction, Central Prison	98 OSP 0905	Smith	09/25/98	
Ruth Moseley v. Department of Correction	98 OSP 1092	Gray	10/07/98	
Lamont M. Burt v. Department of Correction	98 OSP 1115	Smith	10/06/98	
Nona W. Hubbard v. DOC, Division of Community Corrections	98 OSP 1214	Owens	10/27/98	
Robert R. Stovall v. Department of Correction	98 OSP 1282	Phipps	10/26/98	
<b>Crime Control and Public Safety</b>				
Roger D. Davis v. Crime Control & Public Safety, St. Hwy. Patrol	97 OSP 0617	Chess	05/27/98	
Albert R. Little v. Crime Control & Public Safety, Info. Sys. Specialists	97 OSP 1157	Morrison	07/22/98	
Thomas E. Carlton v. Crime Control & Public Safety, St. Hwy. Patrol	98 OSP 0919	Phipps	09/24/98	
<b>Employment Security Commission</b>				
Jane B. Bolin and Arlene G. Sellers v. Employment Security Commission	97 OSP 1122*	Chess	06/02/98	
Jane B. Bolin and Arlene G. Sellers v. Employment Security Commission	97 OSP 1134*	Chess	06/02/98	
<b>Environment and Natural Resources</b>				
Charles Anthony Bruce v. ENR, Division of Parks and Recreation	98 OSP 0240	Reilly	06/08/98	
<b>Health and Human Services</b>				
Annette Honea v. Department of Human Resources	96 OSP 0833	Chess	08/24/98	
Angela M. Miles v. Cumberland County Department of Social Services	97 OSP 0613* <sup>5</sup>	Gray	07/10/98	
Shung Fung-Chin v. Department of Human Resources, Caswell Center	97 OSP 0638* <sup>10</sup>	Chess	08/13/98	
Charity Swick v. Cumberland County Department of Social Services	97 OSP 0775	Gray	07/10/98	
Yolandra Best and Roy Hudson v. DHHS, John Umstead Hospital	97 OSP 0862* <sup>11</sup>	Chess	08/13/98	
Yolandra Best and Roy Hudson v. DHHS, John Umstead Hospital	97 OSP 0863* <sup>12</sup>	Chess	08/13/98	
Kenneth Dippel v. Columbus County Dept. of Social Services	97 OSP 0905	Gray	11/09/98	
Fred Foster, Jr. v. Department of Health and Human Services	97 OSP 1287* <sup>12</sup>	Smith	08/20/98	
Shung Fung-Chin v. Department of Human Resources, Caswell Center	97 OSP 1530* <sup>10</sup>	Chess	08/13/98	
Ruth Holroyd v. Montgomery Cty. DSS, Children's Services	97 OSP 1586	Smith	05/27/98	13:02 NCR 257
Fred Foster, Jr. v. Department of Health and Human Services	97 OSP 1701* <sup>12</sup>	Smith	08/20/98	
James W. Crews v. DHHS, Murdoch Center	98 OSP 0060	Gray	07/20/98	
Patricia R. Quick v. DHHS, Dorothea Dix Hospital	98 OSP 0061	Becton	07/16/98	
Angela M. Miles v. Cumberland County Department of Social Services	98 OSP 0084* <sup>5</sup>	Gray	07/10/98	
Delores Laverne Rich v. Health & Human Services, Dorothea Dix Hosp.	98 OSP 0120	Gray	07/08/98	
Elwin C. Munson v. Health & Human Services, Juvenile Evaluation Center	98 OSP 0140	Phipps	10/28/98	
Fred Foster, Jr. v. Department of Health and Human Services	98 OSP 0187* <sup>12</sup>	Smith	08/20/98	
David A. Kilpatrick v. Health & Human Services, Caswell Center	98 OSP 0271	Owens	08/13/98	
Fred Foster, Jr. v. Department of Health and Human Services	98 OSP 0403* <sup>12</sup>	Smith	08/20/98	
Laura Blanton v. Cleveland Center	98 OSP 0453	Smith	10/02/98	
Anthony M. Ruiz v. Department of Health & Human Svcs, Youth Svcs	98 OSP 0454	Gray	06/04/98	
Rudolph Waters v. DHHS, Youth Services, Dobbs School	98 OSP 0474	Morrison	07/30/98	
Euwell Falconer v. Karen A. Andrews, Gaston-Lincoln Area Mental Health	98 OSP 0538	Reilly	08/06/98	
Jeffrey L. Williams v. Dorothea Dix Hospital	98 OSP 0595	Becton	07/22/98	
Barbara Jean Paquette v. Durham County (respondeat superior for the Durham County Public Library)	98 OSP 0765	Morrison	08/05/98	
Linda Paige v. Center Point Human Services Forsyth Mental Health	98 OSP 0819	Smith	11/05/98	
Forsyth Industrial Systems				
Derrick Skinner v. Health & Human Services, Cherry Hospital	98 OSP 1035	Gray	09/21/98	
<b>Department of Justice</b>				
Linda Margaret Koss v. State Bureau of Investigation	97 OSP 0189	Chess	08/14/98	
<b>Department of Public Instruction</b>				
Lillie Burnette Pearsall v. Wayne Cty. Bd. of Ed., Mrs. Veda McNair and Mr. Steve Taylor	98 OSP 0944	Smith	08/25/98	
<b>Secretary of State</b>				
Jonathan M. Demers v. Department of Secretary of State	97 OSP 1018	Becton	07/07/98	13:03 NCR 343
<b>Department of Transportation</b>				
Johnny O. Shivar v. Department of Transportation	97 OSP 1366	Reilly	09/01/98	
Larry W. Davis v. Department of Transportation	98 OSP 0241	Gray	07/08/98	
Sherry Lynn Noles v. Department of Transportation-NCDMV	98 OSP 0269	Chess	08/11/98	
Clarice Goodwin Arthur v. Department of Transportation, Ferries Division	98 OSP 0864	Phipps	09/24/98	

\* Consolidated Cases.



# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>University of North Carolina</b>				
Douglas Love, Jr. v. UNC Hospitals	97 OSP 0662	Reilly	06/08/98	
Deborah J. Fenner v. NC Central University	97 OSP 0902	Chess	05/29/98	
Joyce M. Smith v. North Carolina Central University	97 OSP 1297	Smith	06/25/98	
Edwin Swain v. University of North Carolina at Chapel Hill	97 OSP 1694	Morrison	07/31/98	
Patricia A G. Roberts v. Asst./Chan./Qty. Mgmt./Dir. Human Res. UNCW	98 OSP 0178	Phipps	10/08/98	
Leo Watford, Roosevelt Parris, Claiborne Baker, et al. v. University of North Carolina at Chapel Hill	98 OSP 0254	Chess	07/17/98	
Johnny Johnson, Jr. v. A & T St. University Student Union-Grievance Bd	98 OSP 0299	Owens	09/02/98	
Jessie L. Johnson v. Bernard K. Locklear, UNC at Pembroke	98 OSP 0444	Gray	09/29/98	
Jonathan L. Fann v. North Carolina State University Physical Plant	98 OSP 0465	Becton	07/17/98	
Greta M. Hawthorne v. University of NC at Pembroke	98 OSP 0831	Chess	09/11/98	
Robert W. Brinson v. NC State University	98 OSP 0887	Owens	08/10/98	
Alberta A. Ingram-Peterson v. NC Central University	98 OSP 1024	Smith	10/14/98	
Fred T. Jackson v. UNC-Charlotte Recreational Facilities	98 OSP 1216	Smith	10/22/98	
Ronnie Bell v. Dave Hillard, UNC at Charlotte	98 OSP 1330	Smith	11/10/98	
<b>STATE TREASURER</b>				
Hugh A. Wells v. Consolidated Judicial Retirement System of NC, Bd. of Trustees Teachers and State Employees' Retirement System	98 DST 0316	Morrison	06/05/98	13.01 NCR 166
<b>TRANSPORTATION</b>				
David Warren Dew et al. v. Motor Vehicles, Alexander Killens Comm	95 DOT 1144	Gray	06/04/98	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Patricia D. Hall v. University of North Carolina at Chapel Hill	98 UNC 0397	Reilly	08/20/98	
Ladonna P. James v. UNC Hospitals	98 UNC 0591	Becton	07/20/98	
Joyceline Sellars v. UNC Hospitals	98 UNC 1113	Smith	10/22/98	

BEAUFORT COUNTY

**WILLIAM HICKMAN**  
Petitioner,

V.

**N.C. DEPARTMENT OF ENVIRONMENT,  
AND NATURAL RESOURCES**  
Respondent.

## RECOMMENDED DECISION

This matter was heard before Administrative Law Judge Beecher R. Gray, on September 23, 1998, in Ayden, North Carolina, on a petition for a contested case hearing to appeal Respondent's assessment of a civil penalty in the amount of \$4000.00 plus \$481.30 in investigative costs against Petitioner for a discharge of animal waste to waters of the State of North Carolina.

## APPEARANCES

For Petitioner: Mickey Herrin. Esq.,  
Herrin & Morano  
210 South Washington St.  
P.O. Box 552  
Greenville, North Carolina 27935-0552

For Respondent: Mary Dee Carraway,  
Associate Attorney General  
N.C. Department of Justice  
P. O. Box 629  
Raleigh, NC 27602-0629

ISSUE

Whether William Hickman violated the water quality laws of the State of North Carolina, specifically N.C. Gen. Stat. § 143-215.1 and 15A NCAC 2H.0217, by discharging animal waste into waters of the State.

The undersigned makes the following:

## FINDINGS OF FACT

1. William Hickman (hereinafter, Petitioner) owned and operated the Hickman Farm located on North Carolina State Road 102 in Beaufort County, North Carolina. The Hickman Farm was operated as a concentrated swine operation up until the early months of 1997. Currently, the facility is not functioning as a swine operation and there are no animals housed at the Hickman Farm.

2. The Hickman Farm was "deemed permitted" as a non-discharge facility on February 1, 1993 in accordance with 15A NCAC 2H.0217 and N.C. Gen. Stat. § 143-215.1. Petitioner never obtained a certified animal waste management plan for the Hickman Farm.

3. On January 27, 1997, Carl Dunn, a Division of Water Quality (DWQ) staff member from the Washington Regional Office, visited the Hickman Farm with employees of the United States Environmental Protection Agency from the Atlanta Regional Office. This was Mr. Dunn's first visit to this facility. On this date, animals were stocked at the farm and the facility was operating as a concentrated swine operation. During the course of this visit, Mr. Dunn observed animal wastewater flowing from three animal waste lagoons through ditches cut from the sides of the lagoons. The animal waste flowed through the ditches to a 4-5 foot wide canal that led to a swampy area situated behind the Hickman Farm. Mr. Dunn observed a continuous flow of animal waste from three lagoons through the ditches to the canal and to the swampy area. Mr. Dunn also observed several dead animal carcasses on site. Mr. Dunn told Petitioner that discharging waste through the ditches and canal to the swampy area was not an appropriate method of



managing animal waste and that the waste should be kept in the lagoons. He also informed Petitioner that he should remove the dead animals from the premises. Mr. Dunn told Petitioner that he would return to the farm in the near future to attempt to track the flow of animal waste from the swampy area to Creeping Swamp, a "blue-line" stream on the United States Geological Survey (USGS) map. Creeping Swamp is classified as waters of the state under N.C. Gen. Stat. § 143-212(6).

4. Discharging animal waste to waters of the State is prohibited by N.C. Gen. Stat. § 143-215.1 and the non-discharge rules of 15A NCAC 7H.0217.

5. During Mr. Dunn's January 27, 1997 visit to the farm, Petitioner told Mr. Dunn that the ditches and canal leading from the lagoon to the swampy area had been in existence and in operation for over 20 years and was the primary method that he used to manage the animal waste at the Hickman Farm. Petitioner spray irrigated liquid waste onto pasture land adjacent to the farm's hog houses on some occasions as a second method of waste disposal. The Natural Resource Conservation Service (NRCS) in Beaufort County (formerly the Beaufort County Soil Conservation Service) helped Petitioner design this system for managing the animal waste approximately 20 years ago. The NRCS participated in cost sharing for the construction of this system for Petitioner. Mr. Dunn determined that Rodney Woolard of the NRCS confirmed that the NRCS did some work on the Hickman Farm in the late 1970's and early 1980's. Notes in the NRCS file regarding the Hickman Farm reflected that the agency was involved with the design of the lagoons. The only evidence that the NRCS designed Petitioner's system to discharge to a swamp was Petitioner's testimony to that effect. Petitioner testified that the swampy discharge area was not swampy until he created the wet conditions by virtue of his discharge.

6. Mr. Dunn did not see any irrigation equipment at the Hickman Farm on January 27, 1998, or on any of his subsequent visits to the facility.

7. Inspections of animal waste facilities began in late 1995 under direction of Governor James B. Hunt. The Hickman Farm had been inspected by a DWQ representative three times prior to Mr. Dunn's visit in January of 1997. There was no evidence that any representative of DWQ ever told Petitioner that his method of handling animal waste at the Hickman Farm was acceptable or unacceptable.

8. Mr. Dunn returned to the Hickman Farm on January 30, 1997, in order to attempt to track the waste from the swampy area to Creeping Swamp. The purpose in tracking the waste was to determine whether the swampy area was hydrologically connected to waters of the State. Although Mr. Dunn did track the waste into the woods behind the swampy area, the waste ended approximately 200 yards short of Creeping Swamp. Between the swampy area affected by Petitioner's discharge and Creeping Swamp with its blue line creek, lies an area of high ground over which the waste does not flow. Because he was unable to track the waste to an area designated as a "blue line" stream on the United States Geological Service (USGS) topography map, Mr. Dunn was unsure whether the animal waste flowing from the three lagoons on site was discharging into waters of the State in violation of N.C. Gen. Stat. § 143-215.1 and 15A NCAC 2H.0217.

9. Mr. Dunn returned to the Hickman Farm on April 17, 1997 in response to a citizen's complaint. On that date, Mr. Dunn again walked from the swampy area behind the Hickman Farm into the woods in an attempt to track the waste to Creeping Swamp. On this date, Mr. Dunn did not observe waste flowing into a "blue-line" stream on the USGS topography map. During this inspection of the farm, Mr. Dunn informed Petitioner that he believed the swampy area behind the Hickman Farm was a Section 404 wetland under the Federal Pollution Water Control Act (Clean Water Act), and therefore an area that is classified as waters of the State. He also told Petitioner that if he was discharging animal waste into waters of the State, he would be in violation of the General Statutes of North Carolina as well as 15A NCAC 7H.0217. He also informed Petitioner that he intended to ask a representative from the U.S. Army Corp of Engineers to visit the farm to determine whether the swampy area was in fact a Section 404 wetland.

10. Mr. Dunn returned to the Hickman Farm on April 21, 1997 accompanied by Mr. Bill Biddlecome, an employee of the U.S. Army Corp of Engineers. Mr. Biddlecome is certified in wetlands delineation and testified that he has made hundreds of determinations regarding the designation of areas as wetlands. On April 21, 1997, Carl Dunn observed animal wastes flowing from the lagoons through the drainage canal into the wooded area.

11. Mr. Biddlecome testified that in making a wetlands determination, he considers whether a sampling point contains hydrophatic vegetation, wetland hydrology, and hydric soils. After performing tests in a particular sampling point within the swamp where animal waste was flowing from the canal at the Hickman Farm, Mr. Biddlecome determined that hydrophatic vegetation, wetland hydrology, and hydric soils were present within the sampling point. Mr. Biddlecome testified that based on his experience and the presence of the three factors listed above, he determined that the sampling point was within a Section 404 wetland which is regulated by the Clean Water Act. Mr. Biddlecome did not delineate the extent of the area he considered to be a wetland; his determination was limited to one sampling point.

12. Before leaving the Hickman Farm on April 21, 1997, Mr. Dunn informed Petitioner of Mr. Biddlecome's determination that the sampling point was within a Section 404 wetland. Mr. Dunn also informed Petitioner that a wetland is waters of the State, and that Petitioner was illegally discharging animal waste into waters of the State. Petitioner stated that it was his belief that the swampy area was not a wetland because he created it by discharging animal waste into the area for many years.

13. Mr. Dunn also told Petitioner on April 21, 1997 that he should take some action to attempt to stop the animal waste from discharging from the lagoons to the wetlands.

14. A Notice of Recommendation for Enforcement was sent to Petitioner by the Division of Water Quality on April 23, 1997 informing Petitioner that the Respondent was considering submittal of a Recommendation for Enforcement to the Director of DWQ for the April 21, 1997 discharge of animal wastewater into a wetland on Petitioner's property in violation of N.C. Gen. Stat. § 143-215.1. The Notice also informed Petitioner that a wetland is considered waters of the State of North Carolina. In addition, the Notice instructed Petitioner to eliminate the discharge on his property by damming the small ditches that carried waste from each of the three lagoons to the drainage canal.

15. On September 28, 1997, a \$4000.00 civil penalty was assessed by the Director of the DWQ against Petitioner for discharging waste into waters of the State in violation of 15A NCAC 2H.0217. The civil penalty assessed represents forty percent of the maximum penalty authorized by N.C. Gen. Stat. § 143-215.6A. Petitioner also was assessed \$481.30 in enforcement costs.

16. In assessing the civil penalty against Petitioner, Respondent considered each of the factors listed in N.C. Gen. Stat. § 143B-282.1(b) as required by N.C. Gen. Stat. § 143-215.6A(c). The statutory assessment factors considered by Respondent were:

1. The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation;
2. The duration and gravity of the violation;
3. The effect on ground or surface water quantity or quality or on air quality;
4. The cost of rectifying the damage;
5. The amount of money saved by noncompliance;
6. Whether the violation was committed willfully or intentionally;
7. The prior record of the violator in complying or failing to comply with programs over which the Environmental Management Commission has regulatory authority; and
8. The cost to the State of the enforcement procedures. N.C. Gen. Stat. Section 143B-282.1(b) (1997).

17. Consideration of the assessment factors and computation of the civil penalty was accomplished by Harlan K. Britt, then the Deputy Director of the Division of Water Quality. He primarily relied upon the investigation and enforcement reports filed by Carl Dunn, the Environmental Engineer who made the field investigations on Petitioner's farm.

18. In his report, admitted as Respondent's exhibit number seven (7), Carl Dunn made the following statement regarding assessment of factor number two, duration and gravity of the violation: "[a]ccording to Mr. Hickman, this type of violation has been the mode of operation for this farm for more than 15 years." Deputy Director Britt assigned significant importance to this assessment factor in his deliberations, as shown in Respondent's admitted exhibit 13.

19. Deputy Director Britt testified that the \$4000.00 civil penalty was for one violation that occurred on the day of April 21, 1997, the same day that Mr. Biddlecome found a sample point which fit the definition of wetlands on Petitioner's property. He also stated that if the violation had been for more than one day, each day would have been considered a separate violation and the amount of the penalty would have been higher than \$4000.00.

20. Mr. Britt testified that he did not find the violation to be willful in nature.

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



**CONCLUSIONS OF LAW**

1. All parties are properly before the Office of Administrative Hearings, and the Office has jurisdiction over the parties and the subject matter.
2. All parties have been correctly designated, and there is no question as to misjoinder or nonjoinder.
3. Petitioner violated his non-discharge permit issued in accordance with N.C. Gen. Stat. § 143-215.1 and 15A NCAC 2H.0217 on April 21, 1997, by discharging animal waste from the three lagoons at the Hickman Farm to a swampy area identified as being a wetland on his farm.
4. Wetlands constitute waters of the state pursuant to N.C. Gen. Stat. § 143-212(6) and 15A NCAC 2B.0202(64).
5. According to N.C. Gen. Stat. § 143-212(6), waters of the State means "any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State."
6. Pursuant to N.C. Gen. Stat. § 143-215.6A a civil penalty of not more than ten thousand dollars (\$10,000) per violation may be assessed against any person who fails to act in accordance with the terms, conditions or requirements of a permit required by N.C. Gen. Stat. § 143-215.1.
7. The State's enforcement costs in this matter may be assessed against Petitioner pursuant to N.C. Gen. Stat. § 143-215.3(a)(9) and N.C. Gen. Stat. § 143-282.1(b)(8).
8. Pursuant to N.C. Gen. Stat. § 143-215.6A, the Secretary of the Department of Environment and Natural Resources has the authority to issue civil penalties in this matter. The Secretary has delegated this authority to the Director of DWQ pursuant to N.C. Gen. Stat. § 143B-10(a).
9. In determining the amount of the penalty, Respondent properly considered the factors set forth in N.C. Gen. Stat. § 143B-282.1, as required by N.C. Gen. Stat. § 143-215.6A
10. In assessing a civil penalty of \$4000.00 against Petitioner for discharging animal wastewater to waters of the state in violation of his non-discharge permit, Respondent did not act erroneously, fail to use proper procedure, or fail to act as required by law or rule.

Based on the foregoing Findings of Fact and Conclusions of Law, the undersigned makes the following:

**RECOMMENDED DECISION**

Based upon the foregoing findings of fact and conclusions of law, it is hereby recommended that Respondent's decision to levy a civil penalty against Petitioner for a single unpermitted discharge of animal waste, from a system designed by and partially paid for by the Natural Resources Conservation Service, a government agency, to a wetland located on his farm, identified by a single point sample on the day of the cited violation, be reduced in amount to the sum of \$500, a figure more in conformity with the evidence.

**ORDER**

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

**NOTICE**

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

The agency is required by N.C. Gen. Stat. § 150B-36(b) to serve a copy of the final decision on all parties and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the North Carolina Environmental Management Commission.

This the 6<sup>th</sup> day of November, 1998.

---

/s/Beecher R. Gray  
Administrative Law Judge



**STATE OF NORTH CAROLINA**

**IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
98 ABC 0293**

**COUNTY OF PITT**

**NORTH CAROLINA ALCOHOLIC,  
BEVERAGE CONTROL COMMISSION**

**Petitioner,**

**v.**

**PANTANA BOBS, INC., T/A PANTANA BOBS,  
Respondent.**

**RECOMMENDED DECISION**

The above entitled matter was heard before Robert Roosevelt Reilly, Jr., Administrative Law Judge, on July 22, 1998, in Halifax, North Carolina. An oral recommended decision in favor of Respondent was announced at the close of Petitioner's evidence, upon Respondent's motion to dismiss. Respondent filed a proposed recommended decision on September 15, 1998.

**APPEARANCES**

Petitioner:	Marvin Waters, Esq.
Respondent:	Mark W. Owens, III, Esq.

**ISSUE**

Whether Respondent's employee sold malt beverages to a person less than 21 years of age on the licensed premises on January 11, 1998, at 12:05 a.m., in violation of G.S. 18B-302(a) (1),

**FINDINGS OF FACT**

1. The parties received notice of the hearing by certified mail more than fifteen days prior to the hearing and each stipulated on the record that notice was proper.
2. On January 11, 1998. Respondent held ABC permits for its business, known as Pantana Bobs, located in Greenville, North Carolina.
3. In the early morning hours of January 11, 1998, Alcohol Law Enforcement Agent, Jason Godwin was working for Petitioner in his capacity as an alcohol law enforcement agent inside the premises known as Pantana Bobs Bar, Greenville, North Carolina. At approximately 12:05 a.m. Agent Godwin observed a white male, subsequently identified as Jason Boudreaux approach the bar area of the Respondent and speak to an employee subsequently identified as Michael Murphy at that time. Agent Godwin advised that he heard Mr. Boudreaux request a Budweiser beer and further observed Mr. Murphy turn and subsequently obtain and then sold Mr. Boudreaux the requested alcoholic beverage. Agent Godwin advised that employee Murphy did not ask Mr. Boudreaux for identification at the time that the alcoholic beverage was purchased at the bar area of Pantana Bobs.
4. Agent Godwin testified that after observing said purchase that he (Godwin) approached Boudreaux and advised him that he was an ALE agent and then requested of Mr. Boudreaux some form of identification. Mr. Boudreaux then provided Agent Godwin with a military ID indicating his age to be ever 21 years of age. Agent Godwin then escorted Mr. Boudreaux outside of the premises and at that time wrote him a citation for use of a fraudulent or altered identification document other than a drivers license (see 18B-202(e)).
5. Agent Godwin subsequently returned to the inside area of the bar and approached employee Michael Murphy. Agent Godwin identified himself and asked Mr. Murphy to summon the bar manager, Mr. Mark Farrell. Subsequently Agent Godwin, Murphy, and Manager Farrell, met in the office area of Pantana Bobs Bar. After a short period of discussion, Agent Godwin issued a citation to employee Michael Murphy for the sale of malt beverages to one less than 21 years of age (18B-302(a)).
6. Agent Godwin further testified that the physical dimensions contained inside of Pantana Bobs Bar are such that one entering the premises has to stop at a partition and check in or be carded by an employee of Pantana Bobs upon attempted entry.

Agent Godwin further testified that upon his observations on the evening in question, January 11, 1998, each person allowed into the bar was carded and their identification checked. Agent Godwin further testified and reiterated that Mr. Boudreaux did possess a military ID which indicated his age to be that of over 21 years of age.

7. Agent Godwin filed a Report of ABC Violations with the ABC Commission which issued a Notice of Alleged Violation citing the Respondent with sale of alcoholic beverage to one under the age of 21 years of age.
8. Agent Godwin subpoenaed Jason Paul Boudreaux on or about June 29, 1998, and attempted to contact Mr. Boudreaux personally as well as through other alcohol law enforcement agents relative to testimony at the hearing in questions. No attempts were made to personally serve Mr. Boudreaux nor were any attempts made to personally locate Mr. Boudreaux even though Mr. Boudreaux's employment and residence were located in Gastonia, North Carolina and easily available to said agents.
9. Having listened to the testimony of Agent Godwin, during this contested case hearing, and upon giving due consideration to the fact that Respondent, Pantana Bobs, did in fact initially card not only Mr. Boudreaux but each and every patron as they entered the premises known as Pantana Bobs for identification and age requirements, it is determined that Respondent Pantana Bobs complied with the requirements as they exists with respect to N.C.G.S. 18B-302(a) on or about January 11, 1998, at or before 12:05 a.m. (see North Carolina Alcoholic Beverage Control Commission vs. Vaz, Inc. T/A Holiday Inn 89 ABC 1176).

#### **CONCLUSIONS OF LAW**

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

1. The parties properly are before the Office of Administrative Hearings.
2. The evidence in this contested case, which consists primarily of the testimony of Agent Jason Godwin, is insufficient to support the charge filed against Respondent alleging that Respondent sold alcoholic beverage to a person under the age 21 years of age on the licensed premises on or about January 11, 1998.

#### **RECOMMENDED DECISION**

Based upon the foregoing findings of fact and conclusion of law, it is hereby recommended that the alleged violation noticed against Respondent be dismissed for lack of evidence.

#### **ORDER**

It is hereby ordered that the agency serve a copy of the Final Decision on the Office of Administrative Hearings, Post Office Drawer 27747, Raleigh, NC 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

#### **NOTICE**

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

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

The agency that will make the final decision in this contested case is the North Carolina Alcoholic Beverage Control Commission.

This the 17<sup>th</sup> day of September, 1998.

---

/s/ Robert Roosevelt Reilly, Jr.  
Administrative Law Judge



STATE OF NORTH CAROLINA

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
98 DOJ 0046

COUNTY OF WAKE

KENNETH EARL BRANTLEY,  
Petitioner,

v.

N.C. CRIMINAL JUSTICE EDUCATION AND TRAINING  
STANDARDS COMMISSION,  
Respondent.

**RECOMMENDED DECISION**

This contested case was heard on June 25, 1998, and August 27, 1998, in Raleigh, North Carolina by Administrative Law Judge Beecher R. Gray.

**APPEARANCES**

Petitioner was represented by Charles McDarris, Esq., and Respondent, North Carolina Criminal Justice Education and Training Standards Commission was represented by Special Deputy Attorney General Robin P. Pendergraft.

**MOTION TO DEEM PETITIONER'S PROPOSAL TIMELY**

Petitioner's motion to deem Petitioner's proposal timely is, for good cause shown, ALLOWED.

**ISSUE**

Did Petitioner commit the criminal act of assault on a female in violation of the Commission's rules?

**RULES AT ISSUE**

12 NCAC 9A .0103(21)(b)  
12 NCAC 9A .0204(b)(3)(A)  
12 NCAC 9A .0205(b)(1)

**FINDINGS OF FACT**

**Stipulated Facts**

1. Both parties properly are before this Administrative Law Judge, in that jurisdiction and venue are proper, that both parties received notice of hearing, and that Petitioner received the Proposed Suspension of Law Enforcement Officer Certification letter mailed by Respondent on November 20, 1997.
2. The North Carolina Criminal Justice Education and Training Standards Commission (hereafter referred to as the Commission) has the authority granted under Chapter 17C of the North Carolina General Statutes and Title 12 of the North Carolina Administrative Code, Chapter 9, to certify criminal justice officers and to deny, revoke or suspend such certification.
3. Petitioner successfully completed the Basic Law Enforcement Training course at the Raleigh Police Academy on October 18, 1990.
4. Petitioner applied with the Commission for certification as a law enforcement officer with the Raleigh Police Department in October 1990.
5. Petitioner was issued a probationary certification (PRA 238412630) by the Commission effective October 19, 1990 to serve as a law enforcement officer with the Raleigh Police Department.
6. Petitioner was issued a general certification on October 19, 1991 (GNA 238412630) by the Commission to serve as a law enforcement officer with the Raleigh Police Department.

7. On April 4, 1996, Petitioner in his capacity as a Raleigh Police Officer cited Michelle McClure, a female born on May 30, 1975, with the infraction of "Underage Possession of Alcoholic Beverage" in violation of N.C.G.S. §18B-302(B)(1) and the misdemeanor criminal offense of "Possession of Alcoholic Beverage on City Property" in violation of Raleigh City Ordinance 12-4001. Ms. McClure pled guilty to these charges on May 2, 1996, and was placed in the First Offender Alcohol Education Program, which she successfully completed.

8. On June 10, 1996, the Petitioner was served with a criminal summons charging him with the criminal offense of Assault on a Female on Michelle McClure on April 4, 1996, in violation of N.C.G.S. § 14-33(b)(2). Petitioner pled "not guilty" to and was found "guilty" of Assault on a Female by the Honorable Michael R. Morgan on August 2, 1996 in Wake County District Court. Petitioner appealed to Superior Court whereby the District Attorney took a voluntary dismissal on March 12, 1997.

9. After a review of the internal affairs investigation and other documentation, the Raleigh Police Department on August 20, 1996 found that the facts did not support an allegation of excessive force against Michelle McClure nor the specific allegation of discourtesy. The Department did find, however, that Petitioner had used unnecessary force in violation of Raleigh's Use of Force Policy and used poor judgment.

10. Petitioner separated from the Raleigh Police Department on August 23, 1996.

#### **Adjudicated Facts**

11. Michelle McClure, a resident of Raleigh, North Carolina, is a 1997 graduate of North Carolina State University (NCSU) and currently works as a junior recruiter at a company in Morrisville, North Carolina.

12. On April 4, 1996 while a junior at NCSU, Ms. McClure and her roommate threw a party at her townhouse in Falcon Ridge Subdivision. This residential area is comprised of students and young professionals. Ms. McClure was 20 years old at the time. Her 23 year old roommate purchased a keg of beer for the party.

13. The party at Ms. McClure's began at 9:00 p.m. Kenley Adam Johnson, a friend from high school came to the party. At about 11:00 p.m., Ms. McClure walked Mr. Johnson out her backdoor to his car parked on the street behind her house. She had an 8 ounce cup of beer in her hand. They talked while Mr. Johnson leaned against his car door. Although he was 21 years old, Mr. Johnson was not drinking alcoholic beverages that night.

14. While outside Ms. McClure saw a marked police car drive up the street with blue lights flashing. The police car pulled in front of Mr. Johnson's car. Ms. McClure panicked and handed her cup to Mr. Johnson.

15. When Ms. McClure turned toward the police car, she saw Petitioner, a uniformed Raleigh Police Officer, running toward her and Mr. Johnson. Petitioner grabbed her by the arm and screamed repeatedly "where's the cup." He appeared very angry. Ms. McClure stated she threw up her hands because she believed Petitioner was going to hurt her. She conceded that she initially told Petitioner she did not have a cup.

16. Petitioner grabbed Ms. McClure around her upper right arm with his hand and "dragged her" to his police car in a quick and forceful manner. At the time Ms. McClure was 5'3" tall and weighed between 115-117 pounds. She began crying but did not kick, scream, yell or resist Petitioner in any physical way.

17. Ms. McClure told Petitioner he was hurting her. Petitioner shoved Ms. McClure up against the police car. While pushing Ms. McClure against the car, Petitioner pulled out his handcuffs. He stopped to ask Susan Hull, a friend of Ms. McClure's who was watching this encounter, if he could help her. When Ms. Hull replied "I'm concerned about my friend," Petitioner put the handcuffs away and pushed Ms. McClure into the back of the patrol car.

18. Mr. Johnson also was placed in the patrol car while Petitioner searched in the nearby field with his flashlight. Petitioner removed Ms. McClure from the car and then placed her back into the patrol car. Petitioner told Ms. McClure something to the effect that she "had really screwed up now."

19. Petitioner asked Mr. McClure for some sort of identification. She provided her name, address, social security number and her driver's license number but was unable to produce her driver's license since her wallet was inside her house. Petitioner informed Ms. McClure that he was taking her to jail because she could not produce a driver's license. Ms. Hull, Ms. McClure's friend, ran inside the townhouse and returned with Ms. McClure's driver's license.



20. Ms. McClure informed Petitioner that there was only one cup of beer and it was hers, not Mr. Johnson's. She admitted to the officer she had "told him a tale." Petitioner issued citations to both Ms. McClure and Mr. Johnson.

21. Kenley Adam Johnson is a graduate of NCSU and is currently employed with Nationwide Insurance. On April 4, 1996, Mr. Johnson stopped by Ms. McClure's party for about 1 to 1 1/2 hours. Ms. McClure walked him to his car which was parked on Kaplan Drive. Although he was 21 years old at the time, he consumed no alcoholic beverage at the party.

22. While Mr. Johnson and Ms. McClure were talking beside his car, Ms. McClure stuck her beer cup in his hand. He then saw a marked police car with flashing blue lights pull in front of his parked car and stop.

23. Mr. Johnson observed Petitioner immediately get out of his patrol car, walk quickly and abruptly up to where the two were standing, and confront them. Petitioner asked Ms. McClure where the cup was. Ms. McClure denied having the cup.

24. According to Mr. Johnson, Petitioner had a confrontational tone and appeared upset and visibly angry. He became angry when Ms. McClure denied having a cup in her hand.

25. Petitioner told Ms. McClure "that's enough", took her by the arm and quickly led Ms. McClure to his patrol car in a forceful manner. Ms. McClure had difficulty keeping up with him. He heard Ms. McClure tell the officer that he was hurting her.

26. Mr. Johnson stated Ms. McClure did not resist the officer in any way. She did not try to run from him nor did she hit him.

27. Once Petitioner had Ms. McClure in his patrol car, he returned to Mr. Johnson who had remained standing by his parked car. Petitioner asked Mr. Johnson if there was another cup of beer to which Mr. Johnson replied no. Petitioner asked Mr. Johnson to get inside the patrol car and never grabbed Mr. Johnson. Petitioner frisked Mr. Johnson before he got into the patrol car.

28. While both students were inside the patrol vehicle, Petitioner talked with Ms. McClure. Mr. Johnson added that when Ms. McClure attempted to tell Petitioner the truth, the angrier Petitioner became. He told her she had really screwed up and could go to jail for this. Thereafter, Petitioner removed Ms. McClure from the car, pushed her up against the car, and then returned her to the patrol car.

29. Petitioner then got Mr. Johnson out of the patrol car, frisked him a second time, obtained an ID from Mr. Johnson, and issued him a citation.

30. During cross-examination, Mr. Johnson indicated that Petitioner was physically forceful with Ms. McClure and verbally forceful with him. He added that the officer did not need to use as much force as he did with Ms. McClure.

31. Mr. Johnson is 6'4" tall and weighs 185 pounds.

32. Susan Elizabeth Hull is a 1998 graduate of NCSU and currently employed as an accountant. On the night of April 4, 1996, she drove to her friend Michelle McClure's townhouse to attend a party there. As she turned onto Kaplan Drive, she was behind a marked police car. The patrol car's blue lights came on and the car pulled over. She observed Ms. McClure standing on the side of the road so she parked her car and rolled her window down.

33. Ms. Hull saw Petitioner get out of his patrol car, run toward Ms. McClure while yelling at her. He looked very angry. Petitioner grabbed Ms. McClure around her upper arm by his hand and pulled her to the police car. She never observed Ms. McClure resist the officer in any way.

34. Ms. Hull heard Ms. McClure ask Petitioner to let her get her ID, but Petitioner said "it doesn't matter, I'm taking you to jail." She observed Petitioner "slam Ms. McClure up against the side" of the police car and pull her arms behind her back. Petitioner did not place handcuffs on Ms. McClure, but "shoved" her into the police car and closed the door.

35. According to Ms. Hull, Petitioner appeared surprised to see Ms. Hull, who by this time had gotten out of her car and was standing in the street, watching the encounter. He said to her in a "nasty tone of voice," "Can I help you?" Ms. Hull replied that she was concerned about what was going on because Ms. McClure was her friend. Petitioner told her to get Ms. McClure's ID, which she did.

36. Petitioner released Ms. McClure from his car about 30-45 minutes later. When she returned to her townhouse, she was very upset, crying and hysterical.

37. Ms. Hull described the bruise on Ms. McClure's right arm as being "bright pink" and appearing as if it had been "mauled." Mr. Johnson returned to Ms. McClure's home about two hours after the incident to check on her. He found Ms. McClure very upset and crying. Mr. Johnson observed a red mark on Ms. McClure's arm from where Petitioner had grabbed her.

38. Ms. McClure indicated that as a result of this encounter with Petitioner, she received a bruise on her arm which was red and swollen, and her breast was tender and sore. Within 7 days after the incident, Ms. McClure had photographs taken of her arm showing the bruised area.

39. After talking with her parents, Ms. McClure filed a complaint with the Raleigh Police Department. Ms. McClure, Mr. Johnson and Ms. Hull consented to taped interviews with Lt. Dennis R. Lane from Raleigh's Internal Affairs Division. All three witnesses testified in Wake County Criminal District Court. Ms. McClure requested that the Wake County District Attorney's Office dismiss this matter on appeal in superior court because she was trying to graduate from school at the time and she found the entire matter to be stressful and extremely traumatic.

40. Lt. Dennis Lane testified that prior to August 1997 he supervised 39 detectives and conducted investigations for Raleigh Police Department Internal Affairs Division. After Sgt. J.R. Fluck took the original complaint, he was assigned the investigation. Lt. Lane waited for a resolution in criminal court of the charges against Ms. McClure before beginning his investigation. In accordance with established procedures, Lt. Lane completed his investigation and then took the case file to the Wake County Chief Magistrate for determination of probable cause. After the magistrate found the existence of probable cause, Lt. Lane advised Raleigh's police chief and then contacted Ms. McClure. A criminal summons for assault on a female was issued and served on Petitioner.

41. Lt. Lane explained that Raleigh police officers are trained to utilize force along the following use of force continuum: officer presence; verbal commands; soft hands; pepper spray; strike; and deadly force.

42. Raleigh police administrators reviewed this matter involving Petitioner's action toward Ms. McClure and found that he had used poor judgment and unnecessary force. The Review Board recommended his termination from the Raleigh Police Department.

43. Based upon his experience, Lt. Lane stated that 6 or 7 complaints against an officer in a 10 year period would be an excessive number. Petitioner had 15 complaints in his almost six years with Raleigh prior to this incident involving Ms. McClure.

44. Petitioner testified that he is 31 years old, lives in Raleigh and joined the Raleigh Police Department in June 1990.

45. On April 4, 1996, Petitioner was working 3rd shift (10:45 p.m. - 6:45 a.m.) in an assigned area near NCSU. That night he drove onto Kaplan Drive and saw Ms. McClure standing with a keg cup in her hand. He thought this might constitute an alcohol violation. When he no longer saw the cup in her hand, he knew he had a littering violation at a minimum. Petitioner turned on his patrol car's blue lights and stopped.

46. Petitioner stated he walked quickly to Ms. McClure and Mr. Johnson and asked "where's the cup?" Ms. McClure denied having a cup. Petitioner did not say anything to Mr. Johnson at first because he did not think Mr. Johnson had a cup.

47. Petitioner said that he took Ms. McClure by her left arm using his hand in a "cupped" fashion and escorted her to his car. He denied assaulting her at all. Petitioner explained that Ms. McClure was not very cooperative; she did not come along with him but "hung back." Petitioner did not ask Ms. McClure to go with him to his patrol car, but said "let's go" at the same time he put his hand on her. Petitioner did not hear Ms. McClure say he was hurting her. He admitted that he became angry because she was not truthful to him. Petitioner described Mr. Johnson as cooperative.

48. After Petitioner searched the field for the keg cup, he returned to the patrol car and got Ms. McClure out of car to arrest her because she had no identification, but changed his mind.

49. Petitioner noticed Ms. Hull staring at him from across the street. He asked her "may I help you?" Ms. Hull complied with Petitioner's suggestion that she retrieve Ms. McClure's ID. Thereafter Petitioner issued citations to both Ms. McClure and Mr. Johnson.



50. Petitioner stated that he did not use excessive force, but acted appropriately for the situation.

51. Petitioner added that he was taught to make an arrest for minor violations including infractions if the suspect could not produce an ID.

52. In 1996, Petitioner was required to attend a school for improving his communication skills.

53. Petitioner introduced 16 letters of reference or commendation from Petitioner's personnel file, ranging in date from February 1992 to December 1995. Petitioner also submitted two annual Performance Evaluations for the 6/4/94 to 6/4/95 period and the 6/4/95 to 6/4/96 period. While Petitioner received "above standard" overall evaluations on these reports, he received a standard rating on each for quality of work, which included using good judgment and oral communication, and personal conduct.

54. Under N.C.G.S. § 14-33(b)(2) the criminal offense of assault on a female is assault by a male person over the age of 18 years upon a female. The term assault includes an overt act, with force and violence, to immediately physically injure another person.

55. Under N.C.G.S. § 15A-401, law enforcement officers have the authority to utilize reasonable force in certain circumstances. The officer exceeds this statutory authority and is not justified when he uses unreasonable or excessive force.

### **CONCLUSIONS OF LAW**

1. The Office of Administrative Hearings has jurisdiction to hear this contested case pursuant to Chapters 17C and 150B of the North Carolina General Statutes.

2. The North Carolina Criminal Justice Education and Training Standards Commission has authority pursuant to N.C.G.S. §§ 17C-6 and 17C-10 to establish minimum standards for the certification of persons to be employed and retained as criminal justice officers.

3. Under the factual circumstances presented in this case, Petitioner exceeded the authority to use force against a citizen, and thus the physical force he exerted against Ms. McClure was unjustified, unreasonable and excessive. An officer loses the protection afforded official action by G.S. 15B-401 when he uses unreasonable force against an individual, thus converting what may have begun as a lawful act into an unlawful assault or battery. *Kuykendall v. Turner*, 61 N.C. App. 638, 301 S.E. 2d. 715 (1983).

4. There is sufficient evidence to conclude that Petitioner committed the acts necessary to satisfy the elements of assault on a female set out in N.C.G.S. §14-33.

5. Respondent has sufficient cause to suspend Petitioner's certification as a law enforcement officer for committing the Class B misdemeanor offense of assault on a female in violation of 12 NCAC 9A .0204(b)(3)(A).

### **PROPOSED DECISION**

Based upon the foregoing findings of facts and conclusions of law, it is hereby proposed that the North Carolina Criminal Justice Education and Training Standards Commission suspend Petitioner's law enforcement officer certification.

### **NOTICE**

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions and proposed findings of fact and to present oral and written arguments to the agency. N.C.G.S. § 150B-40(e).

A copy of the final agency decision or order shall be served upon each party personally or by certified mail addressed to the party at the latest address given by the party to the agency and a copy shall be furnished to his attorney of record. N.C.G.S. § 150B-42(a). It is requested that the agency furnish a copy to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the North Carolina Criminal Justice Education and Training Standards Commission.

This the 4<sup>th</sup> day of November, 1998.

---

/s/Beecher R. Gray  
Administrative Law Judge



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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				

This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds; L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. \* = 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 .0101 12:22 NCR 1981 13:05 NCR 501 \*

21 NCAC 01 .0105 12:22 NCR 1981 13:05 NCR 501 \*

## ADMINISTRATION

### Environmental Policy Act

1 NCAC 25 .0211 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0212 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0213 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0301 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0302 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0303 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0402 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0504 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0505 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0506 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0602 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0603 12:23 NCR 2088 13:08 NCR 642 \*

1 NCAC 25 .0605 12:23 NCR 2088 13:08 NCR 642 \*

### Indian Affairs, Commission of

1 NCAC 15 .0201 13:02 NCR 175

1 NCAC 15 .0202 13:02 NCR 175 \*

1 NCAC 15 .0203 13:02 NCR 175 \*

1 NCAC 15 .0204 13:02 NCR 175 \*

1 NCAC 15 .0205 13:02 NCR 175

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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				
1 NCAC 15 0206	13:02 NCR 175									
1 NCAC 15 0207	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 0208	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 0209	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 0210	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 0211	13:02 NCR 175		13:08 NCR 640	*						
1 NCAC 15 0212	13:02 NCR 175									
1 NCAC 15 0213	13:02 NCR 175									
1 NCAC 15 0214	13:02 NCR 175		13:08 NCR 640	*						
<b>Non-Public Education</b>										
1 NCAC 40 0101		13:05 NCR 521								
1 NCAC 40 0102		13:05 NCR 521								
1 NCAC 40 0103		13:05 NCR 521								
1 NCAC 40 0201		13:05 NCR 521								
1 NCAC 40 0202		13:05 NCR 521								
1 NCAC 40 0203		13:05 NCR 521								
1 NCAC 40 0204		13:05 NCR 521								
<b>Purchase and Contract Division</b>										
1 NCAC 05A 0001	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05A 0008	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05A 0012	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B 0101	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B 0102	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B 0201	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B 0203	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B 0206	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B 0208	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B 0301		12.17 NCR 1611	13:08 NCR 627	*						



# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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				
1 NCAC 05B .0302		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0303	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0305	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0306	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0309	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0310		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0314	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0315	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0316		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0317	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0401		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0402	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0403	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0503	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0601	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0701	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0801		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0802		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .0901	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0905	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .0906	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1101	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1102	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1105	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05B .1301		12:17 NCR 1611	13:08 NCR 627	*						
1 NCAC 05B .1303	13:04 NCR 360		13:08 NCR 627	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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				
1 NCAC 05B 1401	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1402	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1501	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1505	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1507	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1509	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1510	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1511	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1512	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1513	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1517	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1518	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1519		12.17 NCR 1611	13.08 NCR 627	*						
1 NCAC 05B 1520	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1521	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1601	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1602	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1603	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1604		12.17 NCR 1611	13.08 NCR 627	*						
1 NCAC 05B 1605	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1901	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1903	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1906		12.17 NCR 1611	13.08 NCR 627	*						
1 NCAC 05B 1907	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05B 1909	13.04 NCR 360		13.08 NCR 627	*						
1 NCAC 05C	13.04 NCR 360		13.08 NCR 627	*						



# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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				
1 NCAC 05D	13:04 NCR 360									
<b>State Building Commission</b>										
1 NCAC 30F .0305	13:04 NCR 360		13:08 NCR 645	*						
<b>State Employees Combined Campaign</b>										
1 NCAC 35 .0101	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0103	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0202	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0304	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 .0308	13:04 NCR 360		13:08 NCR 647	*						
<b>ADMINISTRATIVE HEARINGS</b>										
26 NCAC 01 .0102	N/A	N/A	N/A	N/A	Approve	06/18/98			13:09 NCR 779	13:03 NCR 334
<b>AGRICULTURE</b>										
<b>Structural Pest Control</b>										
2 NCAC 34 .0404	12:09 NCR 743		12:14 NCR 1234	*	Object Approve	04/15/98 05/21/98	*		13:02 NCR 249	
<b>APPRAISAL BOARD</b>										
21 NCAC 57A .0101	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0102	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0201	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0202	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0203	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0204	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0205	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0206	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0207	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0208	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0210	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0301	13:01 NCR 3		13:05 NCR 513	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 57A .0302	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0303	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0304	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0305	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0306	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0401	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0402	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0403	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0404	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0405	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0406	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0407	13:01 NCR 3		13:05 NCR 513	*						
21 NCAC 57A .0501	13:01 NCR 3		13:05 NCR 513	*						
<b>ATHLETIC TRAINER EXAMINERS, BOARD OF</b>										
21 NCAC 03 .0101		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0102		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0103		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0201		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0301		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0302		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0303		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0304		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
21 NCAC 03 .0401		12:18 NCR 1714	12:22 NCR 2007	S	Approve	09/17/98			13:11 NCR 912	
<b>ATHLETIC TRAINER EXAMINERS/MEDICAL BOARD COMMITTEE</b>										
21 NCAC 03 .0501		12:18 NCR 1714	12:22 NCR 2007	*	Approve	09/17/98	*		13:11 NCR 912	
<b>CERTIFIED PUBLIC ACCOUNTANT EXAMINERS</b>										
21 NCAC 08A .0301	13:03 NCR 269		13:08 NCR 696	*						
21 NCAC 08A .0308	13:03 NCR 269		13:08 NCR 696	*						



# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 08A .0310	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08A .0315	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08F .0107	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08F .0504	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08H .0001	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08H .0002	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08I .0004	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08I .0002	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08I .0007	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08J .0008	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08J .0010	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08J .0011	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08K .0104	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08K .0105	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0102	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0103	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0104	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0201	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0202	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0204	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0206	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0207	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0301	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0302	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0303	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0304	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0305	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0306	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0401	13.03 NCR 269		13.08 NCR 696	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 08M 0402	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M 0403	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N 0202	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N 0208	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N 0302	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N 0303	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N 0306	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N 0307	13 03 NCR 269		13 08 NCR 696	*						
<b>CHIROPRACTIC</b>										
21 NCAC 10 0203		12-23 NCR 2098								
<b>COMMERCE</b>										
4 NCAC 01E 0104	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E 0202	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E 0205	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E 0206	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01F 0207	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E 0303	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E 0306	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01F	11 09 NCR 569									
4 NCAC 01H	11 09 NCR 569									
4 NCAC 01H 0101	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H 0102	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H 0201	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H 0202	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H 0301	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H 0302	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H 0303	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H 0304	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H 0401	11 09 NCR 569		13 08 NCR 652	*						

# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 01H .0402	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0403	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0404	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0405	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0501	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0502	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0503	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0601	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0701	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01J	11-09 NCR 569									
4 NCAC 01K .0101	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0102	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0103	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0104	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0105	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0202	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0203	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0204	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0205	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0206	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0301	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0302	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0401	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0402	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0404	11-09 NCR 569		13-08 NCR 652	*						
<b>Banking Commission</b>										
4 NCAC 03B .0101					Object	10/22/98				
4 NCAC 03B .0102					Object	10/22/98				
4 NCAC 03B .0103					Object	10/22/98				



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 03H 0102

## COMMUNITY COLLEGES

23 NCAC 02B 0104 13 10 NCR 804  
 23 NCAC 02C 0307 13 05 NCR 524  
 23 NCAC 02C 0503 13 10 NCR 815  
 23 NCAC 02C 0504 13 10 NCR 815  
 23 NCAC 02C 0505 13 10 NCR 815

## COSMETIC ART EXAMINERS

21 NCAC 14A 0104 N/A N/A  
 21 NCAC 14I 0107 12 22 NCR 1981  
 21 NCAC 14I 0105 12 06 NCR 453  
 21 NCAC 14N 0103 12 06 NCR 453

## CRIME CONTROL & PUBLIC SAFETY

Governor's Crime Commission

14A NCAC 07 0313 11 24 NCR 1818

## DENTAL EXAMINERS

21 NCAC 16G 0101 13 10 NCR 804  
 21 NCAC 16G 0102 13 10 NCR 804  
 21 NCAC 16G 0103 13 10 NCR 804  
 21 NCAC 16H 0101 12 24 NCR 2203  
 21 NCAC 16H 0102 12 24 NCR 2203  
 21 NCAC 16H 0103 12 24 NCR 2203  
 21 NCAC 16H 0104 12 24 NCR 2203  
 21 NCAC 16H 0201 12 24 NCR 2203  
 21 NCAC 16H 0202 12 24 NCR 2203  
 21 NCAC 16H 0203 12 24 NCR 2203  
 21 NCAC 16H 0204 12 24 NCR 2203  
 21 NCAC 16H 0205 12 24 NCR 2203

# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 1611 .0206	12:24 NCR 2203									
21 NCAC 161 .0004	11:20 NCR 1538									
21 NCAC 161 .0005	11:20 NCR 1538									
21 NCAC 16M .0101		13:11 NCR 910								
21 NCAC 16P .0101	13:10 NCR 804									
21 NCAC 16P .0102	13:10 NCR 804									
21 NCAC 16P .0103	13:10 NCR 804									
21 NCAC 16P .0104	13:10 NCR 804									
21 NCAC 16P .0105	13:10 NCR 804									
21 NCAC 16Q .0101	12:24 NCR 2203									
21 NCAC 16Q .0201	12:24 NCR 2203									
21 NCAC 16Q .0301	12:24 NCR 2203									
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16S .0205	13:10 NCR 804									
21 NCAC 16V .0101	13:10 NCR 804									
21 NCAC 16V .0102	13:10 NCR 804									
21 NCAC 16V .0102	N/A	N/A	N/A	N/A	Approve	08/20/98			13:10 NCR 817	
<b>ELECTRICAL CONTRACTORS, EXAMINERS OF</b>										
21 NCAC 18B .0108	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0201	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0202	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0203	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0402	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0406	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0501	12:22 NCR 1982		13:05 NCR 502	*						
21 NCAC 18B .0504	12:22 NCR 1982		13:05 NCR 502	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Role	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 18B .0505	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .0701	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .0702	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .0703	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .0704	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .0706	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .1001	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .1002	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .1003	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .1004	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .1101	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .1102	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .1104	12.22 NCR 1982		13.05 NCR 502	*						
21 NCAC 18B .1105	12.22 NCR 1982		13.05 NCR 502	*						
<b>EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF</b>										
21 NCAC 11 .0101	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0102	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0103	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0104	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0105	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0106	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0107	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0108	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0109	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0110	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0111	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						
21 NCAC 11 .0112	12.19 NCR 1764	12.21 NCR 1884	13.03 NCR 313	S/L						

## ENVIRONMENT AND NATURAL RESOURCES

Notice of Intent to Redevelop a Brownfields Property



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 01K	10:19 NCR 2506									
15A NCAC 01M .0101		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0102		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0201		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0202		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0301		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0302		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0303		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0304		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0305		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0306		11:19 NCR 1439	Temp Expired							
15A NCAC 01N .0101	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	*						
15A NCAC 01N .0102	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	*						
15A NCAC 01N .0103	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0201	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0202	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0203	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0301	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0302	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0303	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0304	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0401	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0402	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0403	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0501	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0502	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0503	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0601	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						
15A NCAC 01N .0602	12:08 NCR 614	12:16 NCR 1511	13:04 NCR 362	S						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 NC'AC' 01N .0603	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0604	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0605	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0606	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0701	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0702	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0703	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0704	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0705	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0801	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0802	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0901	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01N .0902	12.08 NCR 614	12.16 NCR 1511	13.04 NCR 362	S						
15A NC'AC' 01O .0101	12.16 NCR 1482	12.17 NCR 1617	13.07 NCR 588	*						
15A NC'AC' 01O .0102	12.16 NCR 1482	12.17 NCR 1617	13.07 NCR 588	*						
15A NC'AC' 01O .0103	12.16 NCR 1482	12.17 NCR 1617	13.07 NCR 588	*						
15A NC'AC' 01O .0104	12.16 NCR 1482	12.17 NCR 1617	13.07 NCR 588	*						
15A NC'AC' 01O .0105	12.16 NCR 1482	12.17 NCR 1617	13.07 NCR 588	*						
15A NC'AC' 01O .0106	12.16 NCR 1482	12.17 NCR 1617	13.07 NCR 588	*						
15A NC'AC' 01O .0107	12.16 NCR 1482	12.17 NCR 1617	13.07 NCR 588	*						
15A NC'AC' 01O .0108	12.16 NCR 1482	12.17 NCR 1617	13.07 NCR 588	*						
15A NC'AC' 01O .0109	12.16 NCR 1482	12.17 NCR 1617	13.07 NCR 588	*						
15A NC'AC' 12B .0901	12.13 NCR 1097	12.03 NCR 209	13.05 NRC 495	I						
Temp. Expired										
Coastal Resources Commission										
15A NC'AC' 07	11.04 NCR 183									
15A NC'AC' 07H .0208	11.19 NCR 1408		11.27 NCR 2058	*						
15A NC'AC' 07H .0208	12.21 NCR 1873									
15A NC'AC' 07H .0209	12.21 NCR 1873									

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 07H .0210	12:02 NCR 52									
15A NCAC 07H .0300	13:05 NCR 436									
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0306	12:19 NCR 1763									
15A NCAC 07H .0308	12:16 NCR 1489		13:01 NCR 26	S	Approve	09/17/98	*		13:11 NCR 912	
15A NCAC 07H .0310	12:11 NCR 919		12:20 NCR 1828	S	Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 07H .1100	12:21 NCR 1873									
15A NCAC 07H .1200	12:21 NCR 1873									
15A NCAC 07H .1300	12:21 NCR 1873									
15A NCAC 07H .1400	12:21 NCR 1873									
15A NCAC 07H .1500	12:21 NCR 1873									
15A NCAC 07H .1600	12:21 NCR 1873									
15A NCAC 07H .1600	11:15 NCR 1200									
15A NCAC 07H .1700	12:21 NCR 1873									
15A NCAC 07H .1705	12:16 NCR 1489		13:01 NCR 26	S	Object Approve	09/17/98 10/22/98	*		13:11 NCR 912	
15A NCAC 07H .1805		13:07 NCR 593								
15A NCAC 07H .2100	13:05 NCR 436									
15A NCAC 07H .2400	13:05 NCR 436									
15A NCAC 07J .0200	12:24 NCR 2202									
15A NCAC 07J .0204		13:07 NCR 593								
15A NCAC 07J .0405	12:24 NCR 2202									
15A NCAC 07K .0203	12:21 NCR 1873									
15A NCAC 07K .0208	12:21 NCR 1873									
15A NCAC 07L .0202	12:21 NCR 1874									
15A NCAC 07L .0203	12:21 NCR 1874									
15A NCAC 07L .0206	12:21 NCR 1874									
15A NCAC 07L .0302	12:21 NCR 1874									
15A NCAC 07L .0304	12:21 NCR 1874									



# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 07L 0401	12.21 NCR 1874									
15A NCAC 07L 0405	12.21 NCR 1874									
15A NCAC 07M 0300	12.24 NCR 2202									
15A NCAC 07M 0401	13.04 NCR 361									
15A NCAC 07M 0402	13.04 NCR 361									
15A NCAC 07M 0403	13.04 NCR 361									
15A NCAC 07O 0105	13.02 NCR 176		13.06 NCR 551	S						
15A NCAC 07O 0202	13.02 NCR 176		13.06 NCR 551	S						
<b>Environmental Management Commission</b>										
15A NCAC 02	10.24 NCR 3045									
15A NCAC 02	11.04 NCR 183									
15A NCAC 02	11.19 NCR 1408									
15A NCAC 02B 0100	13.08 NCR 621									
15A NCAC 02B 0101	11.24 NCR 1818		11.30 NCR 2303	*						
15A NCAC 02B 0200	13.08 NCR 621									
15A NCAC 02B 0202	11.24 NCR 1818		11.30 NCR 2303	*						
15A NCAC 02B 0223	11.02 NCR 75									
15A NCAC 02B 0223	11.03 NCR 109									
15A NCAC 02B 0227	10.18 NCR 2400		11.12 NCR 973	*						
15A NCAC 02B 0230	11.24 NCR 1818		11.30 NCR 2303	*						
15A NCAC 02B 0231	11.02 NCR 75		11.10 NCR 824	L/SF						
			11.14 NCR 1136							
15A NCAC 02B 0233	11.02 NCR 75		11.10 NCR 824	L	Object Approve	01/15/98 02/19/98	*		12.22 NCR 2012	Disapproved (01B 1402)
		12.02 NCR 77	11.14 NCR 1136	L						
		12.14 NCR 1348								
		12.30 NCR 1836								
15A NCAC 02B 0245	12.23 NCR 2088		12.06 NCR 462	S/L/SE						
15A NCAC 02B 0246	12.23 NCR 2088		13.04 NCR 368	*						
			13.04 NCR 368	*						

# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 .0247	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0248	12:23 NCR 2088		13:04 NCR 368	*						
15A NCAC 02B .0249	12:23 NCR 2088		13:04 NCR 368	SE						
15A NCAC 02B .0250	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0251	12:23 NCR 2088		13:04 NCR 368	L/SE						
15A NCAC 02B .0308	12:12 NCR 993		12:21 NCR 1879	*						
			12:23 NCR 2091	I.						
			12:19 NCR 1769	*						
15A NCAC 02B .0308	12:14 NCR 1233									
15A NCAC 02B .0308	12:16 NCR 1489		12:19 NCR 1769	*						
15A NCAC 02B .0309	12:14 NCR 1233		12:20 NCR 1825	*						
15A NCAC 02B .0311	12:10 NCR 865		13:04 NCR 368	*						
15A NCAC 02B .0311	12:23 NCR 2088		12:20 NCR 1825	*						
15A NCAC 02B .0313	12:10 NCR 865		12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Disapproved (HB 1402)
15A NCAC 02B .0316	11:26 NCR 1976									
15A NCAC 02D .0101	12:02 NCR 52									
15A NCAC 02D .0101	12:16 NCR 1482									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0405	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02D .0409	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02D .0410	12:16 NCR 1482		13:03 NCR 270							
15A NCAC 02D .0501	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0501	11:04 NCR 183									
15A NCAC 02D .0503	10:24 NCR 3045		13:03 NCR 270	*						
15A NCAC 02D .0504	10:24 NCR 3045		13:03 NCR 270	*						
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	11:15 NCR 1200									

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 02D .0524	13-08 NCR 621									
15A NCAC 02D .0525	11-15 NCR 1200									
15A NCAC 02D .0540	13-04 NCR 356									
15A NCAC 02D .0541	13-08 NCR 621									
15A NCAC 02D .0601	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0602	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0604	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0605	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0606	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0607	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0608	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0610	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0610	11-15 NCR 1200		12-22 NCR 1983	*						
15A NCAC 02D .0611	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0611	11-15 NCR 1200		12-22 NCR 1983	*						
15A NCAC 02D .0612	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0612	11-15 NCR 1200		12-22 NCR 1983	*						
15A NCAC 02D .0613	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0613	11-15 NCR 1200		12-22 NCR 1983	*						
15A NCAC 02D .0614	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0614	11-15 NCR 1200		12-22 NCR 1983	*						
15A NCAC 02D .0615	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0615	11-15 NCR 1200		12-22 NCR 1983	*						
15A NCAC 02D .0806	11-26 NCR 1976									
15A NCAC 02D .0902	11-19 NCR 1408									
15A NCAC 02D .0903	10-18 NCR 2318		12-22 NCR 1983	*						
15A NCAC 02D .0903	11-15 NCR 1200									
15A NCAC 02D .0909	11-19 NCR 1408									
15A NCAC 02D .0912	11-15 NCR 1200									



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1103	13:04 NCR 356									
15A NCAC 02D .1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D .1104	13:04 NCR 356									
15A NCAC 02D .1105	10:18 NCR 2318									
15A NCAC 02D .1105	11:15 NCR 1200									
15A NCAC 02D .1106	11:26 NCR 1976									
			12:22 NCR 1983	*						
15A NCAC 02D .1201	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1202	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1203	12:16 NCR 1482		13:03 NCR 270	L						
15A NCAC 02D .1204	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .1204	12:16 NCR 1482		13:03 NCR 270	L						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 02D 1205	12.16 NCR 1482		13.03 NCR 270	L						
15A NCAC 02D 1206	12.16 NCR 1482		13.03 NCR 270	L						
15A NCAC 02D 1208	12.16 NCR 1482		13.03 NCR 270	L						
15A NCAC 02D 1209	12.16 NCR 1482		13.03 NCR 270	L						
15A NCAC 02D 1404	10.18 NCR 2318		12.22 NCR 1983	*						
15A NCAC 02D 1404	11.15 NCR 1200									
15A NCAC 02D 1501	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 1502	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 1503	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 1504	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 1601	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 1700	12.02 NCR 52									
15A NCAC 02D 1903	12.16 NCR 1482									
15A NCAC 02D 1904	12.16 NCR 1482									
15A NCAC 02D 2001	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 2002	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 2003	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 2004	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 2005	12.20 NCR 1817		13.03 NCR 270	*						
15A NCAC 02D 2100	13.04 NCR 356									
15A NCAC 02D 2200	11.26 NCR 1976									
15A NCAC 02H 0226	12.20 NCR 1817	13.04 NCR 426	13.05 NCR 491	*						
15A NCAC 02H 0610	10.18 NCR 2317		12.08 NCR 650	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 02H 0610	12.02 NCR 52	12.02 NCR 77 Temp Expired 04/11/98								
15A NCAC 02H 0800	13.04 NCR 356									
15A NCAC 02H 0800	13.08 NCR 621									
15A NCAC 02H 1202	11.15 NCR 1200									
15A NCAC 02H 1203	11.15 NCR 1200									

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L	11:15 NCR 1200									
	11:15 NCR 1204									
15A NCAC 02L .0106		12:08 NCR 713								
15A NCAC 02L .0115	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02L .0202	13:04 NCR 356									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	12:08 NCR 713								
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0102	12:02 NCR 52		13:03 NCR 270	*						
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0102	13:08 NCR 621									
15A NCAC 02Q .0103	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02Q .0103	12:20 NCR 1817									
15A NCAC 02Q .0107	12:16 NCR 1482		13:03 NCR 270	*						
15A NCAC 02Q .0304	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0306	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0309	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0314	11:26 NCR 1976		13:03 NCR 270	*						
15A NCAC 02Q .0315	12:20 NCR 1817		13:03 NCR 270	*						
15A NCAC 02Q .0401	12:04 NCR 240		13:03 NCR 270	*						
15A NCAC 02Q .0402	12:04 NCR 240		13:03 NCR 270	*						
15A NCAC 02Q .0508	13:08 NCR 621									
15A NCAC 02Q .0511	12:20 NCR 1817		13:03 NCR 270	*						



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 02Q 0700	11-08 NCR 442									
15A NCAC 02Q 0703	13-04 NCR 356									
15A NCAC 02Q 0711	13-04 NCR 356									
15A NCAC 02Q 0801	12-02 NCR 52		13-03 NCR 270	*						
15A NCAC 02Q 0803	12-02 NCR 52		13-03 NCR 270	*						
15A NCAC 02Q 0808	12-16 NCR 1482		13-03 NCR 270	*						
15A NCAC 02R 0204	12-02 NCR 52		12-14 NCR 1267	S						
15A NCAC 02R 0205	12-02 NCR 52		12-14 NCR 1267	S						
15A NCAC 02R 0600	12-02 NCR 52									
<b>Health Services, Commission for</b>										
15A NCAC 13A 0100	12-02 NCR 52									
15A NCAC 13A 0109	12-07 NCR 509		12-22 NCR 2000	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 13A 0110	12-07 NCR 509		12-22 NCR 2000	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 13A 0111	12-07 NCR 509		12-22 NCR 2000	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 13B 1301		12-12 NCR 1064	12-24 NCR 2211	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 13B 1624	11-19 NCR 1764	13-03 NCR 325	12-24 NCR 2211	L	Object	09/17/98				
15A NCAC 13B 1627	11-08 NCR 442		11-13 NCR 1055	*						
15A NCAC 13B 1800	11-08 NCR 442									
15A NCAC 13B 1800	11-26 NCR 1976									
15A NCAC 18A 1104	11-04 NCR 183									
15A NCAC 18A 0425		12-14 NCR 1352								
15A NCAC 18A 0432		13-06 NCR 566	13-06 NCR 566	*						
15A NCAC 18A 1601		12-14 NCR 1352								
15A NCAC 18A 1611		13-06 NCR 566	13-06 NCR 566	*						
15A NCAC 18A 1720	12-16 NCR 1482	12-21 NCR 1882								
15A NCAC 18A 1720	12-16 NCR 1482	12-21 NCR 1882								
15A NCAC 18A 1808	13-08 NCR 621	12-18 NCR 1713								
15A NCAC 18A 1810		12-21 NCR 1882								
		12-24 NCR 2228								
		12-24 NCR 2228								

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 18A .1812	13.08 NCR 621									
15A NCAC 18A .2308	12.03 NCR 168		12.07 NCR 519	*	Ext. Review	12/18/97				
15A NCAC 18A .2309	12.03 NCR 168		12.07 NCR 519	*	<b>Object</b>	01/15/98				
15A NCAC 18A .2508	12.08 NCR 614		13.01 NCR 31	*	Ext. Review	12/18/97				
15A NCAC 18A .2513	12.08 NCR 614		13.01 NCR 31	*	<b>Object</b>	01/15/98				
15A NCAC 18A .2515	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2517	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2518	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2522	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2526	12.08 NCR 614		13.01 NCR 31	*	<b>Object</b>	10/22/98				
15A NCAC 18A .2528	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2530	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2531	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2532	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2535	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2537	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2539	12.08 NCR 614		13.01 NCR 31	*	<b>Object</b>	10/22/98				
15A NCAC 18A .2543	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2600	12.04 NCR 240				Approve	10/22/98				
15A NCAC 18A .2612		12.14 NCR 1352								
15A NCAC 18A .2801	12.16 NCR 1482	13.06 NCR 566	13.06 NCR 566	*						
15A NCAC 18A .2802	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2803	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2804	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2805	12.16 NCR 1482				<b>Object</b>	10/22/98				
15A NCAC 18A .2806	12.16 NCR 1482									
15A NCAC 18A .2807	12.16 NCR 1482									
15A NCAC 18A .2808	12.16 NCR 1482									
			13.02 NCR 235	*	<b>Object</b>	10/22/98				

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 18A .2809	12.16 NCR 1482									
15A NCAC 18A .2810	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2811	12.16 NCR 1482									
15A NCAC 18A .2812	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2813	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2814	12.16 NCR 1482									
15A NCAC 18A .2815	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2816	12.16 NCR 1482									
15A NCAC 18A .2817	12.16 NCR 1482		13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2818	12.16 NCR 1482									
15A NCAC 18A .2819	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2820	12.16 NCR 1482		13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2821	12.16 NCR 1482									
15A NCAC 18A .2822	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2823	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2824	12.16 NCR 1482		13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2825	12.16 NCR 1482		13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2826	12.16 NCR 1482									
15A NCAC 18A .2827	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	<b>Object</b>	<b>10/22/98</b>				
15A NCAC 18A .2828	12.16 NCR 1482		13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2829	12.16 NCR 1482		13.02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2830	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2831	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2832	12.16 NCR 1482		13.02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2833	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	<b>Object</b>	<b>10/22/98</b>				
15A NCAC 18A .2834	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2835	12.16 NCR 1482									
15A NCAC 18A .2836	12.16 NCR 1482									
15A NCAC 18A .3101	12.11 NCR 920	12.12 NCR 1064	12.20 NCR 1829	S	Object	07/23/98				



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 18A .3102	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829		Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3103	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3104	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3105	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3106	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98				
15A NCAC 18A .3107	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	08/20/98	*		13:10 NCR 817	
15A NCAC 18A .3108	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3109	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 18A .3110	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3111	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S	Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 18C	13:04 NCR 356		12:20 NCR 1829	S	Object	08/20/98	*		13:09 NCR 779	
15A NCAC 19A .0101	12:02 NCR 52	12:02 NCR 88			Approve	07/23/98				
15A NCAC 21H .0110	12:20 NCR 1822		13:07 NCR 591	S	Object	07/23/98				
15A NCAC 21H .0111	12:20 NCR 1822		13:07 NCR 591	S	Approve	08/20/98	*		13:10 NCR 817	
15A NCAC 21H .0113	12:20 NCR 1822		13:07 NCR 591	*	Approve	07/23/98	*		13:09 NCR 779	
15A NCAC 26C .0001	11:19 NCR 1408				Approve	07/23/98				
15A NCAC 26C .0002	11:19 NCR 1408				Approve	07/23/98				
15A NCAC 26C .0003	11:19 NCR 1408				Approve	07/23/98				
15A NCAC 26C .0004	11:19 NCR 1408				Approve	07/23/98				
15A NCAC 26C .0005	11:19 NCR 1408				Approve	07/23/98				
15A NCAC 26C .0006	11:19 NCR 1408				Approve	07/23/98				
15A NCAC 26C .0007	11:19 NCR 1408				Approve	07/23/98				

## Land Resources/Land Quality/Sedimentation Control Commission

15A NCAC 04B .0106	12:20 NCAC 1817		13:09 NCR 760	*
15A NCAC 04B .0107	12:20 NCAC 1817		13:09 NCR 760	*
15A NCAC 04B .0127	12:20 NCAC 1817		13:09 NCR 760	*

## Marine Fisheries Commission

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1985									
15A NCAC 03H 0103	12:23 NCR 2089									
15A NCAC 03I 0101	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03J 0103	13:08 NCR 739									
15A NCAC 03J 0107	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03J 0109	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03J 0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L 0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M 0501	13:08 NCR 739									
15A NCAC 03M 0503	12:19 NCR 1762		13:03 NCR 303	*						
15A NCAC 03M 0507	12:23 NCR 2089	12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03M 0507	13:10 NCR 803									
15A NCAC 03M 0513	11:26 NCR 1976		12:05 NCR 418	*						
15A NCAC 03M 0515	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03O 0303		12:23 NCR 2094	13:03 NCR 303	*						
15A NCAC 03O 0306		12:19 NCR 1780 12:23 NCR 2094	13:03 NCR 303 13:03 NCR 303	*						
15A NCAC 03P 0103	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P 0201	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P 0202	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P 0203	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P 0301	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P 0302	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P 0303	12:23 NCR 2089		13:03 NCR 303	*						
15A NCAC 03P 0304	12:23 NCR 2089		13:03 NCR 303	*						
<b>Parks and Recreation Commission</b>										
15A NCAC 12A 0001	12:13 NCR 1097									

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 12A .0004	12:13 NCR 1097									
15A NCAC 12A .0005	12:13 NCR 1097									
15A NCAC 12B .0101	12:13 NCR 1097									
15A NCAC 12B .0104	12:13 NCR 1097									
15A NCAC 12B .0106	12:13 NCR 1097									
15A NCAC 12B .0203	12:13 NCR 1097									
15A NCAC 12B .0401	12:13 NCR 1097									
15A NCAC 12B .0402	12:13 NCR 1097									
15A NCAC 12B .0501	12:13 NCR 1097									
15A NCAC 12B .0602	12:13 NCR 1097									
15A NCAC 12B .0701	12:13 NCR 1097									
15A NCAC 12B .0702	12:13 NCR 1097									
15A NCAC 12B .0802	12:13 NCR 1097									
15A NCAC 12B 1001	12:13 NCR 1097									
15A NCAC 12B .1004	12:13 NCR 1097									
15A NCAC 12B .1102	12:13 NCR 1097									
15A NCAC 12B .1201	12:13 NCR 1097									
<b>Radiation Protection</b>										
15A NCAC 11 .0104	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0111	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0117	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0305	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0317	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0318	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0321	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0323	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0339	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .0353	12:22 NCR 1979		13:04 NCR 378	S						
15A NCAC 11 .0359	12:22 NCR 1979		13:04 NCR 378	*						



# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 11 .0360	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0361	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0362	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0501	12-22 NCR 1979		13-04 NCR 378	*	Agcy Withdrew	10/22/98				
15A NCAC 11 .0502	12-22 NCR 1979		13-04 NCR 378	*	Approve	10/22/98	*			
15A NCAC 11 .0503	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0504	12-22 NCR 1979		13-04 NCR 378	*	Approve	10/22/98	*			
15A NCAC 11 .0505	12-22 NCR 1979		13-04 NCR 378	*	Approve	10/22/98	*			
15A NCAC 11 .0506	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0507	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0508	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0509	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0510	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0511	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0512	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0513	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0515	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0516	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0517	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0520	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0521	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0522	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0523	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0524	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0525	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0702	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .0703	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .1003	12-22 NCR 1979		13-04 NCR 378	*						
15A NCAC 11 .1100	12-04 NCR 240		13-04 NCR 378	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 11 .1400	12:04 NCR 240									
15A NCAC 11 .1633	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1635	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1647	12:22 NCR 1979		13:04 NCR 378	*						
15A NCAC 11 .1653	12:22 NCR 1979		13:04 NCR 378	*						
<b>Soil &amp; Water Conservation</b>										
15A NCAC 06E .0105	12:20 NCR 1817		13:01 NCR 25	*	Agcy Withdrew	10/22/98				
15A NCAC 06E .0107	12:20 NCR 1817		13:08 NCR 688	*						
<b>Water Pollution Control System Operators Certification Commission</b>										
15A NCAC 08A .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08A .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0102	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0103	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0104	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0105	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0106	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0108	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0109	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0201	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0203	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0204	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0205	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0207	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B .0208	11:26 NCR 1976		13:02 NCR 204	*						

# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 08B 0209	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0210	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0211	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0212	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0213	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0214	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0304	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0402	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0404	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0405	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0406	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0502	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08B 0506	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C 0002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C 0004	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C 0005	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C 0006	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C 0007	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08C 0008	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D 0002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D 0004	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D 0005	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08D 0006	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08E	11:26 NCR 1976									
15A NCAC 08F	11:26 NCR 1976									
15A NCAC 08G 0101	11:26 NCR 1976		13:02 NCR 204	*						



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 08G .0102	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0201	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0202	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0203	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0204	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0205	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0301	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0302	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0303	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0304	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0305	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0306	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0307	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0308	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0401	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0402	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0403	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0404	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0405	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0406	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0407	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0408	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0409	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0501	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0502	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0503	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0504	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0505	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0601	11:26 NCR 1976		13:02 NCR 204	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 08G .0602	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .0603	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .0604	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .0701	11.26 NCR 1976		13.02 NCR 204	S/L						
15A NCAC 08G .0801	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .0802	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .0803	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .0804	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .0901	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .0902	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G 1001	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .1002	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .1101	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08G .1102	11.26 NCR 1976		13.02 NCR 204	*						
<b>Well Contractors Certification Commissio</b>										
15A NCAC 27 .0101	13.10 NCR 803									
15A NCAC 27 .0110	13.10 NCR 803									
15A NCAC 27 .0201	13.10 NCR 803									
15A NCAC 27 .0301	13.10 NCR 803									
15A NCAC 27 .0401	13.10 NCR 803									
15A NCAC 27 .0410	13.10 NCR 803									
15A NCAC 27 .0420	13.10 NCR 803									
15A NCAC 27 .0430	13.10 NCR 803									
15A NCAC 27 .0440	13.10 NCR 803									
15A NCAC 27 .0501	13.10 NCR 803									
15A NCAC 27 .0510	13.10 NCR 803									
15A NCAC 27 .0520	13.10 NCR 803									
15A NCAC 27 .0601	13.10 NCR 803									
15A NCAC 27 .0701	13.10 NCR 803									

# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 27 .0801	13:10 NCR 803									
15A NCAC 27 .0810	13:10 NCR 803									
15A NCAC 27 .0820	13:10 NCR 803									
15A NCAC 27 .0830	13:10 NCR 803									
15A NCAC 27 .0840	13:10 NCR 803									
15A NCAC 27 .0901	13:10 NCR 803									
15A NCAC 27 .0910	13:10 NCR 803									
15A NCAC 27 .0920	13:10 NCR 803									
15A NCAC 27 .0930	13:10 NCR 803									
<b>Wildlife Resources Commission</b>										
Public Notice - 15A NCAC 10B .0105										
15A NCAC 10B .0100	13:08 NCR 625									
15A NCAC 10B .0105		13:07 NCR 595								13:04 NCR 353
15A NCAC 10B .0200	13:08 NCR 625									
15A NCAC 10B .0207	12:06 NCR 445	13:04 NCR 427	12:24 NCR 2205	*	Approve	09/17/98	*		13:11 NCR 912	
15A NCAC 10B .0300	13:08 NCR 625									
15A NCAC 10C .0100	13:08 NCR 625									
15A NCAC 10C .0200	13:08 NCR 625									
15A NCAC 10C .0300	13:08 NCR 625									
15A NCAC 10C .0302	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*						
15A NCAC 10C .0305	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*						
15A NCAC 10C .0400	13:01 NCR 3									
15A NCAC 10C .0400	13:08 NCR 625									
15A NCAC 10C .0404	12:06 NCR 445			*						
15A NCAC 10C .0405	13:01 NCR 3	13:11 NCR 907	13:05 NCR 492	*						
15A NCAC 10D	12:18 NCR 1694									
15A NCAC 10D .0002	13:08 NCR 625									
15A NCAC 10D .0003	12:18 NCR 1694			*						
15A NCAC 10D .0003	13:08 NCR 625		12:24 NCR 2205							



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 10F 0301	12.19 NCR 1763	12.24 NCR 2224	12.24 NCR 2224	*	Object	10/22/98				
15A NCAC 10F 0303	12.19 NCR 1763									
15A NCAC 10F 0303	N/A		N/A		Approve	05/21/98			13.02 NCR 249	
15A NCAC 10F 0305	12.10 NCR 865	12.16 NCR 1518	12.16 NCR 1518	*	Approve	07/23/98			13.09 NCR 779	
15A NCAC 10F 0310	12.19 NCR 1763	12.24 NCR 2224	12.24 NCR 2224	I						
15A NCAC 10F 0310	13.07 NCR 595		13.11 NCR 905	I						
15A NCAC 10F 0311	12.11 NCR 920	12.24 NCR 2224	12.17 NCR 1608	I	Approve	07/23/98			13.09 NCR 779	
15A NCAC 10F 0314	12.19 NCR 1763									
15A NCAC 10F 0317	12.11 NCR 920	12.24 NCR 2224	12.17 NCR 1608	I	Approve	07/23/98			13.09 NCR 779	
15A NCAC 10F 0317	13.08 NCR 625									
15A NCAC 10F 0318	12.06 NCR 445									
15A NCAC 10F 0327	12.11 NCR 920	12.24 NCR 2224	12.17 NCR 1608	I	Approve	07/23/98	*		13.09 NCR 779	
15A NCAC 10F 0330	13.03 NCR 269	13.07 NCR 595	13.07 NCR 595	S/I						
15A NCAC 10F 0330	13.11 NCR 855									
15A NCAC 10F 0342	13.07 NCR 585		13.11 NCR 905	I						
15A NCAC 10F 0345		12.19 NCR 1781								
15A NCAC 10F 0347		12.19 NCR 1781								
15A NCAC 10F 0359	12.19 NCR 1763									
15A NCAC 10G 0404	12.06 NCR 445		12.12 NCR 1004	*	Extend Review Object Approve	04/15/98 06/18/98 07/23/98	*		13.09 NCR 779	13.02 NCR 173 13.04 NCR 354 13.07 NCR 583 13.09 NCR 756

## FINAL DECISION LETTERS

Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act

## GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12.0204 13.06 NCR 568  
21 NCAC 12.0503 11.28 NCR 2117  
21 NCAC 12.0504 11.28 NCR 2117

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 12 .0902 11:28 NCR 2117  
 21 NCAC 12 .0905 11:28 NCR 2117  
 21 NCAC 12 .0906 11:28 NCR 2117  
 21 NCAC 12 .0907 11:28 NCR 2117  
 21 NCAC 12 .0908 11:28 NCR 2117  
 21 NCAC 12 .0909 11:28 NCR 2117  
 21 NCAC 12 .0910 11:28 NCR 2117  
 21 NCAC 12 .0911 11:28 NCR 2117  
 21 NCAC 12 .0912 11:28 NCR 2117

## GOVERNOR'S EXECUTIVE ORDERS

Number 136 - Eff. 06/05/98  
 Number 137 - Eff. 08/11/98  
 Number 138 - Eff. 08/25/98  
 Number 139 - Eff. 08/26/98  
 Number 140 - Eff. 09/29/98

13:01 NCR 1  
 13:06 NCR 535  
 13:07 NCR 581  
 13:07 NCR 581  
 13:09 NCR 753

## HEALTH AND HUMAN SERVICES

### Aging

10 NCAC 22 10:23 NCR 2956

### Child Day Care Commission

10 NCAC 03U .0102 12:21 NCR 1873  
 10 NCAC 03U .0305 12:21 NCR 1873  
 10 NCAC 03U .0602 11:24 NCR 1817 12:08 NCR 710  
 10 NCAC 03U .0604 11:24 NCR 1817 12:08 NCR 710  
 10 NCAC 03U .0605 11:24 NCR 1817 12:08 NCR 710  
 10 NCAC 03U .0705 11:14 NCR 1108  
 10 NCAC 03U .0705 11:24 NCR 1817 12:08 NCR 710  
 10 NCAC 03U .0901 11:08 NCR 449  
 10 NCAC 03U .1601 12:21 NCR 1873  
 10 NCAC 03U .1602 12:21 NCR 1873

13:06 NCR 539  
 13:06 NCR 539  
 11:27 NCR 2054  
 11:17 NCR 1338  
 13:06 NCR 539  
 13:06 NCR 539

Object 03/20/98

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 03U 1606	12.21 NCR 1873		13.06 NCR 539	*						
10 NCAC 03U 1612	12.21 NCR 1873		13.06 NCR 539	*						
10 NCAC 03U 1701	12.21 NCR 1873		13.06 NCR 539	*						
10 NCAC 03U 2000	12.21 NCR 1873									
10 NCAC 03U 2500	12.21 NCR 1873									
10 NCAC 03U 2801	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2802	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2803	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2804	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2805	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2806	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2807	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2808	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2809	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2810	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2811	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U 2812	12.21 NCR 1873		13.06 NCR 539	S						
<b>Facility Services</b>										
<b>Certificate of Public Advantage (COPA)</b>										
<b>Public Notice - Draft 1999 State Medical Facilities Plan</b>										
<b>Abbreviated Notice of Temporary Rule-Making</b>										
10 NCAC 03R 0214	12.08 NCR 617		13.03 NCR 270	*	Approve	10/22/98				13.03 NCR 261
10 NCAC 03R 3000	11.23 NCR 1780									13.02 NCR 171
10 NCAC 03R 3001	10.23 NCR 2956									13.06 NCR 536
10 NCAC 03R 3030	10.23 NCR 2956		11.06 NCR 328	S/L/SL						
10 NCAC 03R 3032	10.23 NCR 2956		11.06 NCR 328	S/L/SL						
10 NCAC 03R 3040	10.23 NCR 2956		11.06 NCR 328	S/L/SL						
10 NCAC 03R 3050	10.23 NCR 2956		11.06 NCR 328	S/L/SL						
10 NCAC 03R 3051		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				



# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 03R .3053		11-22 NCR 1713								
10 NCAC 03R .3053		12-06 NCR 481								
10 NCAC 03R .3060		12-06 NCR 481								
10 NCAC 03R .3061		12-06 NCR 481								
10 NCAC 03R .3063		12-06 NCR 481								
10 NCAC 03R .3065		12-06 NCR 481								
10 NCAC 03R .3072		12-06 NCR 481								
10 NCAC 03R .6001	11-22 NCR 1704									
10 NCAC 03R .6101		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98	*			
10 NCAC 03R .6102		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98	*			
10 NCAC 03R .6103		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6104		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6105		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6106		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6107		12-15 NCR 1431	13-02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R .6108		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6109		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6110		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6111		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6112		12-15 NCR 1431	13-02 NCR 178	S/L/SE	<b>Object</b>	<b>10/22/98</b>				
10 NCAC 03R .6113		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6114		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6115		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6116		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6117		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6118		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6119		12-15 NCR 1431	13-02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R .6120		12-15 NCR 1431	13-02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R .6121		12-15 NCR 1431	13-02 NCR 178	S/L/SE	Approve	10/22/98				

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 03R 6122		12.15 NCR 1431	13.02 NCR 178	S/I/S/E	Approve	10/22/98	*			
10 NCAC 03R 6123		12.15 NCR 1431	13.02 NCR 178	S/I/S/E	Approve	10/22/98				
10 NCAC 03R 6124		12.15 NCR 1431	13.02 NCR 178	S/I/S/E	Approve	10/22/98	*			
10 NCAC 03R 6125		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6126		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6127		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6128		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6129		12.15 NCR 1431	13.02 NCR 178	S/I/S/E	Approve	10/22/98				
10 NCAC 03R 6130		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6131		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98	*			
10 NCAC 03R 6132		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6133		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6134		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6135		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6136		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6137		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6138		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6139		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6140		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6141		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98				
10 NCAC 03S	12.24 NCR 2194									
<b>Health Services</b>										
15A NCAC 16A 0101	12.22 NCR 1979		13.02 NCR 234	*	Object	10/22/98				
15A NCAC 16A 0106	12.22 NCR 1979		13.02 NCR 234	*	Approve	10/22/98				
15A NCAC 16A 0108	12.22 NCR 1979		13.02 NCR 234	*	Approve	10/22/98				
15A NCAC 19A 0400	13.11 NCR 855									
15A NCAC 19A 0502	13.11 NCR 855									
15A NCAC 19C 0206		12.15 NCR 1451	13.05 NCR 496	S						
15A NCAC 24A 0101	12.22 NCR 1979		13.02 NCR 244	*	Approve	10/22/98				

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 24A .0102	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0302	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0402	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0403	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0404	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98				
<b>Medical Assistance</b>										
10 NCAC 26B .0103	12:18 NCR 1694		13:01 NCR 5	*	Approve	10/22/98	*			
10 NCAC 26D .0110	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0102	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98			13:09 NCR 779	
10 NCAC 26H .0211	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE	Approve	07/23/98			13:09 NCR 779	
10 NCAC 26H .0212		12:09 NCR 827 Temp.Expired 7/31/98 12:13 NCR 733								
10 NCAC 26H .0213		11:26 NCR 1997								
10 NCAC 26H .0213		12:09 NCR 827								
		13:08 NCR 733								
10 NCAC 26H .0304		13:03 NCR 316	13:08 NCR 668	S/L						
10 NCAC 26H .0401	12:08 NCR 618	12:14 NCR 1341	12:21 NCR 1875	S/L	Approve	07/23/98			13:09 NCR 779	
10 NCAC 26H .0401		13:02 NCR 248								
10 NCAC 26I .0101	13:02 NCR 175		13:07 NCR 588	*						
10 NCAC 26K .0106	12:05 NCR 337									
10 NCAC 26K .0106	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26M .0201	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0202	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0203	12:05 NCR 337									
10 NCAC 26M .0203	12:06 NCR 444		13:01 NCR 5	*						

Ext. Com. Period  
13:05 NCR 435  
Ext. Com. Period  
13:05 NCR 435  
Extend. Com. Period  
13:05 NCR 435



# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 26M 0204	12 06 NCR 444		13 01 NCR 5	*						
10 NCAC 26M 0305	13 02 NCR 175		13 07 NCR 588	*						
10 NCAC 50A 0604	12 06 NCR 444		12 21 NCR 1875	*						
10 NCAC 50B 0202	12 06 NCR 444		12 21 NCR 1875	*						
10 NCAC 50B 0302	13 02 NCR 175		13 10 NCR 806	*						
10 NCAC 50B 0311	13 03 NCR 268									
10 NCAC 50B 0313	13 02 NCR 175		13 10 NCR 806	*						
<b>Medical Care Commission</b>										
10 NCAC 03D 1500	11 23 NCR 1779									
10 NCAC 03H 2210	N/A		N/A	N/A	Approve	09/17/98			13 11 NCR 912	
<b>Mental Health, Developmental Disabilities and Substance Abuse Services</b>										
10 NCAC 14G 0102		12 12 NCR 1060	12 19 NCR 1766	*	Object Approve	06/18/98 07/23/98	*		13 09 NCR 779	
10 NCAC 14V 0800	12 20 NCR 1820									
10 NCAC 14V 3800	12 20 NCR 1820									
10 NCAC 14V 4000	12 20 NCR 1820									
10 NCAC 14V 4301	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4302	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4303	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4304	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4305	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4306	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 5000	12 20 NCR 1820									
10 NCAC 45H 0201	N/A	N/A	N/A	N/A	Approve	08/20/98			13 10 NCR 817	
10 NCAC 45H 0205	11 19 NCR 1762	12 24 NCR 2223	13 05 NCR 487	*						
<b>Secretary of Health and Human Services</b>										
10 NCAC 14C 1151	12 20 NCR 1820		13 02 NCR 198	*						
10 NCAC 14V 7006		12 01 NCR 31	12 07 NCR 511	*						
10 NCAC 14V 7201	13 05 NCR 436									

Extend Com. Period  
13 05 NCR 435

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 21B .0117		12.17 NCR 1616	12.21 NCR 1875	S	Approve	07/23/98			13.09 NCR 779	
10 NCAC 49B .0315		12.18 NCR 1703	13.02 NCR 203	*	Approve	10/22/98	*			
<b>Social Services Commission</b>										
10 NCAC 24A .0508	12.12 NCR 993	12.13 NCR 1180	12.23 NCR 2090	*	Approve	10/22/98				
10 NCAC 29C .0103		13.06 NCR 566								
10 NCAC 30 .0207	12.11 NCR 919	12.14 NCR 1347	12.15 NCR 1420	*	Approve	05/21/98			13.02 NCR 249	
10 NCAC 41A .0107		12.11 NCR 938	12.15 NCR 1420	*	Object	05/21/98	*		13.09 NCR 779	
10 NCAC 41E .0401	12.11 NCR 919		13.05 NCR 438	*	Approve	07/23/98				
10 NCAC 41E .0403	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0404	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0405	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0406	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0501	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0502	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0503	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0504	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0505	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0506	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0507	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0508	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0509	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0510	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0511	12.11 NCR 919		13.11 NCR 857	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 NC/AC 4HE .0512	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0513	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0514	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0515	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0516	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0517	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0518	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0601	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0602	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0603	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0604	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0605	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0606	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0701	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0702	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0703	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0704	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NC/AC 4HE .0707		12.11 NCR 938	12.15 NCR 1420	S	Approve	05/21/98			13.02 NCR 249	
10 NC/AC 4HE .0813		12.11 NCR 938	12.15 NCR 1420	S	Approve	05/21/98			13.02 NCR 249	
10 NC/AC 4IG .0501	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NC/AC 4IG .0502	12.11 NCR 919		13.11 NCR 857	*						



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 41G .0504	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0505	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0506	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0507	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0508	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0509	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0510	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0511	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0512	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0513	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0601	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0602	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0603	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0604	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0605	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0606	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0701	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0702	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0703	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0704	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0705	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						

# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 41G .0706	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0707	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0708	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0801	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0802	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0803	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0804	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0805	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0806	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0807	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0808	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0809	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .0902	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1001	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1002	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1004	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1005	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1006	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1007	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1008	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1009	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 41G .1010	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1011	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1012	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1013	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1101	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1102	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1103	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1104	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1105	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1106	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1201	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1202	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1203	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1204	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1205	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1206	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1207	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1208	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1301	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41G .1302	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41G .1303	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 NC/AC/41G 1304	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41G 1305	12:11 NCR 919		13:11 NCR 857	*						
10 NC/AC/41G 1306	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41G 1307	12:11 NCR 919		13:11 NCR 857	*						
10 NC/AC/41G 1308	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41G 1309	12:11 NCR 919		13:11 NCR 857	*						
10 NC/AC/41G 1402	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41I 0100	10:17 NCR 2228		13:11 NCR 857	*						
10 NC/AC/41I 0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NC/AC/41R 0101	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41R 0102	12:11 NCR 919		13:11 NCR 857	*						
10 NC/AC/41R 0103	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41R 0104	12:11 NCR 919		13:11 NCR 857	*						
10 NC/AC/41R 0105	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41R 0106	12:11 NCR 919		13:11 NCR 857	*						
10 NC/AC/41R 0107	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41S 0101	12:11 NCR 919		13:11 NCR 857	*						
10 NC/AC/41S 0102	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41S 0201	12:11 NCR 919		13:11 NCR 857	*						
10 NC/AC/41S 0202	12:11 NCR 919		13:05 NCR 438	*						
10 NC/AC/41S 0203	12:11 NCR 919		13:11 NCR 857	*						
10 NC/AC/41S 0204	12:11 NCR 919		13:05 NCR 438	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 41S .0301	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0302	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0303	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0304	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0305	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0306	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0307	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0401	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0402	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0403	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0404	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0405	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0406	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0407	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0501	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0502	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0503	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0504	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0505	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0506	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41S .0601	12:11 NCR 919		13:05 NCR 438	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 41S .0602	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0603	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0604	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0605	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0606	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0607	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0608	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0609	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0610	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0611	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0612	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0613	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0614	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0615	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0701	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0702	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0703	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0704	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0705	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0706	12-11 NCR 919		13-11 NCR 857	*						
			13-05 NCR 438	*						
10 NCAC 41S .0707	12-11 NCR 919		13-05 NCR 438	*						



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 41S .0708	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0709	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0710	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0711	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41S .0712	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41S .0713	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0101	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41T .0102	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0103	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41T .0104	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0105	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41T .0106	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0201	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41T .0202	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0203	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41T .0204	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 41T .0205	12:11 NCR 919		13:11 NCR 857	*						
10 NCAC 41T .0206	12:11 NCR 919		13:05 NCR 438	*						
10 NCAC 42C .2301	12:22 NCR 1979		13:11 NCR 857	*						
10 NCAC 42C .3401			13:05 NCR 438	*						
10 NCAC 42C .3403			13:11 NCR 857	*						
10 NCAC 42C .3404			13:05 NCR 438	*						
		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98				
		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98				
		12:13 NCR 1180	13:02 NCR 200	*	Approve	10/22/98				

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 42C .3601		12.13 NCR 1180	13.02 NCR 200	*	Approve	10/22/98				
10 NCAC 42E	13.07 NCR 585									
10 NCAC 42R .0201	12.11 NCR 919	12.13 NCR 1180	12.23 NCR 2090	S/L	Approve	10/22/98				
10 NCAC 42S	13.07 NCR 585									
10 NCAC 42Z	13.07 NCR 585									
10 NCAC 47A .0502		12.11 NCR 938	12.15 NCR 1420	*	Approve	05/21/98			13.02 NCR 249	
10 NCAC 47B .0102		12.11 NCR 938	12.15 NCR 1420	*	Object	05/21/98	*		13.03 NCR 334	
10 NCAC 47B .0303		12.11 NCR 938	12.15 NCR 1420	*	Approve	06/18/98			13.02 NCR 249	
10 NCAC 47B .0304		12.11 NCR 938	12.15 NCR 1420	*	Approve	05/21/98			13.02 NCR 249	
10 NCAC 47B .0305		12.11 NCR 938	12.15 NCR 1420	*	Approve	05/21/98	*		13.02 NCR 249	
10 NCAC 47B .0403		12.11 NCR 938	12.15 NCR 1420	*	Approve	05/21/98	*		13.02 NCR 249	
10 NCAC 49B .0608	12.20 NCR 1822	13.03 NCR 320	13.06 NCR 549	*	Approve	05/21/98	*		13.02 NCR 249	
<b>Vocational Rehabilitation Services</b>										
10 NCAC 20C .0125	12.24 NCR 2202		13.06 NCR 547	S						
10 NCAC 20C .0206	12.24 NCR 2202		13.06 NCR 547	S						
<b>INSURANCE</b>										
11 NCAC 06	12.09 NCR 744									
11 NCAC 12	12.09 NCR 744									
11 NCAC 12 .0840	13.01 NCR 2	13.03 NCR 323	13.08 NCR 673	*						
11 NCAC 12 .0841	13.01 NCR 2	13.03 NCR 323	13.08 NCR 673	*						
11 NCAC 12 .0842	13.01 NCR 2	13.03 NCR 323	13.08 NCR 673	*						
11 NCAC 12 .1003	13.01 NCR 2		13.05 NCR 489	*						
11 NCAC 12 .1025	13.01 NCR 2		13.05 NCR 489	*						
11 NCAC 12 .1026	13.01 NCR 2		13.05 NCR 489	*						
11 NCAC 12 .1212	13.01 NCR 2		13.05 NCR 489	*						
11 NCAC 13	12.09 NCR 744		13.05 NCR 489	*						
11 NCAC 14	12.09 NCR 744									
11 NCAC 15	12.09 NCR 744									

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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	12:09 NCR 744									
11 NCAC 17	12:09 NCR 744									
11 NCAC 20	12:09 NCR 744									
11 NCAC 21	12:09 NCR 744									
<b>North Carolina Manufactured Housing Board</b>										
11 NCAC 8 .0912	13:01 NCR 2		13:05 NCR 488	*						
<b>JUSTICE</b>										
<b>Alarm Systems Licensing Board</b>										
12 NCAC 11	11:30 NCR 2300									
12 NCAC 11 .0204	12:12 NCR 993		12:20 NCR 1823	*						
12 NCAC 11 .0210	12:08 NCR 618		12:20 NCR 1823	*						
12 NCAC 11 .0501	11:30 NCR 2300		12:20 NCR 1823	*	Object	09/17/98				
12 NCAC 11 .0502	11:30 NCR 2300		12:20 NCR 1823	*	Object	09/17/98			13:11 NCR 912	
12 NCAC 11 .0503	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98				
12 NCAC 11 .0504	11:30 NCR 2300		12:20 NCR 1823	*	Object	09/17/98				
12 NCAC 11 .0505	11:30 NCR 2300		12:20 NCR 1823	*	Object	09/17/98				
12 NCAC 11 .0506	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98			13:11 NCR 912	
12 NCAC 11 .0507	11:30 NCR 2300		12:20 NCR 1823	*	Approve	09/17/98			13:11 NCR 912	
<b>Criminal Justice Education and Training Standards Commission</b>										
12 NCAC 09A .0101	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09A .0103	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0101	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0205	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0209	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0210	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0210	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0211	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0211	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0212	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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				
12 NCAC 09B .0212	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0213	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0213	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0214	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0214	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0215	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0218	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0219	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0220	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0221	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0222	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0226	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0227	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0232	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0233	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B .0301	12.21 NCR 1873		13.01 NCR 6	*	<b>Object</b>	<b>10/22/98</b>				
12 NCAC 09B .0309	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0310	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0311	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0404	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0408	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0409	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0414	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0416	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0603					<b>Object</b>	<b>10/22/98</b>				
12 NCAC 09C .0308	12.21 NCR 1873		13.01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09C .0601	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09C .0105	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09C .0106	N/A		N/A	N/A	Approve	10/22/98				

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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				
12 NCAC 09F .0107	N/A		N/A	N/A	Approve	10/22/98				
<b>Private Protective Services Board</b>										
12 NCAC 07D .0204	11:14 NCR 1108		12:08 NCR 622	*	Object	03/20/98				
12 NCAC 07D .1106	11:14 NCR 1108		12:08 NCR 622	*	Approve	06/18/98	*		13:03 NCR 334	
12 NCAC 07D .1201	11:10 NCR 818		12:14 NCR 1263	*	Object	03/20/98				
12 NCAC 07D .1202	11:10 NCR 818		12:14 NCR 1263	*	Approve	06/18/98	*		13:03 NCR 334	
12 NCAC 07D .1301	11:16 NCR 1268		12:14 NCR 1263	*	Approve	06/18/98	*			
12 NCAC 07D .1302	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1303	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1304	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1305	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1306	11:16 NCR 1268		12:14 NCR 1263	*						
12 NCAC 07D .1307	11:16 NCR 1268		12:14 NCR 1263	*						
<b>Sheriffs' Education and Training Standards Commission</b>										
12 NCAC 10B .0206	12:07 NCR 508	12:18 NCR 1703	12:18 NCR 1703	*	Approve	06/18/98			13:03 NCR 334	
12 NCAC 10B .1103	12:07 NCR 508	12:18 NCR 1703	12:08 NCR 624							
12 NCAC 10B .1104	12:07 NCR 508	12:18 NCR 1703	12:08 NCR 624							
<b>LABOR</b>										
<b>Boiler and Pressure Vessel Division</b>										
13 NCAC 13 .0406	13:03 NCR 269		13:08 NCR 685	*						
13 NCAC 13 .0409	13:03 NCR 269		13:08 NCR 685	*						
<b>Occupational Safety and Health</b>										
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F	13:02 NCR 176									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0301	11:03 NCR 106									
<b>Retaliatory Employment Discrimination</b>										

# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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				
13 NCAC 19 .0101	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0102	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0201	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0301	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0302	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0401	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0402	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0501	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0502	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0601	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0602	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0603	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0604	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0605	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0701	13.03 NCR 268		13.08 NCR 686	*						
13 NCAC 19 .0702	13.03 NCR 268		13.08 NCR 686	*						
<b>Wage and Hour Division</b>										
13 NCAC 12 .0101	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0104	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0303	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0304	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0305	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0306	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0307	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0308	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0309	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0310	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0501	13.03 NCR 268		13.08 NCR 676	*						
13 NCAC 12 .0502	13.03 NCR 268		13.08 NCR 676	*						



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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				
13 NCAC 12 .0602	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0603	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0604	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0605	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0701	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0702	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0801	13-03 NCR 268									
13 NCAC 12 .0802	13-03 NCR 268									
13 NCAC 12 .0803	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0804	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0805	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0806	13-03 NCR 268		13-08 NCR 676	*						
13 NCAC 12 .0807	13-03 NCR 268		13-08 NCR 676	*						
<b>LANDSCAPE ARCHITECTS, BOARD OF</b>										
21 NCAC 26 .0104		12-08 NCR 730								
21 NCAC 26 .0105		12-08 NCR 730								
21 NCAC 26 .0302		12-08 NCR 730								
21 NCAC 26 .0506		12-08 NCR 730								
21 NCAC 26 .0507		12-08 NCR 730								
21 NCAC 26 .0508		12-08 NCR 730								
21 NCAC 26 .0509		12-08 NCR 730								
<b>MEDICAL BOARD</b>										
21 NCAC 32	13-06 NCR 538									
21 NCAC 32B	11-18 NCR 1369									
21 NCAC 32B	12-04 NCR 245									
21 NCAC 32F .0103		11-18 NCR 1386	12-04 NCR 294	*						
21 NCAC 32F .0103		Temp Expired	12-21 NCR 1881	*						
		12-14 NCR 1354	13-08 NCR 709	*						
21 NCAC 32H .0402		12-04 NCR 314								

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 32M 0101	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0102	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0103	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0104	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0105	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0106	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0107	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0108	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0109	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0110	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0111	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0112	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32M 0115	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 320 0101	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0102	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0103	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0104	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0105	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0106	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0107	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0109	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0110	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0111	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0112	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0113	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0114	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0115	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0116	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 0117	11:18 NCR 1369		13:08 NCR 709	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 320 .0118	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0119	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0120	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 320 .0121	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32R .0101	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32R .0102	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32R .0103	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32R .0104	12:19 NCR 1765		13:08 NCR 709	*						
21 NCAC 32S .0101	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0102	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0103	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0104	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0105	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0106	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0107	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0108	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0109	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0110	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0111	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0112	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0113	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0114	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0115	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0116	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0117	11:18 NCR 1369		13:08 NCR 709	*						
21 NCAC 32S .0118	11:18 NCR 1369		13:08 NCR 709	*						

## MORTUARY SCIENCE, BOARD OF

21 NCAC 34A .0201	12:07 NCR 556
21 NCAC 34C	12:09 NCR 745



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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				
MUNICIPAL INCORPORATIONS PETITION										
NURSING, BOARD OF										
21 NCAC 36 .0227	12.05 NCR 338		13.08 NCR 725	*						
OPTICIANS, BOARD OF										
21 NCAC 40 .0108		12.07 NCR 557								
PHARMACY, BOARD OF										
21 NCAC 46 .1317	13.01 NCR 3		13.06 NCR 559	*						
21 NCAC 46 .1414	12.24 NCR 2203		13.06 NCR 559	*						
21 NCAC 46 .1601	12.24 NCR 2203		13.04 NCR 419	*						
21 NCAC 46 .1606	13.01 NCR 3		13.06 NCR 559	*						
21 NCAC 46 .1608	12.24 NCR 2203									
21 NCAC 46 .1609	12.24 NCR 2203									
21 NCAC 46 .1612	12.24 NCR 2203		13.04 NCR 419	*						
21 NCAC 46 .1703	12.24 NCR 2203		13.04 NCR 419	*						
21 NCAC 46 .1706	12.24 NCR 2203		13.04 NCR 419	*						
21 NCAC 46 .1804	12.03 NCR 168		12.07 NCR 527	*						
			12.09 NCR 797	*						
			13.02 NCR 246	SI						
			13.04 NCR 419	*						
			13.06 NCR 559	*						
					State Budget	03/20/98				
21 NCAC 46 .1809	12.24 NCR 2203									
21 NCAC 46 .1814	13.01 NCR 3									
21 NCAC 46 .1815		13.11 NCR 910								
21 NCAC 46 .2103	12.03 NCR 168		12.07 NCR 527	*						
			12.09 NCR 797	*						
			12.07 NCR 527	*						
			12.09 NCR 797	*						
21 NCAC 46 .2301	12.03 NCR 168		13.04 NCR 419	*						
21 NCAC 46 .2304	12.24 NCR 2203		13.04 NCR 419	*						
21 NCAC 46 .2306	12.24 NCR 2203		13.04 NCR 419	*						
21 NCAC 46 .2502	12.24 NCR 2203		13.04 NCR 419	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 46 .2506	12-24 NCR 2203		13-04 NCR 419	*						
21 NCAC 46 .2604	12-24 NCR 2203		13-04 NCR 419	*						
21 NCAC 46 .2609	12-24 NCR 2203		13-04 NCR 419	*						
21 NCAC 46 .2611	12-24 NCR 2203		13-04 NCR 419	*						
<b>PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF</b>										
21 NCAC 50 .0106	12-07 NCR 509									
21 NCAC 50 .0202	12-07 NCR 509									
21 NCAC 50 .0506	12-07 NCR 509	12-07 NCR 557								
21 NCAC 50 .1201	12-07 NCR 509									
21 NCAC 50 .1205	12-07 NCR 509									
21 NCAC 50 .1206	12-07 NCR 509									
21 NCAC 50 .1210	12-07 NCR 509									
21 NCAC 50 .1212	12-07 NCR 509									
21 NCAC 50 .1302	12-07 NCR 509									
<b>PSYCHOLOGY BOARD</b>										
21 NCAC 54 .1611	12-05 NCR 338									
21 NCAC 54 .1612	12-05 NCR 338									
21 NCAC 54 .1613	12-05 NCR 338									
21 NCAC 54 .2006	12-05 NCR 338									
21 NCAC 54 .2010	12-05 NCR 338									
21 NCAC 54 .2104	12-05 NCR 338									
21 NCAC 54 .2301	12-05 NCR 338									
21 NCAC 54 .2302	12-05 NCR 338									
21 NCAC 54 .2303	12-05 NCR 338									
21 NCAC 54 .2304	12-05 NCR 338									
21 NCAC 54 .2305	12-05 NCR 338									
21 NCAC 54 .2306	12-05 NCR 338									

# **CUMULATIVE INDEX** (Updated through November 23, 1998)

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 54 .2307	12.05 NCR 338									
21 NCAC 54 .2308	12.05 NCR 338									
21 NCAC 54 .2309	12.05 NCR 338									
21 NCAC 54 .2310	12.05 NCR 338									
21 NCAC 54 .2311	12.05 NCR 338									
21 NCAC 54 .2312	12.05 NCR 338									
21 NCAC 54 .2313	12.05 NCR 338									
21 NCAC 54 .2314	12.05 NCR 338									
21 NCAC 54 .2401	12.05 NCR 338									
21 NCAC 54 .2402	12.05 NCR 338									
21 NCAC 54 .2501	12.05 NCR 338									
21 NCAC 54 .2502	12.05 NCR 338									
21 NCAC 54 .2503	12.05 NCR 338									
21 NCAC 54 .2504	12.05 NCR 338									
21 NCAC 54 .2505	12.05 NCR 338									
21 NCAC 54 .2601	12.05 NCR 338									
21 NCAC 54 .2602	12.05 NCR 338									
21 NCAC 54 .2704	12.05 NCR 338									
21 NCAC 54 .2705	12.05 NCR 338									
21 NCAC 54 .2706	12.05 NCR 338									
<b>PUBLIC EDUCATION</b>										
16 NCAC 06C .0310		12.03 NCR 210	12.01 NCR 18	*						Temp Filed over obj
16 NCAC 06C .0502		12.09 NCR 834	12.19 NCR 1773	N/A	Approve	08/20/98			13.10 NCR 817	
16 NCAC 06D .0103		12.22 NCR 2010								
16 NCAC 06E .0105		12.05 NCR 433	12.19 NCR 1773	N/A	Approve	08/20/98	*		13.10 NCR 817	
16 NCAC 06E .0301		13.05 NCR 523								
16 NCAC 06G .0305			12.19 NCR 1773	N/A	Approve	08/20/98	*		13.10 NCR 817	
16 NCAC 06G .0310			12.19 NCR 1773	N/A	Approve	08/20/98	*		13.10 NCR 817	



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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				
16 NCAC 06G .0311		12-22 NCR 2010								
16 NCAC 06G .0501		12-12 NCR 1071	12-19 NCR 1773	N/A	Approve	08/20/98			13-10 NCR 817	
<b>REAL ESTATE COMMISSION</b>										
21 NCAC 58A .0101	N/A	N/A	N/A	N/A	Approve	08/20/98			13-10 NCR 817	
<b>REVENUE</b>										
17 NCAC 01C .0601	N/A		13-10 NCR 808	N/A						
17 NCAC 04B .0102	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0104	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0105	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0106	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0107	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0301	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0302	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0306	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0308	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0309	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0310	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0311	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0312	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0403	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .0405	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .2902	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .4301	N/A		13-08 NCR 690	N/A						
17 NCAC 04B .4302	N/A		13-08 NCR 690	N/A						
17 NCAC 04D .0204			13-05 NCR 496	S/SE						
17 NCAC 04D .0303			13-05 NCR 496	S/SE						
17 NCAC 04D .0305			13-05 NCR 496	S/SE						
17 NCAC 04D .0401			13-05 NCR 496	S/SE						
17 NCAC 04D .0402			13-05 NCR 496	S/SE						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 04D .0501			13:05 NCR 496	S/SE						
17 NCAC 04D .0505			13:05 NCR 496	S/SE						
17 NCAC 04D .0506			13:05 NCR 496	S/SE						
17 NCAC 04D .0508			13:05 NCR 496	S/SE						
17 NCAC 04D .0610			13:05 NCR 496	S/SE						
17 NCAC 04D .0901			13:05 NCR 496	S/SE						
17 NCAC 04D .0902			13:05 NCR 496	S/SE						
17 NCAC 04D .0903			13:05 NCR 496	S/SE						
17 NCAC 04D .0907			13:05 NCR 496	S/SE						
17 NCAC 04D .0908			13:05 NCR 496	S/SE						
17 NCAC 04D .1001			13:05 NCR 496	S/SE						
17 NCAC 04D .1003			13:05 NCR 496	S/SE						
17 NCAC 04E .0102	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0103	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0201	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0202	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0203	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0302	N/A		13:08 NCR 690	N/A						
17 NCAC 04E .0703	N/A		13:08 NCR 690	N/A						
17 NCAC 04F .0005	N/A		13:08 NCR 690	N/A						
17 NCAC 05B .0107	N/A		13:09 NCR 760	N/A						
17 NCAC 05B .1105	N/A		13:09 NCR 760	N/A						
17 NCAC 05B .1304	N/A	N/A	N/A	N/A	Approve	09/17/98			13:11 NCR 912	
17 NCAC 05C .0102			12:14 NCR 1285	*						
17 NCAC 05C .0703			12:14 NCR 1285	*						
17 NCAC 05C .0703	N/A		13:09 NCR 760	N/A						
17 NCAC 05C .2004	N/A		13:09 NCR 760	N/A						
17 NCAC 05C .2101	N/A		13:09 NCR 760	N/A						
17 NCAC 05C .2102	N/A		13:09 NCR 760	N/A						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 06B .0104	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .0105	N/A		13.08 NCR 694	N/A						
17 NCAC 06B .0110	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .0118	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .0606	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .3203	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .3204			12.17 NCR 1610	*	Approve	06/18/98			13.03 NCR 334	
17 NCAC 06B .3206	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .3901	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .3904	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .4004	N/A		13.09 NCR 762	N/A						
17 NCAC 07B .0104	N/A		13.09 NCR 767	N/A						
17 NCAC 07B .0124	N/A		13.08 NCR 695	N/A						
17 NCAC 07B .0125	N/A		13.08 NCR 695	N/A						
17 NCAC 07B .0206	N/A		13.09 NCR 767	N/A						
17 NCAC 07B .1301	N/A		13.09 NCR 767	N/A						
17 NCAC 07B .1303	N/A		13.09 NCR 767	N/A						
17 NCAC 07B .1602	N/A		13.09 NCR 767	N/A						
17 NCAC 07B .1905	N/A		13.09 NCR 767	N/A						
17 NCAC 07B .2101	N/A		13.09 NCR 767	N/A						
17 NCAC 07B .2802	N/A		13.10 NCR 809	N/A						
17 NCAC 07B .3301	N/A		13.10 NCR 809	N/A						
17 NCAC 07B .3302	N/A		13.10 NCR 809	N/A						
17 NCAC 07B .3702	N/A		13.10 NCR 809	N/A						
17 NCAC 07B .5401	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5402	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5403	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5404	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5405	N/A		13.06 NCR 552	N/A						



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 .5406	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5408	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5409	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5410	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5411	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5412	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5414	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5415	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5416	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5417	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5418	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5419	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5420	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5421	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5422	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5423	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5424	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5428	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5429	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5430	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5431	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5432	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5433	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5434	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5435	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5438	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5440	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5442	N/A		13.06 NCR 552	N/A						
17 NCAC 07B .5443	N/A		13.06 NCR 552	N/A						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 .5444	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5447	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5448	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5449	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5450	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5451	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5452	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5453	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5454	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5455	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5456	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5457	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5458	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5460	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5461	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5463	N/A		13-06 NCR 552	N/A						
17 NCAC 09K .0601	N/A		13-08 NCR 695	N/A						
17 NCAC 09L .0302			12-17 NCR 1610	*	Approve	06/18/98			13-03 NCR 334	13-03 NCR 262
Tax Review Board										
<b>SECRETARY OF STATE</b>										
18 NCAC 06 .1802		12-07 NCR 534	12-14 NCR 1312	*						
18 NCAC 06 .1803		12-07 NCR 534	12-14 NCR 1312	*						
18 NCAC 10	13-09 NCR 759									
<b>SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS</b>										
21 NCAC 64 .0303	11-23 NCR 1780									
<b>STATE PERSONNEL COMMISSION</b>										
25 NCAC 01B .0354	13-05 NCR 436		13-09 NCR 773	*						
25 NCAC 01B .0437	13-05 NCR 436		13-09 NCR 773	*						

# CUMULATIVE INDEX

(Updated through November 23, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Role	Other
					Action	Date				
25 NCAC 01D .2516		11.13 NCR 1062 Temp Expired	11.19 NCR 1429	*						
25 NCAC 01D .2517		12.09 NCR 835								
25 NCAC 01H .0602	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01H .0605	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01H .0606	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01J .0503	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01J .0512	13.05 NCR 436		13.09 NCR 773	*						
25 NCAC 01J .0603	13.05 NCR 436		13.09 NCR 773	*						
<b>SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD</b>										
21 NCAC 68 .0305	12.09 NCR 745	12.11 NCR 944	12.15 NCR 1426	S/L	Object Approve	04/15/98 05/21/98	*		13.02 NCR 249	
<b>TRANSPORTATION</b>										
<b>Highways, Division of</b>										
19A NCAC 02D .0406	12.22 NCR 1980		13.05 NCR 501	*						
19A NCAC 02D .0415	12.18 NCR 1694		12.24 NCR 2219	*	Approve	09/17/98			13.11 NCR 912	
19A NCAC 02D .0415	13.08 NCR 626									
19A NCAC 02D .0816	12.19 NCR 1764		13.01 NCR 41	*	Object Approve	09/17/98 10/22/98	*		13.11 NCR 912	
19A NCAC 02E .0221	13.04 NCR 361		13.10 NCR 811	*						
19A NCAC 02E .0222	13.04 NCR 361		13.10 NCR 811	*						
<b>Motor Vehicles, Division of</b>										
19A NCAC 031 .0100	11.19 NCR 1413									
19A NCAC 031 .0200	11.19 NCR 1413									
19A NCAC 031 .0202	12.18 NCR 1695									
19A NCAC 031 .0203	12.18 NCR 1695		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	
19A NCAC 031 .0300	11.19 NCR 1413		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	
19A NCAC 031 .0400	11.19 NCR 1413									
19A NCAC 031 .0500	11.19 NCR 1413									
19A NCAC 031 .0501	12.18 NCR 1695		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	
19A NCAC 031 .0502	12.18 NCR 1695		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	



# CUMULATIVE INDEX

(Updated through November 23, 1998)

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 031 .0503	12:18 NCR 1695		12:24 NCR 2220	*	Approve	08/20/98	*		13:10 NCR 817	
19A NCAC 031 .0600	11:19 NCR 1413									
19A NCAC 031 .0700	11:19 NCR 1413									
19A NCAC 031 .0800	11:19 NCR 1413									
<b>Rail Division</b>										
19A NCAC 06B .0401	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0404	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0405	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0409	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0410	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0412	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0413	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0414	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0417	12:22 NCR 1981		13:06 NCR 557	*						
19A NCAC 06B .0418	12:22 NCR 1981		13:06 NCR 557	*						
<b>VETERINARY MEDICAL BOARD</b>										
21 NCAC 66 .0207	12:23 NCR 2089									
21 NCAC 66 .0208	12:23 NCR 2089									



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

State

Zip

Place  
Stamp  
Here

**Office of Administrative Hearings**

P.O. Drawer 27447  
Raleigh, NC 27611-7447

---

**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 check payable to Office of Administrative Hearings

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

State

Zip



## 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

Periodicals Postage  
Paid in Raleigh, NC  
USPS 016727

\*\*\*\*\* 3-DIGIT 275

UNIV. OF NORTH CAROLINA  
LAW LIBRARY CB# 3385  
VAN HECKE-WETTACH 064-A  
CHAPEL HILL NC 27599-